

The property conveyed by the within Warranty Deed is covered by the Mortgages described below and the value given for the property is no greater than the indebtedness owing under such mortgages.

THIS INSTRUMENT WAS PREPARED BY:

Charles L. Denaburg
NAJJAR DENABURG, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203

SEND TAX NOTICE TO:

Bryant Bank
2700 Columbia Village P/O. 20
13 Hom. Ctr. 35243

STATE OF ALABAMA)
Shelby COUNTY)

DEED IN LIEU OF FORECLOSURE

The undersigned, **W. E. McCracken Group, Inc.** (the "Grantor") is the owner and record title holder of all that real property situated in Shelby, Alabama, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

Grantor has heretofore executed and delivered to **Bryant Bank** those certain mortgages as recorded in Instrument 20060619000292380 dated June 19, 2006; Instrument 20061012000506130 dated October 12, 2006, Instrument 20060802000372830 dated August 2, 2006, and in Instrument 20070507000213570 dated May 7, 2007, (the "Mortgages").

Grantor has requested that it be permitted to, and has agreed to, convey the Property, together with all personal property located thereon, to Grantee in consideration of credit by Grantee to Grantor from and against the indebtedness secured by the Mortgages in the amount of Two Million Five Hundred Eighteen Thousand Seven Hundred Eighty Seven and 00/100 Dollars (\$2,517,787.00) ("The Indebtedness").

The Grantor and the Grantee are knowledgeable parties in real estate valuation and have mutually agreed upon the credit and Grantor acknowledges that such credit and other considerations given to Grantor by Grantee is fair, equitable, beneficial and to the best interest of Grantor; and

The Grantee, by the acceptance of this Deed, shall, in consideration thereof, credit \$1,000,000.00 against The Indebtedness secured by the Mortgages.

NOW, THEREFORE, in consideration of the premises and of the credit against The Indebtedness as set out above, by the Grantee, the receipt of which the Grantor hereby acknowledges, the Grantor does hereby GRANT, BARGAIN, SELL and CONVEY unto **Bryant Bank** all rights, title and interest in and to that certain real property situated in Shelby County, Alabama, and more particularly described in **Exhibit "A"** attached hereto and made a part hereof, together with all personal property located thereon owned by Grantor, together with any and all rights of redemption, statutory or equitable, of the Grantor with respect thereto. Grantor expressly makes this conveyance without reservation or retention of any rights of redemption, statutory or equitable.

TO HAVE AND TO HOLD to **Bryant Bank**, its successors and assigns, in fee simple forever.

The undersigned Grantor covenants with the Grantee that it is the owner of the Property and has a good right to sell and convey the same; that to the best of its knowledge and belief the same is free of all encumbrances except the Mortgages, and any ad valorem taxes. All covenants and agreements made herein shall bind the Grantor and its heirs and assigns.

It is understood and agreed that the lien and title of the Mortgages shall not be merged in the title hereby conveyed, and that if for any reason this conveyance shall be held ineffective in any particular, or in the event of the setting aside of this conveyance in any proceedings instituted under the bankruptcy or other law, or in the event the survival of the lien and title of the Mortgages is necessary or appropriate to protect the interest and complete title of Grantee, the Grantee shall be subrogated to, or shall be considered to have retained, all of its lien, title and rights under the Mortgages and the indebtedness secured thereby, and in any such event the Grantee shall have the

right to proceed to a foreclosure of the Mortgages as determined by Grantee in all respects as if this instrument had not been executed, but Grantor shall not be obligated to pay any expenses incurred by Bank in connection with any such foreclosure.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument and set its hand and seal hereunto, all on this 30 day of September 2011.

W. E. McCRACKEN GROUP, INC.

BY William Edward McCracken
ITS President

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William Edward McCracken whose name as President of **W. E. McCracken Group, Inc.**, an Alabama 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 the instrument, (s)he executed the same with full authority for and on behalf of said corporation.

Given under my hand and seal this the 30th day of September 2011.


Edward
Notary Public
My Commission Expires 8/8/13

[SEAL]



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Shelby Cnty Judge of Probate, AL
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EXHIBIT “A”


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PARCEL I:

