


This instrument prepared by:
Murphy McMillan, Esq.
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
420 North 20th Street, Suite 1600
Birmingham, Alabama 35203-5202

Send Tax Notice To:
ArciTerra Shoppes at Alabaster, LLC
2720 East Camelback Road, Suite 220
Phoenix, Arizona 85016
Attention: Jonathan M. Larmore

STATE OF ALABAMA)

SHELBY COUNTY)


20071019000487340 1/5 \$3298.00
Shelby Cnty Judge of Probate, AL
10/19/2007 04:07:38PM FILED/CERT

STATUTORY WARRANTY DEED

THIS IS A STATUTORY WARRANTY DEED executed and delivered this th 12 day of October, 2007, by SHOPPES AT ALABASTER, LLC, an Alabama limited liability company (hereinafter referred to as the "Grantor"), to ARCITERRA SHOPPES AT ALABASTER, LLC, an Arizona limited liability company (hereinafter referred to as the "Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of **Three Million Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$3,275,000.00)** in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, the Grantor does by these presents grant, bargain, sell and convey unto the Grantee the following described real estate situated in the City of Alabaster, Shelby County, Alabama as more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property");

TOGETHER WITH all improvements thereon and appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor in and to all roads, alleys and ways bounding the Property. This conveyance is subject to those matters set forth on Exhibit "B" attached hereto and make a part hereof.

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

And said Grantor does for itself, its successors and assigns, covenant with said Grantee, its successors and assigns, 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 claiming under or through Grantor, but not further or otherwise.

[Remainder of page intentionally left blank.]

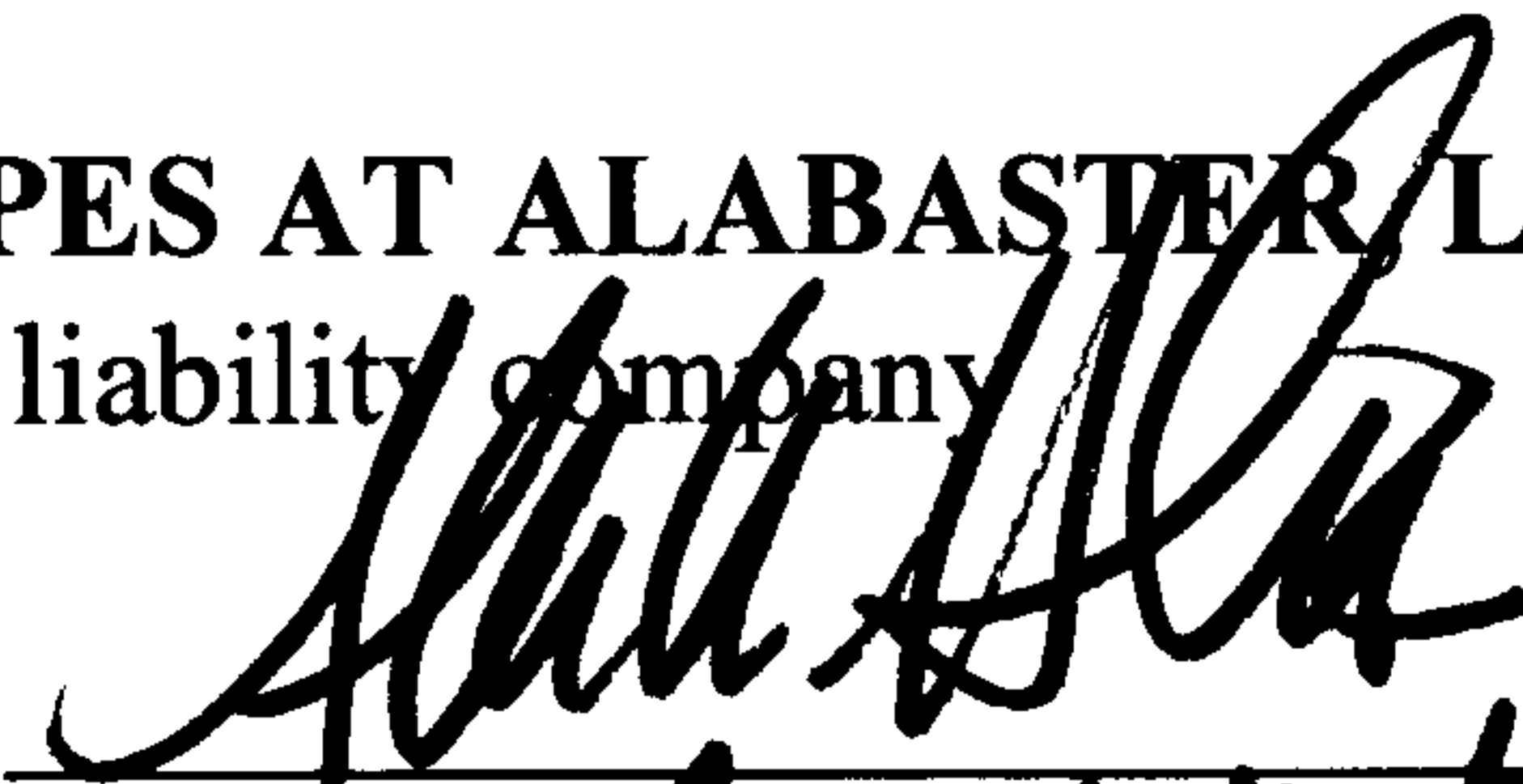
IN WITNESS WHEREOF, the Grantor has caused this Statutory Warranty Deed to be executed as of the date first written above.

