



20061031001509930 1/3
Bk: LR200617 Pg:26054
Jefferson County, Alabama
 I certify this instrument filed on:
 10/31/2006 04:30:14 PM D
 Judge of Probate- Mark Gaines

SEND TAX NOTICE TO:
 River Pointe Development, LLC
 4405 Kennesaw Drive
 Birmingham, AL 35213

WARRANTY DEED



20061103000542390 1/3 \$18.00
 Shelby Cnty Judge of Probate, AL
 11/03/2006 01:22:20PM FILED/CERT

STATE OF ALABAMA)
 JEFFERSON COUNTY)
 SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of One Million Six Hundred Fifty Four Thousand Two Hundred Fifty and No/100 Dollars (\$1,654,250.00) to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is acknowledged, **Old Rocky Ridge, LLC**, an Alabama limited liability company (herein referred to as Grantor), does grant, bargain, sell and convey unto **River Pointe Development, LLC** (herein referred to as Grantee), the real estate described on Exhibit "A" attached hereto and incorporated herein by this reference, and which is situated in Jefferson and Shelby Counties, Alabama.

This conveyance is made subject to (i) general and special taxes for 2007 and subsequent years, a lien but not yet due and payable; (ii) Sanitary Sewer Agreement as recorded in Instrument # 9802/5965 and Instrument # 9510/3954, in the Probate Office of Jefferson County, Alabama; (iii) Right of Way granted to Alabama Power Company by instrument recorded in Volume 2785, page 48 and Volume 2785, page 56 in the Probate Office of Jefferson County, Alabama; (iv) Right of way to Jefferson County, recorded in Real 468, page 55 and Real 444, page 681, in the Probate Office of Jefferson County, Alabama; (v) Mineral and mining rights and rights incident thereto recorded in Volume 53, page 18, in the Probate Office of Shelby County, Alabama; (vi) rights of upstream and downstream riparian owners with respect to any body of water which may lie adjacent to, and/or traversing through, subject property; (vii) less and except any portion of subject property lying within a road right of way; (viii) less and except any part of subject property lying within the Cahaba River; and (ix) Easement and Restrictions to Alabama Power Company recorded in Instrument # 200664/26305, in the Probate Office of Jefferson County, Alabama.

[All of the purchase price was paid from the proceeds of a purchase money mortgage executed simultaneously herewith.]

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

And Grantor does for themselves and for its successors and assigns, covenant with the said Grantee, its successors and assigns, that Grantor is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that Grantor has a good right to sell and convey the same as aforesaid; that Grantor will and its successors and assigns shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal this the 31st day of October, 2006.

OLD ROCKY RIDGE, LLC

By: [Signature]
Jeff Falletta
Its: Managing Member

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Jeff Falletta, whose name as Managing Member of Old Rocky Ridge, LLC, an Alabama limited liability company, 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 said conveyance, he, as such Managing Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 31 day of October, 2006.

[SEAL]

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/14/2010

THIS INSTRUMENT PREPARED BY:
Karen B. Johns, Esq.
Miller, Hamilton, Snider & Odom, L.L.C.
Suite 500 -- Financial Center
505 North 20th Street
Birmingham, Alabama 35203
(205) 226-5200

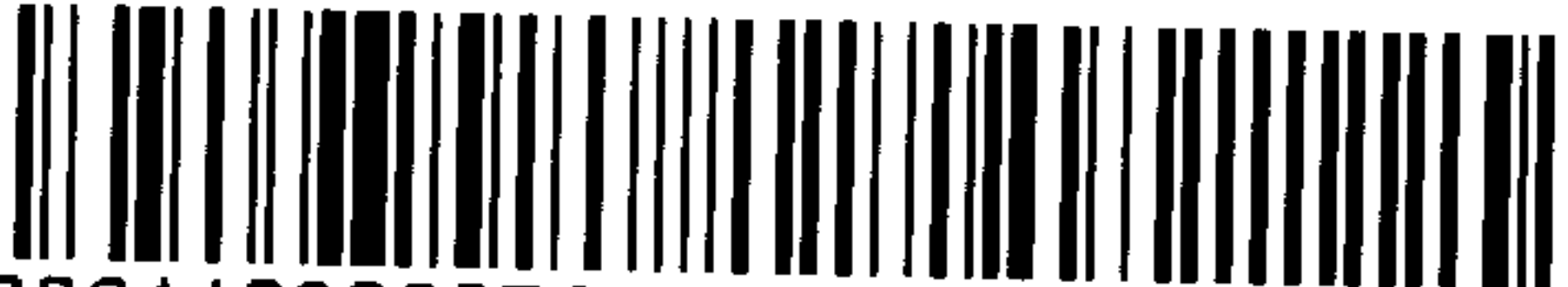

20061103000542390 2/3 \$18.00
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EXHIBIT "A"