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF THE SE 1/4 AND THE NE 1/4 OF THE SW 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST; THENCE RUN WEST AND ALONG THE NORTH LINE FOR A DISTANCE OF 630.0 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF ALABAMA HIGHWAY NO. 25; THENCE TURN 67°16' TO THE LEFT AND RUN SOUTHWESTERLY AND ALONG SAID HIGHWAY FOR A DISTANCE OF 190.10 FEET TO THE P.C. OF A CURVE TO THE RIGHT, SAID CURVE HAVING AN INTERSECTION ANGLE OF 23°10' TO THE RIGHT AND A RADIUS OF 365.91 FEET; RUN AN ARC DISTANCE OF 147.97 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENT OF SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR A DISTANCE OF 240.20 FEET TO THE BEGINNING OF ANOTHER CURVE TO THE RIGHT HAVING AN INTERSECTION ANGLE OF 13°00' TO THE RIGHT AND A RADIUS OF 570.53 FEET, RUN AN ARC DISTANCE OF 130.04 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 415.40 FEET TO THE BEGINNING OF ANOTHER CURVE TO THE LEFT, HAVING AN INTERSECTION ANGLE OF 28°45' TO THE LEFT AND A RADIUS OF 189.19 FEET RUN AN ARC DISTANCE OF 94.93 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENCY TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 162.33 FEET TO THE BEGINNING OF ANOTHER CURVE TO THE RIGHT, HAVING AN INTERSECTION ANGLE OF 52°00' TO THE RIGHT AND A RADIUS OF 216.33 FEET, RUN AN ARC DISTANCE OF 196.33 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 166.80 FEET TO THE BEGINNING OF ANOTHER CURVE TO THE LEFT HAVING AN INTERSECTION ANGLE OF 120°00' TO THE LEFT AND A RADIUS OF 43.73 FEET, RUN AN ARC DISTANCE OF 91.59 FEET TO THE POINT OF BEGINNING OF ANOTHER CURVE TO THE LEFT, HAVING AN INTERSECTION ANGLE OF 72°38' TO THE LEFT AN A RADIUS OF 48.15 FEET; RUN AN ARC DISTANCE OF 61.03 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 212.10 FEET TO THE POINT OF BEGINNING OF ANOTHER CURVE, HAVING AN INTERSECTION ANGLE OF 17°04' TO THE LEFT AND A RADIUS OF 369.29 FEET, RUN AN ARC DISTANCE OF 110.02 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 63.60 FEET TO THE POINT OF BEGINNING OF ANOTHER CURVE TO THE RIGHT, HAVING AN INTERSECTION ANGLE OF 24°06' TO THE RIGHT AND A RADIUS OF 422.02 FEET, RUN AN ARC DISTANCE OF 177.51 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 271.10 FEET TO THE BEGINNING OF ANOTHER CURVE, HAVING AN INTERSECTION ANGLE OF 18°21' TO THE LEFT AND A RADIUS OF 779.03 FEET, RUN AN ARC DISTANCE OF 249.50 FEET TO THE POINT OF TANGENCY OR P.T. OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 126.70 FEET TO THE BEGINNING OF ANOTHER CURVE TO THE RIGHT, HAVING AN INTERSECTION ANGLE OF 7°02' TO THE RIGHT AND A RADIUS OF 1516.35 FEET, RUN AN ARC DISTANCE OF 186.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE TURN TANGENT TO SAID CURVE AND CONTINUE ALONG SAID HIGHWAY FOR 417.81 FEET; THENCE TURN 19°30' TO THE LEFT AND RUN NORTHEASTERLY AND ALONG A DIAGONAL LINE TO THE NW 1/4 OF THE SE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST FOR A DISTANCE OF 404.21 FEET TO THE POINT OF BEGINNING.

SITUATED IN SHELBY COUNTY, ALABAMA.

PARCEL II:

PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST, SITUATED IN SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NE 1/4 OF NE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST AND RUN SOUTH ALONG THE EAST LINE OF SAID 1/4 - 1/4 A DISTANCE OF 630 FEET MORE OR LESS TO THE SOUTHERLY LINE OF ALABAMA HIGHWAY NO. 25, FOR THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PROPERTY; THENCE CONTINUE SOUTH ALONG THE EAST LINE OF SAID 1/4 - 1/4 A DISTANCE OF 690 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF THE NE 1/4 OF NE 1/4; THENCE RUN IN A WESTERLY DIRECTION ALONG THE SOUTH BOUNDARY LINE OF SAID 1/4 - 1/4 OF THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY NO. 25; THENCE RUN IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID HIGHWAY TO THE POINT OF BEGINNING.

ALSO:

THE SOUTHEAST 1/4 OF THE NE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SITUATED IN SHELBY COUNTY, ALABAMA; LESS AND EXCEPT THE FOLLOWING TWO TRACTS:

A) LESS AND EXCEPT ANY PART LYING NORTHWEST OF THE EXTREME NORTHWEST RIGHT OF WAY OF HIGHWAY 25.


B) LESS AND EXCEPT:

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SE 1/4 OF THE NE 1/4 OF SECTION 9 AND GO NORTH 04°32'57" EAST ALONG THE WEST BOUNDARY OF SAID 1/4 - 1/4 SECTION FOR 184.86 FEET; THENCE NORTH 62°34'00" SECONDS EAST, FOR 139.87 FEET; THENCE CONTINUE NORTH 62°34'00" EAST FOR 651.53 FEET; THENCE NORTH 78°10'37" EAST FOR 105.62 FEET; THENCE NORTH 12°03'38" EAST FOR 16.40 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°03'22" EAST FOR 263.27 FEET; THENCE SOUTH 24°00'00" EAST FOR 170.00 FEET EAST; THENCE SOUTH 66°00'00" WEST FOR 350.00 FEET; THENCE NORTH 12°03'38" EAST FOR 154.05 FEET TO THE POINT OF BEGINNING.