SHOPPES AT ALABASTER, LLC, an Alabama limited liability company

By:

Printed Name:

Its:



ALLEN W. HAWKINS III

ADMINISTRATIVE MEMBER



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STATE OF ALABAMA

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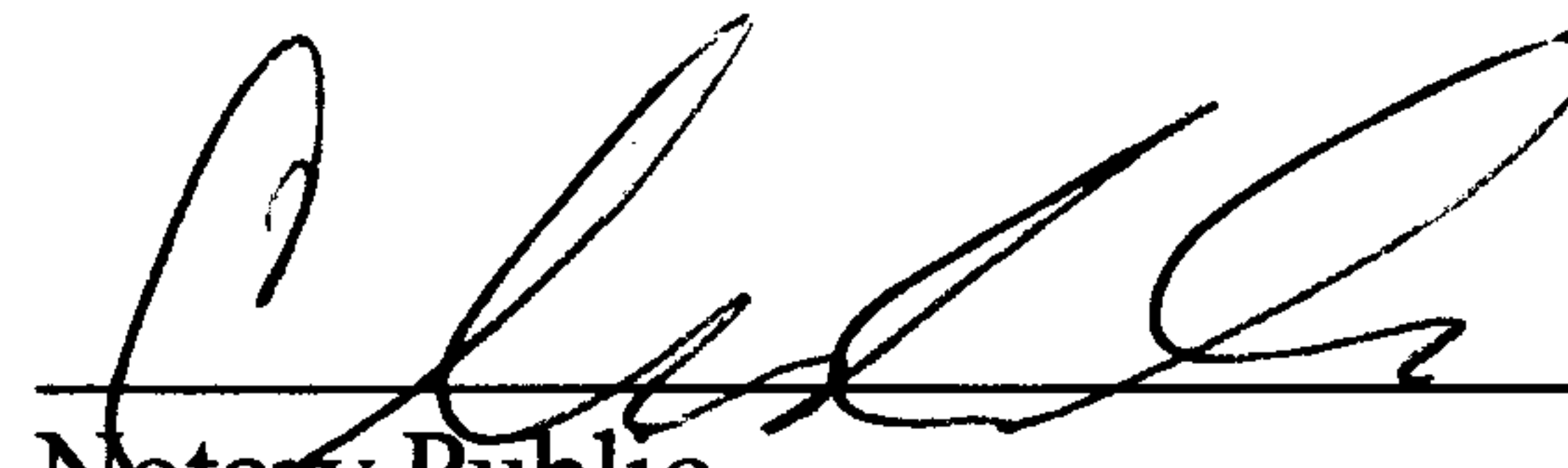
JEFFERSON COUNTY

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I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that ALLEN W. HAWKINS III, whose name as a ADMIN. MEMBER of **SHOPPES AT ALABASTER, LLC**, an Alabama limited liability company, is signed to the foregoing Statutory Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, in his capacity as such MEMBER and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and seal this 10th day of OCTOBER, 2007.



Notary Public

My Commission Expires: 7-07-11

[OFFICIAL SEAL]

**EXHIBIT A TO
DEED**

Legal Description


Lot 4, according to the map or survey of Balmoral Phase I Resurvey No. 1, as recorded in Map Book 36, page 129 in the Office of the Judge of Probate of Shelby County, Alabama.



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**EXHIBIT B TO
DEED**

Permitted Exceptions


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1. Minerals and mining rights not owned by Grantor;
2. Taxes for the year 2008 and subsequent years not yet due and payable;
3. Restrictions and Covenants Easements, Setbacks as recorded in Plat Book 36, Page 129 of the Official records of Shelby County, Alabama, and further subject to any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restrictions is permitted by applicable law;
4. 5 foot building set back line on East side of Property, per plat map and as shown on Survey prepared by Carr & Associates Engineers, Inc., dated September 26, 2007;
5. 50 foot building set back line on West side of Property, per plat map and as shown on the Survey prepared by Carr & Associates Engineers, Inc., dated September 26, 2007;
6. 15 foot building set back line on East side of Property, per plat map and as shown on the Survey prepared by Carr & Associates Engineers, Inc., dated September 26, 2007;
7. 50 foot Utility and Access easement, per plat map and as shown on the Survey prepared by Carr & Associates Engineers, Inc., dated September 26, 2007;
8. Restrictions and Covenants as recorded in Book Instrument #20041027000594700 of the Official records of Shelby County, Alabama, and further subject to any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restrictions is permitted by applicable law;
9. Declaration of Slope, Detention Pond and Construction Easement as recorded in Instrument#20040521000271360 of the Official records of Shelby County, Alabama;
10. Right of way to Alabama Power Company, recorded in Book 48, Page 617, Book 130, Page 94, and Book 169, Page 335 of the Official records of Shelby County, Alabama;
11. Right of way to Shelby County, Alabama recorded in Book 166, Page 308, Book 166, Page 315, Book 169, page 335, and Book 184, Page 476 in the Official records of Shelby County, Alabama;

12. Restricted to uses declared in that certain I-65, Exit 238 Redevelopment Plan adopted by The City of Alabaster as set out on deed recorded in Instrument #20040218000085170 in Instrument #20050308000106420 in the Official records of Shelby County, Alabama; and
13. 20 foot easement on North side of Property for storm sewer and drainage, per plat map and as shown on the Survey prepared by Carr & Associates Engineers, Inc., dated September 26, 2007.


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Shelby County, AL 10/19/2007
State of Alabama

Deed Tax: \$3275.00