


Send tax notice to:
HHH Acquisition Company, LLC
3125 Water Plant Road
Knoxville, Tennessee 37914
Attention: Donald M. McLean


20091006000378890 1/7 \$4029.00
Shelby Cnty Judge of Probate, AL
10/06/2009 01:26:56 PM FILED/CERT

Shelby County, AL 10/06/2009

State of Alabama

Deed Tax : \$4000.00

STATE OF ALABAMA)
 :
SHELBY COUNTY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:


That in consideration of sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to MOORE-HANDLEY, INC., a Delaware corporation ("Grantor"), by HHH ACQUISITION COMPANY, LLC, a Tennessee limited liability company ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey unto Grantee, subject to the matters hereinafter set forth, the real estate situated in Shelby County, Alabama, which is more particularly described on Exhibit A attached hereto.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever; subject, however, to the exceptions, encumbrances and other matters described on Exhibit B attached hereto.

[Signatures Appear on Following Page]

IN WITNESS WHEREOF, Grantor, by its President, who is authorized to execute this conveyance, has hereto set its signature and seal as of the 2nd day of October, 2009.

MOORE-HANDLEY, INC.

By 
Name Michael J. Gaines
Its President

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Michael J. Gaines, whose name as President of Moore-Handley, Inc., a Delaware corporation, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal on the 2nd day of October, 2009.


Notary Public

[NOTARIAL SEAL]

My commission expires: 3-21-2012



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Exhibit A

PARCEL A:

Commence at the Southwest corner of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, thence in an Easterly direction along the South line of said Section 13, a distance of 764.69 feet to the intersection of said Section line and the Westerly right-of-way line of U.S. Highway 31; then 102 degrees 18 minutes left in a Northwesterly direction along said right-of-way a distance of 662.23 feet to the POINT OF BEGINNING; thence continue along the last described course a distance of 655.57 feet; thence 77 degrees 42 minutes left in a Westerly direction a distance of 848.51 feet to a point on the Easterly right of way line of Old Ashville-Montevallo Highway; thence 90 degrees 12 minutes left in a Southerly direction along the Easterly right-of-way line of said Highway, a distance of 249.15 feet; thence 6 degrees 24 minutes left in a Southeasterly direction along said right-of-way a distance of 283.08 feet; thence 90 degrees 11 minutes 36 second left in a Northeasterly direction a distance of 313.80 feet; thence 90 degrees right, in a Southeasterly direction a distance of 222.23 feet; thence 90 degrees left in a Northeasterly direction a distance of 621.22 feet to the POINT OF BEGINNING.

PARCEL B:

A parcel of land located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, all in the Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the Southwest corner of said Section 13, thence in an Easterly direction along the South line of said Section 13, a distance of 764.69 feet to the intersection of said Section line and the Westerly right-of-way line of U.S. Highway 31; thence 102 degrees 18 minutes left in a Northwesterly direction along said right-of-way a distance of 317.80 feet to the point of beginning; thence continue along last described course a distance of 344.43 feet; thence 84 degrees 29 minutes 36 seconds left in a Southwesterly direction a distance of 621.22 feet; thence 90 degrees right in a Northwesterly direction a distance of 222.33 feet; thence 90 degrees left in a Southwesterly direction a distance of 313.80 feet to the Easterly right-of-way line of the Old Ashville-Montevallo Highway; thence 89 degrees 48 minutes 24 seconds left, in a Southeasterly direction along said right-of-way line a distance of 518.42 feet to the Northeasterly right-of-way line of the Seaboard Coast Line Railroad; thence 20 degrees 45 minutes left, in a Southeasterly direction, along said right-of-way of said Seaboard Coast Line Railroad, a distance of 130.72 feet; thence 52 degrees 39 minutes left, in an Easterly direction a distance of 476.70 feet; thence 102 degrees 18 minutes left in a Northwesterly direction a distance of 188.73 feet; thence 102 degrees 18 minutes right in an Easterly direction a distance of 472.0 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL C:

A parcel of land located in the Southeast $\frac{1}{4}$ of Section 14, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the Southeast corner of said Section 14, thence in a Westerly direction along the South

line of said Section 14 a distance of 201.98 feet to the center line of Atlantic Coast Line Railroad right-of-way, then 62 degrees 35 minutes right along the center line of said right-of-way in a Northwesterly direction a distance of 196.31 feet to the intersection of the center line of the Ashville-Montevallo Road, thence 20 degrees 35 minutes right in a Northwesterly direction along said center line of said road a distance of 703.74 feet, thence 90 degrees left in a Southwesterly direction a distance of 30.0 feet to the West right-of-way line of said road and the Point of Beginning of herein described property, thence continue along last described course a distance of 180.88 feet to the Northeast right-of-way line of Atlantic Coast Line Railroad, thence 69 degrees 25 minutes right in a Northwesterly direction along said right-of-way a distance of 594.74 feet to the beginning of a curve to the left, said curve having a central angle of 27 degrees 12 minutes (measure 8°07'53") and a radius of 2,914.82 feet, thence along arc of said curve a distance of 413.67 feet, thence 125 degrees 32 minutes 53 seconds right, measured from tangent of said curve, in an Easterly direction a distance of 670.32 feet to the West right-of-way line of Ashville-Montevallo Road, said point being on a curve to the left having a central angle of 2 degrees 23 minutes 18 seconds and a radius of 277.35 feet (calculated 2,775.35) thence 95 degrees 34 minutes 48 seconds right, measured to tangent of said curve, in a Southerly direction along arc of said curve a distance of 115.69 feet to end of said curve, thence continue along said right-of-way line in a Southerly direction a distance of 180.82 feet to the beginning of a curve to the left, said curve having a central angle of 10 degrees 01 minutes 30 seconds and a radius of 3,223.53 feet, thence continue along arc of said curve in a Southerly direction a distance of 564.02 feet to end of said curve and the POINT OF BEGINNING.

