20061017000512900 1/4 $104.00
Shelby Cnty Judge of Probate,AL
10/17/2006 10:29:57AM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

R. Shan Paden
PADEN & PADEN, PC
Five Riverchase Ridge
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

ED GRAY, LLC
106-A David Green Road
Birmingham, AL 35244

STATE OF ALABAMA

COUNTY OF SHELBY

STATUTORY WARRANTY DEED

Know All Men by These Presents: That in consideration of TWO HUNDRED FORTY THOUSAND DOLLARS 00/100 ($240,000.00) DOLLARS to the undersigned grantor, **RIVERWOODS PROPERTIES, LLC**, in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto **ED GRAY, LLC**, (herein referred to as GRANTEES, the following described real estate, situated in **SHELBY** County, Alabama, to-wit:

SEE ATTACHED EXHIBIT "A"

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2006 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2007.
2. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) TO BE RECORDED IN THE PROBATE OFFICE.
3. RIGHT(S) OF WAY(S) GRANTED TO SOUTHERN NATURAL GAS BY INSTRUMENT(S) RECORDED IN DEED BOOK 213, PAGE 682 AND SUPPLEMENT RECORDED IN INST. NO. 2001-54741.
4. RELEASE OF DAMAGES, RESTRICTIONS, MODIFICATIONS, COVENANTS, CONDITIONS, RIGHTS, PRIVILEGES, IMMUNITIES, AND LIMITATIONS, AS APPLICABLE, AS SET OUT IN AND AS REFERENCED IN DEED(S) RECORDED IN REAL 112, PAGE 876, INST. NO. 2000-31940 AND CORRECTED IN INST. NO. 2000-36466 AND INST. NO. 2000-31941.
5. RESTRICTIVE COVENANTS AND GRANT OF LAND EASEMENT IN FAVOR OF ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT(S) RECORDED IN INST. NO. 20050801000383370.
6. RELOCATION OF CP GROUND BED AGREEMENT AS SHOWN BY INSTRUMENT(S) RECORDED IN INST. NO. 20050808000404150.
7. ARTICLES OF INCORPORATION FOR RIVERWOODS ASSOCIATION, INC. RECORDED IN INST. NO. 2002-35616 WITH BY-LAWS RECORDED IN INST. NO. 2002-35617.
8. MEMORANDUM OF OIL AND GAS LEASE BETWEEN TOTAL MINATONE CORPORATION AND CABOT OIL AND GAS CORPORATION, DATED AUGUST 8, 1991 IN REAL 370, PAGE 923.
9. RAILROAD RIGHT OF WAY AS SET OUT IN DT PAGE 655, DEED BOOK 11, PAGE 344 AND DEED BOOK 311, PAGE 301 AND 297.

10. UNRECORDED LEASE DATED DECEMBER 1, 1992 BY AND BETWEEN WESTERN POCAHONTAS PROPERTIES LIMITED PARTNERSHIP AND DANIEL JOHNS, AS REFERENCED IN THE DEED RECORDED IN INST. NO. 2000-31940 AS CORRECTED IN INST. NO. 2000-36466, AS ASSIGNED BY ASSIGNMENT OF LEASE BY WESTERN POCAHONTAS PROPERTIES LIMITED PARTNERSHIP TO RIVER OAKS PROPERTIES, LLC TO BE RECORDED IN THE PROBATE OFFICE.
11. SEWER SERVICE AGREEMENT BY AND BETWEEN WESTERN POCAHONTAS PROPERTIES LIMITED PARTNERSHIP, CITY OF HELENA, ALABAMA AND THE UTILITIES BOARD OF THE CITY OF HELENA DATED NOVEMBER _____, 2000 TO BE RECORDED.
12. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING THOSE SET OUT IN REAL 112, PAGE 876 AS CORRECTED IN REAL 328, PAGE 1 AND AS SET FORTH IN THAT CERTAIN DEFERRED INTEREST AGREEMENT OF RECORD IN REAL 247, PAGE 599 AS AMENDED IN REAL 247, PAGE 363, AS AFFECTED BY THE QUIT CLAIM DEED FROM CSX TRANSPORTATION, INC. TO RIVER OAKS PROPERTIES, LLC AS RECORDED IN INST. NO. 2000-31941.
13. SANITARY SEWER EASEMENT OF 20 FEET ON THE WESTERLY PORTION OF LOT AS SHOWN ON THE SURVEY BY WALTER SCHOEL ENGINEERING COMPANY, INC. DATED SEPTEMBER 22, 2006.
14. TERMS, PROVISIONS, AND CONDITIONS SET OUT BY INSTRUMENT(S) RECORDED IN INST. NO. 2000-31941.