PARCEL III:

ALL THAT PART OF THE SOUTHEAST DIAGONAL 1/2 OF THE NW 1/4 OF THE SE 1/4 AND ALL THAT PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 9, TOWNSHIP 18 SOUTH, RANGE 1 EAST, SHELBY COUNTY, ALABAMA, WHICH LIES NORTH OF THE NORTH RIGHT OF WAY LINE OF HIGHWAY NO. 25.


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PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 18 SOUTH, RANGE 1 EAST, SHELBY COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF NORTHWEST 1/4 AND RUN SOUTH 00°48'02" WEST ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION 324.00 FEET, MORE OR LESS, TO A POINT; THENCE TURN SOUTH 85°53'51" WEST 675.29 FEET, MORE OR LESS, TO A POINT; THENCE RUN NORTH 00°48'02" EAST 324.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID QUARTER-QUARTER SECTION LINE; THENCE TURN NORTH 85°53'51" EAST ALONG SAID QUARTER-QUARTER SECTION LINE 675.29 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

LACK OF INGRESS/EGRESS.



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Parcel I

Part of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 18 South, Range 1 East, described as follows:

Beginning at the NE corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, go North 87 degrees 11 minutes 43 seconds West along the North boundary of said 1/4-1/4 section for 651.96 feet to the NW corner of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10; Thence South 00 degrees 09 minutes 54 seconds West along the West boundary of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 10 for 400 feet to the North boundary of Alabama Highway No. 25; Thence North 72 degrees 11 minutes 10 seconds East along the North boundary for 186.17 feet; Thence North 67 degrees 53 minutes 34 seconds East along said North boundary for 279.50 feet to the beginning of a curve to the right having a central angle of 35 degrees 16 minutes 33 seconds and a radius of 360.00 feet; Thence Easterly along said curve for 221.64 feet to the East boundary of said 1/4-1/4 section; Thence North 00 degrees 24 minutes 43 seconds West along said East boundary for 188.97 feet to the point of beginning.

Situated in Shelby County, Alabama.


Parcel II

A parcel of land situated in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 18 South, Range 1 East, described as follows:

Beginning at the NE corner of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10 go South 00 degrees 19 minutes 56 seconds East along the East boundary of said 1/4-1/4-1/4 Section for 1214.89 feet; Thence South 85 degrees 53 minutes 51 seconds West for 675.29 feet; Thence North 00 degrees 14 minutes 21 seconds East for 1289.86 feet to the North boundary of said Section 10; Thence South 87 degrees 41 minutes 21 seconds East along said North boundary for 661.67 feet to the point of beginning.

Parcel III


The Northeast Quarter of the Northwest Quarter, Section 10, Township 18 South, Range 1 East, Shelby County, Alabama.


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A tract of land situated in the Southwest Quarter of the Northwest Quarter of Section 10, Township 18 South, Range 1 East, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 10, Township 18 South, Range 1 East, Shelby County, Alabama; thence run in an Easterly direction along the North line of said quarter-quarter section a distance of 660.00 feet to a point; thence turn an interior angle 90°00'00" and run to the right in a Southerly direction for a distance of 223.21 feet to a point; thence turn an interior angle of 271°08'33" and run to the left in an Easterly direction a distance of 664.32 feet to a point lying on the East line of the Southwest Quarter of the Northwest Quarter of Section 10, Township 18 South, Range 1 East; thence turn an interior angle of 89°52'14" and run to the right in a Southerly direction along the East line of said quarter-quarter section a distance of 204.64 feet to a point lying on the Northwesterly right of way of State Route 25; thence turn an interior angle of 115°04'55" and run to the right in a Southwesterly direction along said right of way a distance of 68.21 feet to the point at a curvature of a tangent curve to the right having a radius of 532.97 feet and a central angle of 23°49'00"; thence run in a Southwesterly to Westerly direction along the arc of said curve and said right of way a distance of 221.54 feet to a point; thence continue tangent to the last described curve in a Westerly direction along said right of way a distance of 91.60 feet to the point of curve of a tangent curve to the left having a radius of 398.90 feet and a central angle of 40°03'00"; thence run in a Westerly to Southwesterly direction along the arc of said and along said right of way a distance of 278.83 feet to the point of reverse curve of a curve to the right having a radius of 480.88 feet and a central angle of 24°28'00"; thence run in a Southerly direction to Southwesterly direction along the arc of said curve and along said right of way a distance of 205.35 feet to a point; thence continue tangent to the last described curve and run in a Southwesterly direction along said right of way a distance of 540.44 feet to a point lying on the West line of the Southwest Quarter of the Northwest Quarter of Section 10, Township 18 South, Range 1 East; thence turn an interior angle of 73°18'29" and run to the right in a Northerly direction along the West line of said quarter-quarter section a distance of 873.94 feet to the point of beginning; being situated in Shelby County, Alabama.

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


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