

THIS INSTRUMENT WAS PREPARED BY:
Richard W. Theibert, Attorney
NAJJAR DENABURG, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203


20141017000328400 1/5 \$798.50
Shelby Cnty Judge of Probate, AL
10/17/2014 08:13:00 AM FILED/CERT

SEND TAX NOTICE TO:
Libertae Vitae, LLC
3617 Cedar Lane
Farmers Branch, Texas 75234-5204

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of One Million Seven Hundred Seventy Two Thousand One Hundred and 00/100 (\$1,772,100.00), DOLLARS, in hand paid to the undersigned, Osgiliath, LLC (hereinafter referred to as "GRANTOR"), by Libertae Vitae, LLC (hereinafter referred to as "GRANTEE"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEE the following described real estate, located and situated in Shelby County, Alabama, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

SUBJECT TO:

1. All exceptions reflected in Exhibit "B" attached hereto and made a part hereof.

\$1,000,000.00 of the purchase price/consideration recited above was paid by a mortgage loan to National Bank of Commerce executed simultaneously with delivery of this Deed.

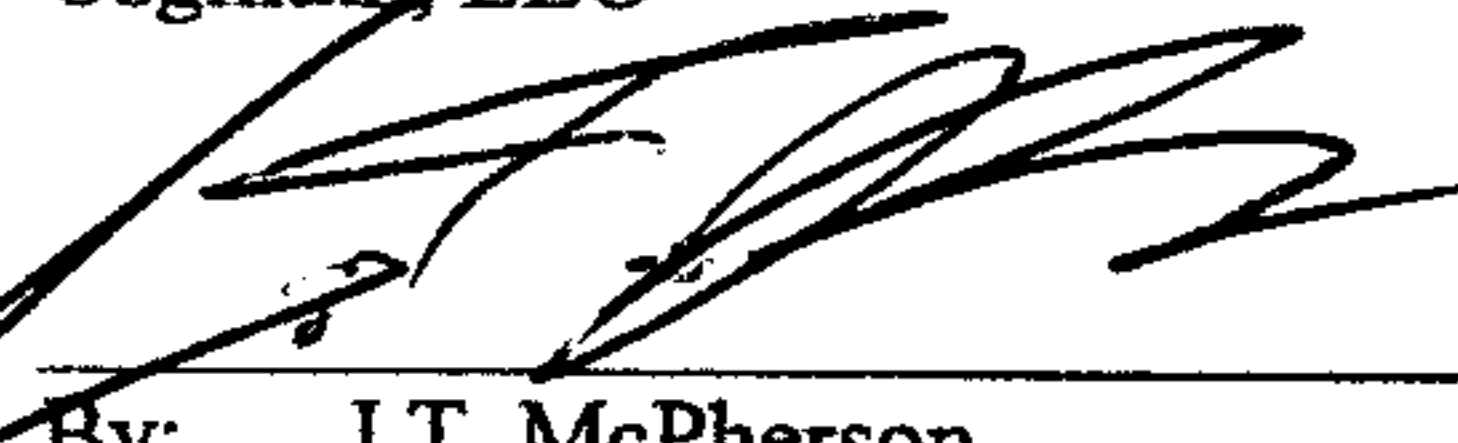
TO HAVE AND TO HOLD to the said above described property unto the said GRANTEE, together with all and singular the tenements, heriditaments and appurtenances thereunto belonging or in anywise appertaining and unto its successors and assigns forever.

GRANTEE does hereby acknowledge and assume all of the obligations of GRANTOR under the existing lease from GRANTOR to Chick-Fil-A, Inc., a Georgia Corporation, which is recorded in Instrument Number X in the Probate Office of Shelby County, Alabama. **20141017000328400**

GRANTEE understands that acceptance of this deed constitutes acceptance of all of the terms, conditions and obligations of all protective covenants and restrictions as set out on Exhibit "B" attached hereto.

8 IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal this day of October 2014.

Osgiliath, LLC

By:  (SEAL)
Its: J.T. McPherson
Sole Member and Manager

* Osgiliath, LLC was formerly known as MAC I, LLC.

Shelby County, AL 10/17/2014
State of Alabama
Deed Tax: \$772.50

THE STATE OF Texas)
COUNTY OF Dallas)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J.T. McPherson, whose name as Sole Member and Manager of Osgiliath, LLC, a(n) 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 document, he, as such member/manager 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 8 day of October 2014.

