

\$ 8,946.6782



20090121000018380 1/4 \$8967.00
Shelby Cnty Judge of Probate, AL
01/21/2009 11:06:15AM FILED/CERT

This Instrument Prepared By and
After Recording Return to:

The Inland Real Estate Group, Inc.
2091 Butterfield Road
Oak Brook, IL 60523
Attn: Robert Baum, General Counsel

Send Tax Notice To:

The Inland Real Estate Group, Inc.
2901 Butterfield Road
Oak Brook, IL 60523
Attn: Robert Baum, General Counsel

STATE OF ALABAMA)
COUNTY OF SHELBY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the payment of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned Grantor, MCW-RC AL – Southgate, LLC, a Delaware limited liability company (the “Grantor”), does by these presents hereby grant, bargain, sell and convey unto Inland American Birmingham Southgate, L.L.C., a Delaware limited liability company (the “Grantee”), the following described real estate situated in Shelby County, Alabama, to wit:

See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH all improvements situated thereon or attached thereto, and all tenements, hereditaments, appurtenances, rights, easements, benefits and rights-of-ways, if any, appurtenant thereto, subject, however, to the matters set forth on Exhibit B attached hereto and made a part hereof.

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

IN WITNESS WHEREOF, the undersigned Grantor has caused this instrument to be duly executed and sealed on this 14 day of January, 2009.

MCW-RC AL – Southgate, LLC,
a Delaware limited liability company

By: Macquarie CountryWide (US) Corporation,
a Maryland corporation

Its: Managing Member

By: Mark Mullen
Its: Authorized Signatory

[SEAL]

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mark Mullen, whose name as authorized signatory of Macquarie CountryWide (US) Corporation, a Maryland corporation, the managing member of MCW-RC AL – Southgate, LLC, 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 such instrument, ~~she~~ as such officer and with full authority, executed the same voluntarily for and as the act of said Grantor.

Given under my hand and official seal this _____ day of January, 2009.

[NOTARIAL SEAL]

Kim L Maranda
Notary Public
My Commission Expires: 26 Sept 2012



EXHIBIT A

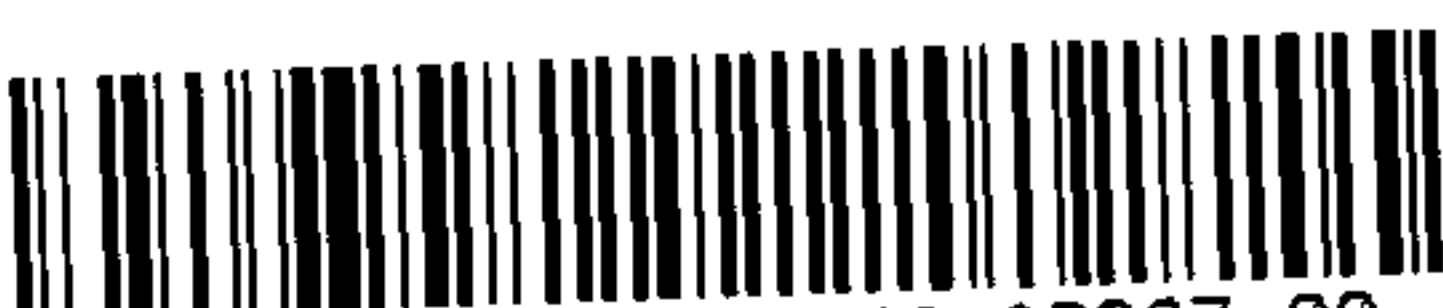
Legal Description

A tract of land situated in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama, and more particularly described as follows:

Commence at the Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section and run North $87^{\circ}18'38''$ West, along the North line thereof a distance of 422.06 feet; thence run South $01^{\circ}17'56''$ West, for a distance of 412.83 feet to the Point of Beginning; thence run South $87^{\circ}17'54''$ East, for a distance of 417.36 feet to a point on the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run South $01^{\circ}57'45''$ West, along said East line a distance of 189.93 feet; thence run South $88^{\circ}02'15''$ East, for a distance of 3.83 feet to a point on the West right of way line of U.S. Highway No. 31; thence run along said right of way South $10^{\circ}40'00''$ West, a distance of 434.26 feet; thence run South $32^{\circ}01'05''$ West, a distance of 188.80 feet to a point on the Northwest right of way line of Alabama Highway No. 261; thence run South $61^{\circ}31'05''$ West, along said right of way a distance of 122.50 feet; thence run North $32^{\circ}30'55''$ West, along the Northeast boundary of Riverchase Animal Clinic property a distance of 141.48 feet; thence run South $57^{\circ}29'05''$ West, along the Northwest line of said property a distance of 100.00 feet to the Northeast right of way line of Valley Dale Terrace; thence run North $32^{\circ}30'55''$ West, along right of way line a distance of 25.60 feet to the beginning of a curve to the right, said curve having a radius of 419.64 feet and subtending a central angle of $13^{\circ}13'21''$; thence run Northwest along the arc of said curve a distance of 96.84 feet; thence on a line tangent to curve, continue North $19^{\circ}17'34''$ West, along right of way line a distance of 166.06 feet; thence run North $58^{\circ}04'35''$ East, along right of way a distance of 13.01 feet; thence an angle to the left to tangent of a curve to the left of $77^{\circ}07'41''$, said curve having a radius of 174.25 feet and subtending a central angle of $30^{\circ}07'58''$; thence run along the arc of said curve a distance of 91.61 feet; thence on a line tangent to curve, continue along right of way line North $49^{\circ}11'04''$ West, a distance of 67.40 feet; thence run North $40^{\circ}48'56''$ East, a distance of 147.17 feet; thence run North $50^{\circ}36'35''$ East, a distance of 175.89 feet; thence run North $01^{\circ}17'56''$ East, for a distance of 175.35 feet to the Point of Beginning.

TOGETHER WITH all of owner's right, title and interest in and to that certain Easement dated November 18, 1987, and recorded in Book 161, page 3, in the Probate Office of Shelby County, Alabama.

EXHIBIT B


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Encumbrances

1. All taxes for the year 2009 and subsequent years, not yet due and payable.
2. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on and under subject property.
3. Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 101, page 500; Deed Book 101, page 569; Deed Book 111, page 153; Deed Book 129, page 38; Deed Book 222, page 435; Deed Book 251, page 514 and Real 182, page 550, in the Probate Office of Shelby County, Alabama.
4. Right of way to the City of Pelham, recorded in Real 83, page 287 and Real 90, page 380, in the Probate Office of Shelby County, Alabama, as shown on the survey prepared by Melvin R. Reynolds with Reynolds Surveying Co., Inc. dated May 15, 2003 and last revised June 19, 2003 and known as Job No. PROJ/SOUTHGATE.
5. Easement agreement recorded in Real 94, page 31 and Real 303, page 1, in the Probate Office of Shelby County, Alabama, as shown on the survey prepared by Melvin R. Reynolds with Reynolds Surveying Co., Inc. dated May 15, 2003 and last revised June 19, 2003 and known as Job No. PROJ/SOUTHGATE.
6. Rights of the following parties in possession pursuant to unrecorded leases, as tenants only without right to purchase or right of first refusal, as disclosed by Rent Roll:
7. Terms and conditions of that certain Memorandum of Lease dated 6-22-01, by and between Regency Centers, L.P. and Publix Alabama, LLC, filed for record 9-25-01, recorded in Instrument 2001-41350, in the Probate Office of Shelby County, Alabama, corrected by that certain Corrective Memorandum of Lease recorded in Instrument 20030512000291080 and further amended by that certain First Amendment to Memorandum of Lease recorded in Instrument 20030512000291090, and all amendments and/or modifications thereto.