A parcel of land as situated in Section 8, Township 19 South, Range 2 West, Jefferson County, Alabama, Birmingham Division and Section 17, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

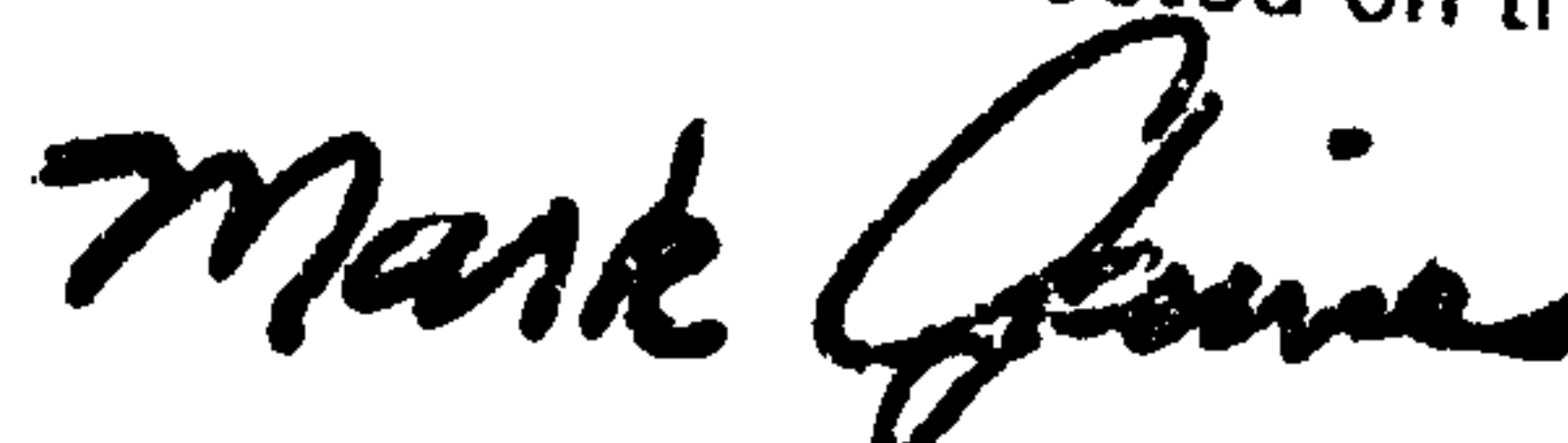
Begin at the intersection of the North line of Riverforest Re-Survey, as recorded in Map Book 178, page 95, in the Probate Office of Jefferson County, Alabama and the Easterly right of way line of Old Rocky Ridge Road (right of way width varies); thence run Northerly along the said Easterly right of way line for a distance of 248.60 feet to a point on the South line or the Westerly extension thereof for Old Rocky Ridge Townhomes (as recorded in Map Book 137, page 26 in the Probate Office of Jefferson County, Alabama); thence turn an interior angle to the left of $93^{\circ}39'27''$ and run Easterly along the aforementioned South line for a distance of 903.41 feet to the point herein after referred to as Point A; thence continue along the course last traversed for a distance of 91.25 feet more or less to the centerline of Cahaba River; thence meander Southerly and Southwesterly along the centerline of Cahaba River for a distance of 646 feet more or less to the North line of River Forest and its Easterly extension thereof, as recorded in Map Book 163, page 56, in the Probate Office of Jefferson County, Alabama; thence run Westerly along the said North line for a distance of 49 feet more or less to the point hereinafter referred to as Point B; thence continue Westerly along the said North line and its extension for a distance of 1400.19 feet to the point of beginning.

Except that part of the above described tract which lies within the right of way of the public road which bounds the same on its Northwestern side.

Less and except any part of subject property lying within the Cahaba River.


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STATE OF ALABAMA - JEFFERSON COUNTY
I hereby certify that no mortgage tax or deed tax
has been collected on this instrument.

 Judge of Probate

"NO TAX COLLECTED"

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Jefferson County, Alabama
10/31/2006 04:30:14 PM D
Fee - \$10.50

Total of Fees and Taxes-\$10.50
CRONANL