

Send Tax Notice to:  
Sugar Enterprises, L.L.C.  
2951 Pine Haven Drive  
Birmingham, AL 35213

THIS DEED IS DONE WITHOUT  
BENEFIT OF A TITLE SEARCH

STATE OF ALABAMA     )  
                                  )  
SHELBY COUNTY         )

Shelby County, AL 07/18/2006  
State of Alabama  
Deed Tax: \$625.00

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, on the 16th day of December, 1992, James Murray McNabb (also known as J.M. McNabb and James M. McNabb) died and his Last Will and Testament was probated, the estate administered by Joseph S. Bluestein and SouthTrust Bank of Alabama, N.A., co-executors of the Estate of James Murray McNabb, decedent, and a Decree on Final Settlement ordered on the 22<sup>nd</sup> day of November, 1994, as set forth in the attached Decree on Final Settlement;

WHEREAS, Joseph S. Bluestein and SouthTrust Bank of Alabama, N.A., as co-trustees of the James M. McNabb Trust Estate B Non-Exempt was a beneficiary of the estate of J.M. McNabb and did receive all property to which it was entitled from the co-executors, including an interest in McNabb Realty Company;

WHEREAS, McNabb Realty Company did purchase from Frank T. Pearce and Harry W. Pearce the real estate described hereinbelow (hereinafter referred to as Real Estate), as evidenced by Warranty Deed dated January 20, 1995, and recorded in the Judge of Probate of Shelby County, Alabama, at 10:35 a.m. on January 26, 1995, under instrument number 1995-02179;

WHEREAS, on January 20, 1995, McNabb Realty Company was an Alabama general partnership consisting of Joseph S. Bluestein and SouthTrust Bank, N.A., co-trustees, of the James M. McNabb Trust Estate B Non-exempt, and Gertrude K. McNabb and Mary Jo Phillips;

WHEREAS, on the 29<sup>th</sup> day of April, 1997, Gertrude K. McNabb died and her Last Will and Testament was probated, the estate administered by Mary Jo Phillips and Joseph S. Bluestein, co-executors of the Estate of Gertrude K. McNabb, decedent, and a Decree of Final Settlement ordered on the 7<sup>th</sup> day of December, 2000, as set forth in the attached Decree of Final Settlement;

WHEREAS, in accordance with paragraph 2 of Article 10 of the Partnership Agreement of McNabb Realty Company, upon the death of the last to die of J.M. McNabb and



Gertrude K. McNabb, the partnership shall automatically terminate and be liquidated in accordance with the following procedure:

- (a) The market value of partnership property shall be determined;
- (b) Unpaid deficiencies in net profits to which J.M. McNabb and Gertrude K. McNabb are entitled for the three immediately preceding calendar years prior to liquidation shall be credited to the capital accounts of J.M. McNabb and Gertrude K. McNabb;
- (c) All post-partnership appreciation shall be credited to the capital account of Mary Jo Phillips;
- (d) Partnership debts, expenses and liquidation of any loans by partners to the partnership shall be paid;
- (e) Capital accounts of Gertrude K. McNabb and J.M. McNabb shall be liquidated by distributing to their personal representative property equal in value to each of their respective capital accounts; and
- (f) The balance of any property remaining shall be transferred to Mary Jo Phillips.

WHEREAS, McNabb Realty Company was terminated in accordance with Paragraph 2 of Article 10 of the Partnership Agreement and the Real Estate distributed to Mary Jo M. Phillips in liquidation thereof.

IN CONSIDERATION of the above premises, and other good and valuable consideration, the undersigned being all successor parties in interest to McNabb Realty Company, do by these presents grant, bargain, sell and convey unto Sugar Enterprises, L.L.C. (hereinafter referred to as "the Grantee"), all of their right, title and interest in and to the following described real estate situated in Shelby County, Alabama, to-wit:

A parcel of land situated in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 20, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at the NE corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 20, Township 19 South, Range 1 West, Shelby County, Alabama, thence S 01'29'13" E along the East Section line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  a distance of 1532.41 feet to a capped iron pin set (SMW LS 19753) and the Northern right of way line of Essex Drive (100' private right of way); thence leaving said  $\frac{1}{4}$  Section line with a curve turning to the right with an arc length of 179.30 feet, with a radius of 575.00 feet, with a chord bearing of S 48'17'09" W, and a chord length of 178.57 feet to a capped iron pin set (SMW LS 19753); thence S 52'22'40" W a distance of 132.14 feet to a 5/8" rebar found and the Northern right of way of State Highway #280; thence along said right of way line N 32'23'59" W a distance of



638.61 feet to a capped iron pin set (SMW LS 19753); thence continue along said right of way N 18°01'09" W a distance of 207.13 feet to a 6" concrete right of way monument; thence continue along said right of way N 32°45'52" W a distance of 699.23 feet to a 6" concrete right of way monument; thence follow the right of way line for State Highway #280 on bearing N 33°23'10" W a distance of 442.63 feet to a 5/8" capped rebar found (Jackins 18399) and the North line of the SE ¼ of the NE ¼; thence along said ¼ - ¼ line N 88°15'26" E a distance of 1227.21 feet to the Point of Beginning. Said described tract of land containing 28.15 acres, more or less, lying in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼ of Section 90, Township 19 South, Range 1 West, Shelby County, Alabama.

SUBJECT TO THE FOLLOWING:

1. Taxes for 2006 and subsequent years. 2006 ad valorem taxes are a lien but not due and payable until October 1, 2006.
2. Permit to Alabama Power Company recorded in Deed Book 103, page 154 in Probate office of Shelby County, Alabama.
3. Right of way to Shelby County recorded in Deed Book 95, page 215 and Deed Book 95, page 535 in Probate Office.
4. Right of way to State of Alabama recorded in Deed Book 296, page 441 in Probate Office.
5. Permit for line clearing executed on the 11<sup>th</sup> of July, 2006.

TO HAVE AND TO HOLD to the said Grantee, her successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereto set his or her hand and seal on this the 11<sup>th</sup> day of July, 2006.

**J.M. McNabb Trust Estate B Non-Exempt**

By: [Signature]  
Joseph S. Bluestein, Co-Trustee

**Estate of Gertrude K. McNabb**

By: [Signature]  
Joseph S. Bluestein, Co-Trustee

[Signature]  
Mary Jo M. Phillips, Co-Trustee

**Mary Jo M. Phillips**

[Signature]  
Individually, and as the Sole Surviving  
Partner of McNabb Realty Company,  
formerly a General Partnership



STATE OF ALABAMA )  
 )  
Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JOSEPH S. BLUESTEIN, Co-Trustee of the J.M. McNabb Trust Estate B Non-Exempt, whose name 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 trustee and with full authority, executed the same voluntarily for and as the act of such trust as of the day the same bears date.

Given under my hand and official seal on this the 11<sup>th</sup> day of July, 2006.

Sherrie L. Puccio  
NOTARY PUBLIC

MY COMMISSION EXPIRES NOVEMBER 30, 2008

My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA )  
 )  
Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JOSEPH S. BLUESTEIN and MARY JO M. PHILLIPS, as Co-Trustees of the Estate Gertrude K. McNabb, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such trustees and with full authority, executed the same voluntarily for and as the act of such trust as of the day the same bears date.

Given under my hand and official seal on this the 11<sup>th</sup> day of July, 2006.

Sherrie L. Puccio  
NOTARY PUBLIC

MY COMMISSION EXPIRES NOVEMBER 30, 2008

My Commission Expires: \_\_\_\_\_

20060718000346360 6/6 \$652.00  
Shelby Cnty Judge of Probate, AL  
07/18/2006 01:42:45PM FILED/CERT

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MARY JO M. PHILLIPS, individually, and as the sole surviving partner of McNabb Realty Company, formerly a General Partnership, whose name 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, she executed the same voluntarily as of the day the same bears date.

July Given under my hand and official seal on this the 11<sup>th</sup> day of  
July, 2006.

Sherrill L. Puccio  
NOTARY PUBLIC

MY COMMISSION EXPIRES NOVEMBER 30, 2008

My Commission Expires: \_\_\_\_\_

This Instrument Prepared By:  
Joseph S. Bluestein, Attorney at Law  
Sirote & Permutt, P.C.  
P. O. Box 55727  
Birmingham, AL 35255-5727