

STATE OF ALABAMA     )  
SHELBY COUNTY        )

Send tax notices to:  
Brick Acquisition Company  
c/o Acme Brick Company  
3024 Acme Brick Plaza  
Fort Worth, TX 76109-4104  
Attn: Judy Hunter

**STATUTORY WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS** that, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by **BRICK ACQUISITION COMPANY**, a Delaware corporation (the "Grantee"), to **JENKINS DEVELOPMENT COMPANY, L.L.C.**, an Alabama limited liability company (the "Grantor"), receipt whereof is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee that certain real property lying and being situated in Shelby County, Alabama, as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

**TO HAVE AND TO HOLD** unto the Grantee, and the Grantee's successors and assigns, forever.

It is expressly understood and agreed that this Statutory Warranty Deed is made subject to the exceptions more particularly set forth on Exhibit B attached hereto and made a part hereof (the "Permitted Exceptions").

The Grantor hereby covenants and agrees with the Grantee, and its successors and assigns, that the Grantor, and its successors and assigns, will warrant and defend the above described Property against the lawful claims of all persons claiming by, through, or under the Grantor, but not further or otherwise, and further subject to all claims arising under or by virtue of the Permitted Exceptions.

*[Signatures on following page]*

Shelby County, AL 02/24/2011  
State of Alabama  
Deed Tax: \$253.50



20110224000063880 2/4 \$274.50  
 Shelby Cnty Judge of Probate, AL  
 02/24/2011 02:27:49 PM FILED/CERT

**IN WITNESS WHEREOF**, the undersigned Grantor has executed this Statutory Warranty Deed as of the 31st day of January, 2011.

**GRANTOR:**

**JENKINS DEVELOPMENT COMPANY,  
 L.L.C.**, an Alabama limited liability company

By: Tommy G. Andreades  
 Name: Tommy G. Andreades  
 Its: Authorized Manager

STATE OF ALABAMA                    )  
 COUNTY OF MONTGOMERY        )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Tommy G. Andreades, whose name as Authorized Manager of Jenkins Development Company, L.L.C., 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 said instrument, he, as such representative and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this the 31st day of January, 2011.

Kane Bazzell  
 Notary Public

AFFIX SEAL

My commission expires: 10-18-11

This instrument was prepared by:  
 Thomas M. McElroy, II  
 MAYNARD, COOPER & GALE, P.C.  
 1901 Sixth Avenue North  
 2400 Regions/Harbert Plaza  
 Birmingham, Alabama 35203-2618  
 (205) 254-1000

20110224000063880 3/4 \$274.50  
Shelby Cnty Judge of Probate, AL  
02/24/2011 02:27:49 PM FILED/CERT

**Exhibit A**

**Legal Description**


**Birmingham Distribution Facility**

A parcel of land located in the Southwest 1/4 of Section 31, Township 19 South, Range 2 West and the Northwest 1/4 of Section 6, Township 20 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southeast corner of the Southwest 1/4 of Section 31; thence run North along the 1/4 line 506.79 feet; thence left  $121^{\circ}25'36''$ , 1325.96 feet to the point of beginning; thence continue along the same course Southwesterly 87.36 feet; thence right  $39^{\circ}39'13''$ , 251.74 feet to the Easterly right of way of U.S. Highway 31; thence right  $90^{\circ}00'$ , 415.25 feet Northerly along said ROW; thence right  $90^{\circ}00'$ , 319.00 feet; thence right  $90^{\circ}00'$ , 359.51 feet to the point of beginning.

Less and except any part of subject property lying within a road right of way.

## **Exhibit B**

  
20110224000063880 4/4 \$274.50  
Shelby Cnty Judge of Probate, AL  
02/24/2011 02:27:49 PM FILED/CERT

### **Exceptions**

1. Taxes and assessments for the year 2011, and subsequent years.
2. Mineral and mining rights not owned by the Grantor.
3. Current zoning classifications, building codes or other land use restrictions.
4. Any easements, restrictive covenants and other matters of record other than encumbrances securing the payment of indebtedness, to the extent not specifically listed in this Exhibit B.
5. Mechanics' liens and similar liens for labor, material or supplies incurred in the ordinary course of business to the extent that payment thereof is not in arrears or otherwise due.
6. Coverage afforded by the ALTA 7- 06 is excluded.
7. Joint Easement Agreement between Jenkins Development Company, LLC, Interstate Restaurant Investors and Frank C. Ellis, Jr., recorded in Instrument 1995-9710 and Instrument 1996-8143 in the Probate Office of Shelby County, Alabama.
8. Subject to ingress - egress easement recorded in Instrument 1995-09710 and amended by Instrument 1996-22947 in the Probate Office of Shelby County, Alabama, and set out on the Survey of Barton F. Carr of Carr & Associates Engineers, Inc., dated 8/9/1999.
9. Right of Way granted to Alabama Power Company by instrument recorded in Instrument 20071102000507700 in the Probate Office of Shelby County, Alabama.
10. Less and except any portion of subject property lying within a road right of way.