

STATE OF ALABAMA

COUNTY OF SHELBY

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## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that PINSON TEXACO, L.L.C., an Alabama limited liability company, and ROBCAR, L.L.C., an Alabama limited liability company, the Grantors, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration hereby acknowledged to have been paid to said Grantors by B & F REALTY #1, L.L.C., the Grantee, subject to the exceptions, reservations and provisions hereinafter set forth, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, the following described real property situate in the County of Shelby, State of Alabama, to-wit:

Lot 23-A Whataburger's Addition to Alabaster according to the plat thereof recorded in Map Book 37, Page 50, of the records in the office of the Judge of Probate, Shelby County, Alabama.

LESS AND EXCEPTING THEREFROM such oil, gas and other minerals in, on and under the above described real property, together with all rights in connection therewith, as have previously been reserved by or conveyed to others.

## THIS CONVEYANCE IS ALSO MADE SUBJECT TO THE FOLLOWING:

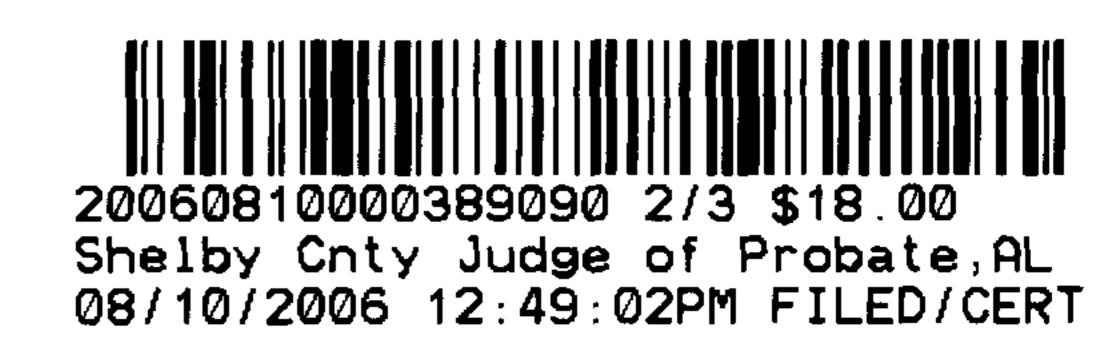
- 1. The lien for taxes hereafter falling due;
- 2. All existing easements and rights of way;
- 3. All building setback lines and restrictive covenants of record;
- 4. Transmission line permit to Alabama Power Company, as recorded in Deed Book 130, page 139; Deed Book 48, page 617 and Deed Book 60, page 66;

It is understood and agreed by the parties hereto that the property herewith conveyed shall additionally be subject to the following restrictive covenant which shall run with the land:

No gas station, convenience store or other business selling gasoline or convenience store items shall be erected, altered, placed, or permitted to remain on the above-described property, unless consented to in writing by the then owner or owners of Lot 22-A, Whataburger's Addition to Alabaster according to the plat thereof recorded in Map Book 37, Page 50 of said Probate Court Records ("Lot 22-A"), by a document evidencing said consent executed by the then owner or owners of Lot 22-A duly recorded in said Probate Court Records.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges tenements,

All of The above recited Consideration was paid from a Atchison mortgage recorded Simultaneously herewith



hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said Grantee, Grantee's successors and assigns, in fee simple, forever.

AND, except as to taxes hereafter falling due, which are assumed by the Grantee, and subject to the exceptions, reservations and conditions set forth above, the said Grantors, for Grantors and their successors and assigns, hereby covenant with the Grantee, Grantee's successors and assigns, that Grantors are seized of an indefeasible estate in fee simple in said property, that said property is free and clear of all encumbrances, and that Grantors do hereby WARRANT and will forever DEFEND the title to said property and the possession thereof unto the said Grantee, Grantee's successors and assigns, against the lawful claims of all persons.

All recording references are to records in the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, Grantors have caused these presents to be executed on this the day of August, 2006.

PINSON TEXACO, L.L.C.

ROBCAR, L.L.C.

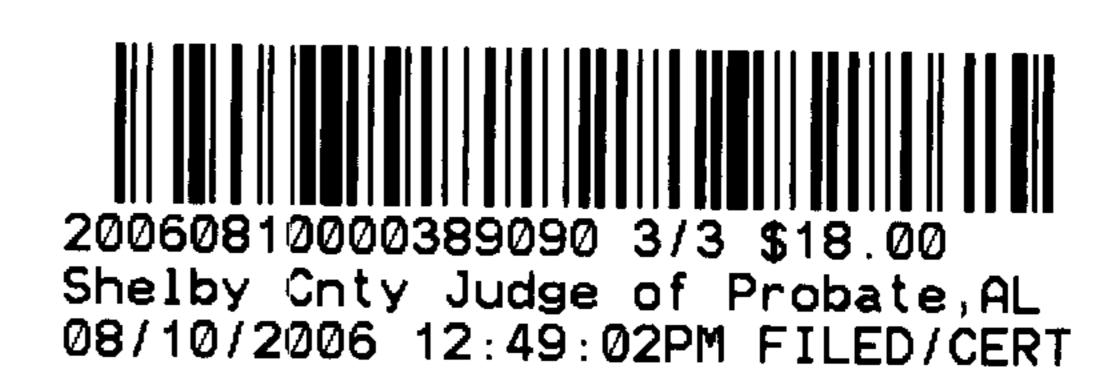
As/its Member

By:

As its Member

STATE OF ALABAMA
COUNTY OF Te Fev 301

I, the undersigned, a Notary Public, in and for said State and County, hereby certify that Paul O. Carruth, Jr., whose name as Member of PINSON TEXACO, L.L.C., is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he, as such Member and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said limited liability company.



Given under my hand and seal this the 4th day of August, 2006.

Notary Public My Commission expires \_\_\_\_9/20/09

STATE OF ALABAMA COUNTY OF Jefferson

I, the undersigned, a Notary Public, in and for said State and County, hereby certify that Paul O. Carruth, Jr., whose name as Member of ROBCAR, L.L.C., is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he, as such Member and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said limited liability company.

Given under my hand and seal this the  $\frac{94}{1}$  day of August, 2006.

Notary Public

My Commission expires

9/20/09

This instrument prepared by: Goodman G. Ledyard PIERCE LEDYARD, PC Post Office Box 161389

Mobile, Alabama 36616 3349/18532 B&F

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Grantees' address:

1100 East Park Drive, Suite 201 Birmingham, AL 35235