Carolina Diaz
NOTARY PUBLIC

My Commission Expires August 4, 2018

[SEAL]



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All that tract or parcel of land lying and being in Section 32, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Beginning at the intersection of the Northern right-of-way of US Hwy 280 and the western right-of-way of Cahaba Valley Rd. (Variable R/W); thence with said right-of-way of Cahaba Valley Rd.; thence N 22°00'33" E a distance of 98.95' to a point; thence leaving said right-of-way N 64°36'32" W a distance of 274.22' to a 1/2" rebar w/ cap found; thence S 21°17'19" W a distance of 216.44' to a 1/2" rebar w/ cap found along Northern right-of-way of US Hwy 280; thence with said right-of-way S 59°43'46" E a distance of 80.52' to a point; thence S 80°33'59" E a distance of 125.81' to a 1/2" rebar w/ cap found; thence 60°44'12" E a distance of 109.56' to the Point of Beginning.

Previously described as follows:

Commence at the Southwest corner of Section 32, Township 18 South, Range 1 West, Shelby County, Alabama; thence run North along the West line of said section for a distance of 1295.37 feet; thence run North 78°39'13" East for a distance of 590.19 feet to a concrete monument on the Northeasterly right of way of U.S. Highway No. 280 at station 181+00, said point being the point of beginning; from the point of beginning thus obtained run North 60°38'07" East along the Northwesterly right of way line of U.S. Highway No. 280 for a distance of 150.23 feet to a concrete monument on the Northwesterly right of way line of Alabama Highway No. 119 at station 13+24.60; thence run North 21°09'07" East along the Northwesterly right of way line of Alabama Highway No. 119 for a distance of 65.85 feet; thence run North 64°43'19" West for a distance of 298.82 feet; thence run South 21°09'07" West for a distance of 216.54 feet; thence run South 59°47'53" East along the Northeasterly right of way line of U.S. Highway No. 280 for a distance of 80.32 feet to a concrete monument at station 180+00; thence run South 80°42'35" East along the Northeasterly right of way line of U.S. Highway No. 280 for a distance of 125.89 feet to the point of beginning.

LESS AND EXCEPT that portion of the above property that was conveyed to the State of Alabama Department of Transportation in Instrument 20130801000313630 being more particularly described as follows:

A part of the NW ¼ of SW ¼, Section 32, Township 18-S, Range 1W, identified as Tract No. 13 on Project No NHF-0038() In Shelby County, Alabama and being more fully described as follows:

Commencing at a found capped rebar located on the southeast corner of the property referenced in Map Book 29, Page 1 in the Probate Office of Shelby County, thence S 64°34'46" E and along the grantor's north property line a distance of 274.21 feet to a point on the grantors said property line (said point on the acquired R/W line (said line offset 80' LT and parallel with centerline of project)), which is the point of BEGINNING; thence S 64°34'46" E and along the grantors said property line a distance of 24.08 feet to a point on the west present R/W line of SR-119; thence S 20°52'57" W and along the said present R-W line of SR-119 a distance of 65.85 feet to a point on the north present R/W flare of SR-38; thence S 60°46'11" W and along the said present R/W flare of SR-38 a distance of 40.54 feet to a point on the acquired R/W line (said point offset 80' LT and tied to the said present R/W flare of SR-38); thence N 22°2'4" E and along the acquired R/W line a distance of 98.89 feet to the point and place of BEGINNING.

Together with rights title and interest in and to that certain Access Easement Agreement between Bazaar 280, LLC, Osgiliath LLC and Chick-Fil-A, Inc, recorded in Instrument ~~20141017000328390~~, in the Probate Office of Shelby County, Alabama.

~~20141017000328390~~

5375 Hwy 280 Birmingham, AL 35242


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Restrictions appearing of record in Real 167, page 463, in the Probate Office of Shelby County, Alabama, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin.

Mineral and mining rights and rights incident thereto recorded in Book 167, page 463, in the Probate Office of Shelby County, Alabama.

Terms, provisions and conditions relating to Use and Operating Restrictions set forth in document recorded in Instrument 2001-02849, as affected by the terms set forth in that certain Waiver of Refusal Option and Conditional Waiver of Certain Use and Operating Restrictions recorded in Instrument 20121106000427510, in the Probate Office of Shelby County, Alabama.

