

THIS INSTRUMENT PREPARED BY:

Justin D. Fingar, Esq.
DONOVANFINGAR, LLC
813 Shades Creek Pkwy, Ste. 200
Birmingham, AL 35209

SEND TAX NOTICE TO:

Faulkner University
Vice President - Finance
5345 Atlanta Highway
Montgomery, AL 36109

STATE OF ALABAMA)

COUNTY OF SHELBY)



20090803000296310 1/2 \$15.00
Shelby Cnty Judge of Probate, AL
08/03/2009 01:50:02 PM FILED/CERT

STATUTORY WARRANTY DEED

THIS STATUTORY WARRANTY DEED is executed and delivered on this 30th day of July, 2009, by **FAIRWAY – SOUTHLAKE II, LLC**, an Alabama limited liability company (“Grantor”), in favor of **FAULKNER UNIVERSITY** (“Grantee”).

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Million Eight Hundred Fifty-Five Thousand and No/100 Dollars (\$1,855,000.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does by these presents, grant, bargain, sell and convey unto Grantee the following described real property, including all improvements located thereon, situated in Shelby County, Alabama (the “Property”), to-wit:

Lot 4A, according to a resurvey of Lots 4, 5 and 6, Village on Valleydale at Southlake, as recorded in Map Book 13, page 65, in the Probate Office of Shelby County, Alabama.

This conveyance is subject to:

1. Taxes or assessments for 2009 and subsequent years not yet due and payable.
2. Easements and building line as shown on recorded maps.
3. Restrictions, limitations and conditions as shown on recorded maps.
4. Right of way granted Alabama Power Company as set out in instruments recorded in Book 142, page 184; Book 149, page 12; Deed Book 219, page 734; and Book 224, page 649.
5. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 121, page 294; Deed Book 127, page 140; Deed Book 111, page 625 and Deed Book 4, page 542.
6. Covenants, conditions, and restrictions as set out in Book 173, page 364, and as amended by instrument recorded in 20090803000296300.
7. Restrictions appearing of record in Book 173, page 301.
8. Declaration of Protective Covenants of Southlake (Business) as recorded in Book 153, page 395; and Book 182, page 01.
9. Any matter that would be disclosed by an accurate survey of the Property.



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The entire consideration recited above was paid from a mortgage loan closed simultaneously herewith.

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

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

GRANTOR:

FAIRWAY – SOUTHLAKE II, LLC, an
 Alabama limited liability company

By: The Thompson Development Company, Inc.,
 an Alabama corporation
 Its: Manager

By: 
 Name: Guy S. Clifton
 Title: Vice President

STATE OF ALABAMA)
 COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Guy S. Clifton, whose name as Vice President of The Thompson Development Company, Inc., an Alabama corporation, as Manager of Fairway – Southlake II, LLC, an Alabama limited liability company, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and on behalf of said corporation acting in its capacity as aforesaid.

GIVEN under my hand and seal of office this 30 day of July, 2009.

[SEAL]


 NOTARY PUBLIC

My Commission Expires: _____

COMMISSION EXPIRES JUNE 13, 2011