PARCEL D:

Begin on the west line of Old U.S. Highway #31 at the place where it crosses the south line of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, Township 20 South, Range 3 West and run along said right-of-way north, 13 degrees 45 minutes west, 312.5 feet; thence south 89 degrees 30 minutes west 322 feet to the point of beginning of the land herein conveyed, thence continue south 89 degrees 30 minutes West, 150 feet; thence south, 13 degrees 45 minutes east, 164.5 feet; thence north, 89 degrees 30 minutes east, 150 feet; thence north 13 degrees 45 minutes west, 164.5 feet to the point of beginning; and being situated in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 20, Range 3 West, Shelby County, Alabama.

Also the right, along with other adjoining property owners to use the following described strip of land as a road right of way; it being the intention that said roadway shall belong to the persons owning the above described property, their heirs and assigns forever. That said described strip of property is described as follows:

Commence at the south line of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, Township 20 South, Range 3 West where the same crosses the West line of U.S. Highway #31 and run along the west line of said highway north 13 degrees 45 minutes West 128 feet of the point of beginning of the strip of land herein described; thence South 89 degrees 30 minutes West 472 feet; thence North 13 degrees 45 minutes West 20 feet; thence North 89 degrees 30

minutes East 472 feet to the west line of the said highway; thence along same south 13 degrees 45 minutes east 20 feet to the point of beginning.

ALSO:

Begin on the west line of old Highway #31 at the place where it crosses the south line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 20 South, Range 3, West and run along said right of way North 13 degrees 45 minutes West, 312.5 feet (317.83 feet measured); thence South 89 degrees 30 minutes West, (South 88 degrees 34 minutes 44 seconds West measured) 322 feet to the point of beginning of the land herein conveyed; thence North 88 degrees 34 minutes 44 seconds East, a distance of 81.72 feet; thence South 11 degrees 50 minutes 01 seconds East, a distance of 15.39 feet; thence continue southerly along said line, a distance of 152.83 feet; thence South 88 degrees 34 minutes 44 seconds West, a distance of 76.05 feet; thence N. 13 degrees 43 minutes 16 seconds West, a distance of 169.33 feet to the POINT OF BEGINNING.

Containing .03 acres, more or less.



EXHIBIT B
PERMITTED ENCUMBRANCES

1. General, ad valorem and special taxes or assessments for 2009 and subsequent years not yet due and payable.
2. Easement(s) Right(s) of Way granted by The Industrial Development Board of the Town of Alabaster for a spur track from the Atlantic Coast Line Railroad Company right of way to property recorded in Deed Book 226, page 635 in the Office of the Judge of Probate of Shelby County, Alabama, and as shown on Survey by Robert C. Fanner, dated February 29, 2008. (Parcels A & B only)
3. Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 101, page 517, in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), and as shown on Survey by Robert C. Farmer, dated February 29, 2008.
4. Easement(s)/Right(s) of Way granted to Plantation Pipe Line, as shown by instrument recorded in Deed Book 112, page 217, Deed Book 145, page 430, in said Probate Office and as shown on Survey by Robert C. Farmer, dated February 29, 2008.
5. Agreement in regard to pipe line other than natural or L.P. Gas between Atlantic Coast Line Railroad Company and The Industrial Dev. Board of the town of Pelham, recorded in Deed Book 248, page 154, in said Probate Office and as shown on Survey by Robert C. Farmer, dated February 29, 2008.
6. Rights, privileges and easements as shown by Deed Book 338, page 361, in said Probate Office and as shown on Survey by Robert C. Farmer, dated February 29, 2008.
7. Easement(s)/Right(s) of Way granted to Alabama Power, as shown by instrument recorded in Deed Book 329, page 795, Deed Book 248, page 840, in said Probate Office and as shown on Survey by Robert C. Farmer, dated February 29, 2008.
8. Right(s)-of-Way(s) and Easement Agreement(s) as set out in Inst. # 1999-39635, and Inst. # 1999-39634, in the Probate Office of Shelby County, Alabama and as shown on Survey by Robert C. Farmer, dated February 29, 2008.
9. Less and except that portion of subject property lying within the bounds of the railroad, as shown on Survey by Robert C. Farmer, dated February 29, 2008.
10. Building encroachment onto Plantation Pipeline right of way as shown on Survey by Robert C. Fanner, dated February 29, 2008.
11. Gas pump encroachment onto Plantation Pipeline right of way as shown on Survey by Robert C. Fanner, dated February 29, 2008.

12. Ramp encroachment onto Plantation Pipeline right of way as shown on Survey by Robert C. Farmer, dated February 29, 2008.
13. Curb and gutter encroachment along U.S. Highway #31 as shown on Survey by Robert C. Farmer, dated February 29, 2008.
14. Unrecorded lease by and between Moore-Handley, Inc. and Penske Truck Leasing Co., L.P., dated May 31, 2005.
15. Encroachments, overlaps, boundary line disputes or other matters which would be disclosed by an accurate survey or careful inspection of the subject property.