

SEND TAX NOTICES TO:

D & R PROPERTY
2107 Fifth Avenue North,
Birmingham, AL, 35203

STATUTORY WARRANTY DEED

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Nine Hundred Forty-Six Thousand Five Hundred and 00/100 Dollars (\$946,500.00) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, **BHM ES TU Malade? #33, LLC**, an Alabama limited liability company (herein referred to as "Grantor"), hereby grants, bargains, sells, and conveys unto **D & R PROPERTY**, an Alabama general partnership (herein referred to as "Grantee") the real estate situated in Shelby County, Alabama, and described on Exhibit "A" attached hereto.

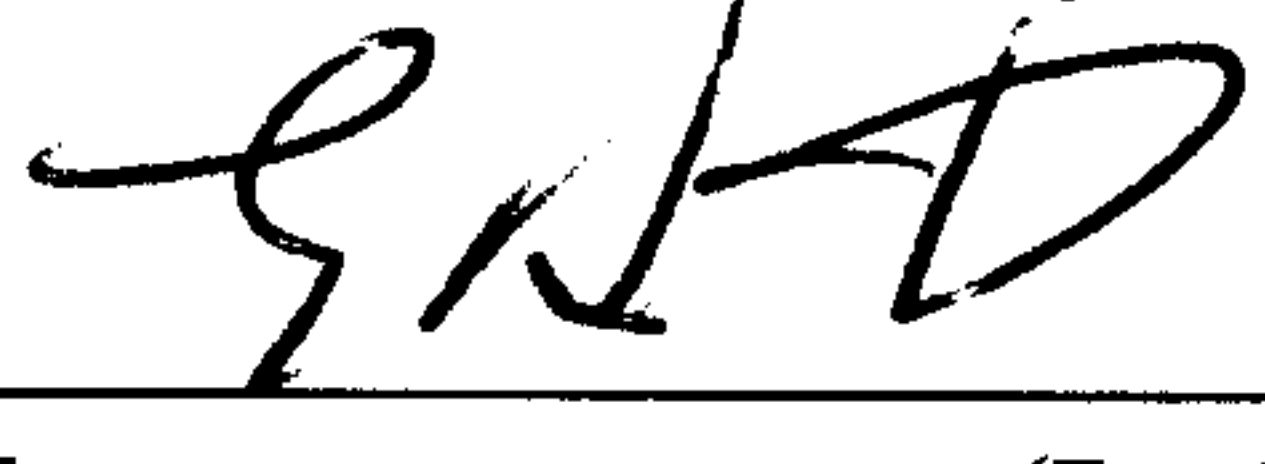
[A portion of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.]

TO HAVE AND TO HOLD the described premises to Grantee, its successors and assigns forever.

AND THE GRANTOR will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of Grantor and all others claiming by or under Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the 20th day of March, 2006.

BHM ES TU Malade? #33, LLC, an
Alabama limited liability company

BY 
Foy H. Tatum (Its Manager)

20060405000156080 2/3 \$18.00
Shelby Cnty Judge of Probate, AL
04/05/2006 09:04:38AM FILED/CERT

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Foy H. Tatum, whose name as Manger of BHM ES TU Malade? #33, LLC, a limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such manager, and with full authority, executed the same voluntarily, as an act of said company, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 20th day of March, 2006.

Nancy J. Carroll

NOTARY PUBLIC

My Commission Expires: 8/13/09

THIS INSTRUMENT PREPARED BY AND AFTER
RECORDATION SHOULD BE RETURNED TO:

William B. Hairston III
Engel, Hairston, & Johanson P.C.
P.O. Box 11405
Birmingham, AL 35202
(205) 328-4600

EXHIBIT "A"

**Lot 2, according to the Survey of Montevallo CVS
Subdivision, as recorded in Map Book 34, Page
97, in the Probate Office of Shelby County,
Alabama.**

SUBJECT TO: i) taxes and assessments for the year 2006, a lien but not yet payable; ii) easement and building line as shown on recorded map; iii) restrictions appearing of record in Instrument No. 20050405000155470; iv) right of way granted to Alabama Power Company recorded in Instrument 2005-5738 and Deed Book 208, page 609; v) reciprocal access and parking easement as recorded in Instrument 2005-15547; vi) right of way granted to the Town of Montevallo as recorded in Deed Book 147, page 146 and Deed Book 147, page 144; and vii) coal, oil, gas and mineral and mining rights which are not owned by Grantor.