

This document prepared by (and after recording return to): )

Name: Janine F. Heiner )

Firm/Company: Service First Title )

Address: 2670 Union Avenue Extended )

Address 2: Suite 909 )

City, State, Zip: Memphis, TN 38111 )

Phone: 901-327-3877 )

Shelby County, AL 07/20/2009

State of Alabama

Deed Tax : \$2605.50



20090720000278680 1/4 \$2625.50  
Shelby Cnty Judge of Probate, AL  
07/20/2009 01:57:47 PM FILED/CERT

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**WARRANTY DEED**  
(LLC to LLC)

*Consideration = \$2,605,500.00*

**KNOW ALL MEN BY THESE PRESENTS THAT:**

FOR VALUABLE CONSIDERATION OF TEN DOLLARS (\$10.00), and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, **Carbone Properties of Alabaster, LLC**, a limited liability company organized and existing under the laws of the State of Ohio, hereinafter referred to as "Grantor", does hereby grant, convey and warrant unto **Maddox Investments, LLC**, a Limited Liability Company organized under the laws of the state of **Missouri**, hereinafter "Grantee", the following lands and property, together with all improvements located thereon, lying in the County of Shelby, State of Alabama, to-wit:

**SEE EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE**

SUBJECT to: those items shown on Exhibit B, attached hereto and incorporated herein by this reference and to mineral reservations of record, if any.

TO HAVE AND TO HOLD same unto Grantee, and unto Grantee's successors and assigns forever, with all appurtenances thereunto belonging.

GRANTOR does for Grantor and Grantor's successors and assigns forever hereby covenant with GRANTEE that Grantor is lawfully seized in fee simple of said premises; that the premises are free from all encumbrances, unless otherwise noted above; that Grantor has a good right to sell and convey the same as aforesaid; and to forever warrant and defend the title to the said lands against all claims whatever.

Taxes for tax year 2009 shall be paid by Grantee.

The property herein conveyed is not a part of the homestead of Grantor.

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IN WITNESS WHEREOF Grantor has caused this instrument to be executed and delivered by its duly authorized Manager this the 30<sup>th</sup> day of June, 2009.

**CARBONE PROPERTIES OF ALABASTER, LLC**  
an Ohio limited liability company

Signed, Sealed and Delivered  
in the presence of:

By: Ross P. Carbone  
Ross P. Carbone  
its Manager

Witness [Signature]  
Witness [Signature]

STATE OF OHIO  
CUYAHOGA COUNTY

I, a Notary Public, in and for said County in said State, hereby certify that Ross P. Carbone whose name as Manager of Carbone Properties of Alabaster, LLC, a limited liability company, is signed to the foregoing instrument or conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand this the 30<sup>th</sup> day of JUNE, 2009.

[Signature]

Notary Public

Print Name NICOLE A. TRACY

My commission expires: 11/25/2011


**NICOLE A. TRACY**  
Notary Public, State of Ohio, Cuy. Cty.  
My commission expires Nov. 25, 2011

Grantor(s) Name, Address, phone:

Grantee(s) Name, Address, phone:

**SEND TAX STATEMENTS TO GRANTEE**



  
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## LEGAL DESCRIPTION

### EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SHELBY, STATE OF ALABAMA, AND IS DESCRIBED AS FOLLOWS:

Commence at the Southwest Corner of Section 11, Township 21 South, Range 3 West, Alabaster, Shelby County, Alabama, and run thence Easterly along the South line of said Section 11 a distance of 1,600.69 feet to a point on the East side of Alabama Highway No. 119; thence turn a deflection angle of 65 degrees 48 minutes 59 seconds left and run Northeasterly parallel with the future right-of-way line of Alabama Highway No. 119 a distance of 803.19 feet to a steel rebar corner and the point of beginning of the property being described; thence continue along last described course a distance of 325.00 feet to a steel rebar corner; thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run a distance of 469.11 feet to a steel rebar corner; thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run Southwesterly parallel with the West line of subject property a distance of 325.00 feet to a steel rebar corner; thence turn a deflection angle of 90 degrees 00 minutes 00 seconds right and run Northwesterly a distance of 469.11 feet to the point of beginning, containing 3.50 acres.

Subject to all previous mineral conveyances, reservations, and exceptions to any valid rights-of-way of record, and to any protective covenants or restrictions which may have been recorded in the records of Shelby County, Alabama, affecting the above-described property, as referenced in Deed recorded at Instrument Number 1999-18010, in the Office of the Judge of Probate of Shelby County, Alabama.

Subject to that certain reservation of all oil, gas, coal, or other hydrocarbons or minerals of any kind or description whatsoever lying in, under, or upon the above-described property, as referenced in Deed recorded at Instrument Number 1999-18010, in the Office of the Judge of Probate of Shelby County, Alabama.

Subject to those certain restrictions regarding conducting any surface operation upon the above-described property, including, but not limited to, drilling, stripping, piping, or storing, in connection with such rights, it being intended that such activities shall be conducted on other lands, as well as restrictions regarding exercising rights in a manner which would injure or damage any previous owner's improvements on the above-described property, or otherwise physically damage said property, as reference in Instrument Number 1999-18010, in the Office of the Judge of Probate of Shelby County, Alabama.

Subject to those two (2) certain fifty (50) foot temporary ingress & egress and utility easements from said property to Alabama Highway No. 119, which temporary easements shall terminate and be null and void upon the dedication and acceptance by the City of Alabaster of the future streets, one (1) street running on the Northeast side of the above-described property in a Northwesterly direction to Alabama Highway No. 119, and the other street running parallel to Highway No. 119 on the Northwest side of the above-described property. Said temporary easements shall be within said proposed streets in a straight line to its connection with the now existing right-of-way of Alabama Highway No. 119, as referenced in Instrument Number 1999-18010, in the Office of the Judge of Probate of Shelby County, Alabama.

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## **EXHIBIT B**

### **Exceptions from title warranties**

1. Taxes and assessments for the year 2009, and subsequent years.
2. Coal, oil, gas, limestone and other mineral interests in the land and all rights and easements in favor of the estate of said coal, oil, gas, limestone and other minerals.
3. That certain Lease Agreement as recorded 2/18/2000 as Instrument No. 2000-05197, in the Office of the Judge of Probate of Shelby County, Alabama.
4. Oil, gas, mineral rights and easements, restrictions or rights of way on, under, over or across said property.
5. All previous mineral conveyances, reservations, and exceptions to any valid rights-of-way of record, and to any protective covenants or restrictions which may have been recorded in the records of Shelby County, Alabama, affecting the property, as referenced in Deed recorded at Instrument Number 1999-18010, in the Office of the Judge of Probate of Shelby County, Alabama.
6. Those two certain fifty (50) foot temporary ingress & egress and utility easements from said property to Alabama Highway No. 119, as referenced in Instrument No. 1999-18010, in the Office of the Judge of Probate of Shelby County, Alabama.