$ 156,000.00 .00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

This conveyance is made upon the covenant and condition that no right of action for damages on account of injuries to the real estate herein conveyed or to any buildings, improvements, structures, pipelines, or other sources of water supply or sewer now or hereafter located upon said real estate, or to any owners or occupants or other persons in or upon said real estate, resulting from sinkholes or other defects of the surface or subsurface of any nature affecting said real estate or resulting from past mining and/or gas or oil producing operations or resulting from past blasting, dewatering, or the past removal of coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coalbed methane gas, gob gas, limestone and all other minerals and non-mineral substances, including, water associated with the production of coalbed methane gas, or coal seam or other roof supports whether said past mining and/or gas or oil producing operations be in said real estate or other lands, shall ever accrue to or be asserted by Grantee or by Grantee's successors in title, this conveyance being made expressly subject to all such injuries, either past or future, and this condition shall constitute a covenant running with the land as against Grantee and all successors in title.

By acceptance of this deed and as a condition of the conveyance hereunder, Grantee acknowledges and agrees that the physical and environmental condition of the real estate herein conveyed has been inspected by Grantee or Grantee's duly authorized agent and that said real estate is acquired by Grantee as a result of such inspection and not upon any agreement, representation, or warranty made by Grantor. Furthermore Grantee, and on behalf of its successors and assigns, agrees to accept said real estate in its existing condition, including any existing physical and environmental conditions, and to release Grantor from any and all liabilities under any local, state, or federal laws, rules, regulations, ordinances or other liability relating to the physical and environmental condition of said real estate.

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IN WITNESS WHEREOF, the said **KENDALL ZETTLER** as **VP OF PZ, INC MANAGING MEMBER** of **RIVERWOODS PROPERTIES, LLC** , has hereunto subscribed his/her/their name on this the 3rd day October of 2006.

RIVERWOODS PROPERTIES, LLC

KENDALL ZETTLER
VP OF PZ, INC MANAGING MEMBER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that **KENDALL ZETTLER** , whose name as **VP OF PZ, INC MANAGING MEMBER** of **RIVERWOODS PROPERTIES, LLC**, , is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he or she, as such officer and with full authority, executed the same voluntarily for and as the act of said .

Given under my hand this the 3rd day October of 2006.

Notary Public

My commission expires: 9-27-09

ELIZABETH L HENDERSON
NOTARY PUBLIC
ALABAMA STATE AT LARGE

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Shelby County, AL 10/17/2006
State of Alabama

Deed Tax:$84.00

RE: ED GRAY, LLC

LOAN:

FILE NO: R06-15021

EXHIBIT "A"

A parcel of land situated in the South ½ of the Southeast ¼ of Section 17, Township 20 South, Range 3 West, Shelby County, Alabama; to be known as Lot 1 Riverwoods Commercial; being more particularly described as follows:

Commence at the southeast corner of Section 17, Township 20 South, Range 3 West and run in a Northerly direction along the East line of said Section 17 a distance of 990.09 feet to a point: thence 90 deg. 00 min. 00 sec. to the left in a Westerly direction a distance of 1,139.00 feet to a point lying on the Northwesterly right of way line of Shelby County Highway No. 52, said point also lying on a curve to the right having a radius of 1,106.09 feet and a central angle of 16 deg. 00 min. 36 sec., said point also being the POINT OF BEGINNING of the parcel described herein; thence 47 deg. 13 min. 31 sec. to the left (angle measured to tangent) in a Southwesterly direction along the arc of said curve and along said right of way line a distance of 309.07 feet to the P.C.C. (Point of Compound Curve) of a curve to the right having a radius of 43.00 feet and a central angle of 93 deg. 40 min. 03 sec.; thence in a Southwesterly, Westerly and Northwesterly direction along the arc of said curve (leaving said right of way line) a distance of 70.30 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Northwesterly direction a distance of 98.22 feet to the P.C. (Point of Curve) of a curve to the right having a radius of 12.00 feet and a central angle of 89 deg. 02 min. 28 sec.; thence in a Northwesterly, Northerly and Northeasterly direction along the arc of said curve a distance of 18.65 feet to the P.R.C. (Point of Reverse Curve) of a curve to the left having a radius of 338.00 feet and a central angle of 26 deg. 24 min. 51 sec.; thence in a Northeasterly direction along the arc of said curve a distance of 155.82 feet to the P.R.C. (Point of Reverse Curve) of a curve to the right having a radius of 487.00 feet and a central angle of 13 deg. 32 min. 13 sec.; thence in a Northeasterly direction along the arc of said curve a distance of 115.06 feet to a point on the Southwesterly line of a 70 foot wide Southern Natural Gas Company right of way; thence 78 deg. 56 min. 07 sec. to the right (angle measured to tangent) in a Southeasterly direction along said right of way line a distance of 186.32 feet to a point, said point also being the POINT OF BEGINNING; being situated in Shelby County, Alabama.

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