Terms, provisions and conditions of Exhibit C to that certain deed by and between Spectrum Realty, Inc. and Circle K Stores, Inc., recorded in Instrument 20060622000298960, as affected by the terms set forth in that certain Waiver of Refusal Option and Conditional Waiver of Certain Use and Operating Restrictions recorded in Instrument 20121106000427510, in the Probate Office of Shelby County, Alabama.

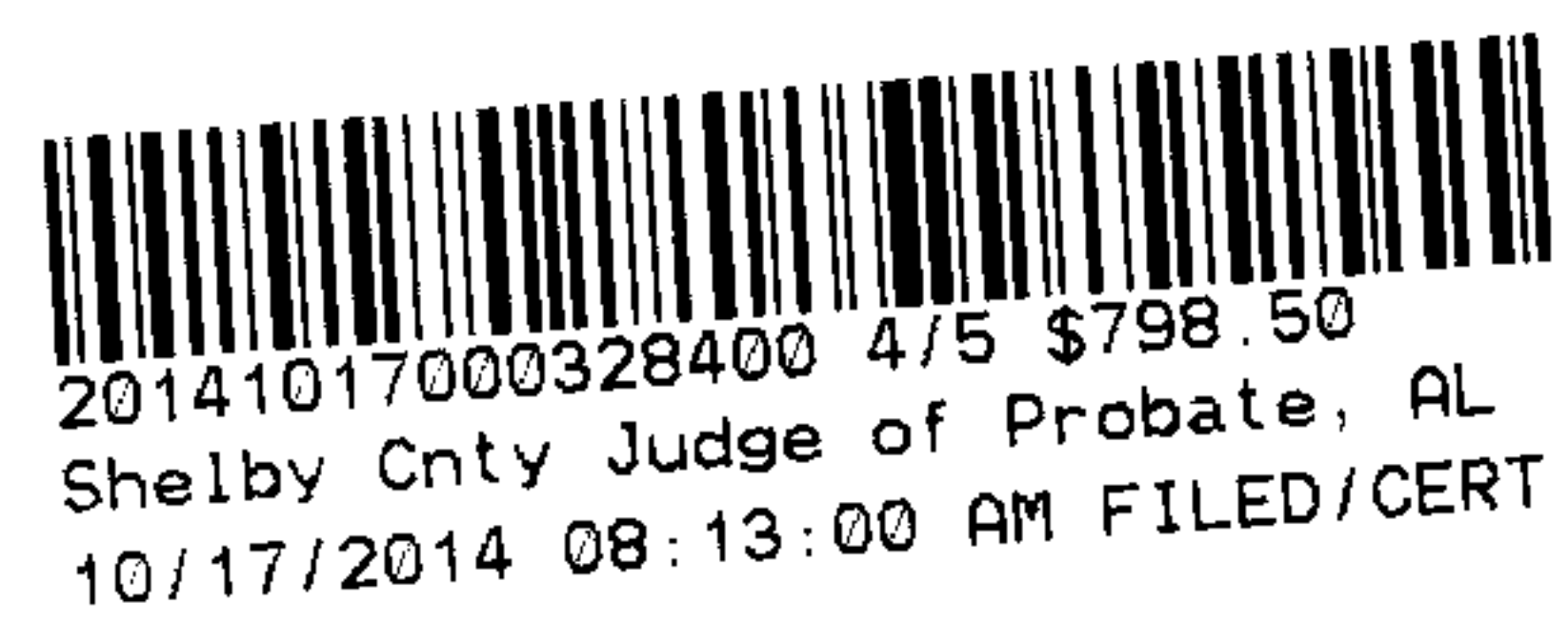
Declaration of Easements, Covenants and Restrictions as recorded in Instrument No. 20121106000427620, in the Probate Office of Shelby County, Alabama.

Subject to restrictive covenants set forth in that certain Memorandum of Lease executed by and between Orange-Hoover, LLC, as Landlord, and CVS, Inc., as Tenant, recorded November 6, 2012 in Instrument 20121106000427660, in the Probate Office of Shelby County, Alabama.

Right of Way granted to Alabama Power Company by instrument recorded in Instrument 20140428000125250 in the Probate Office of Shelby County, Alabama.

Rights of others in and to the use of the Access Easement Agreement between Bazaar 280, LLC, Osgiliath LLC and Chick-Fil-A, Inc, recorded in Instrument ~~X~~ _____, in the Probate Office of Shelby County, Alabama.

* 20141017000328390



REAL ESTATE SALES VALIDATION QUESTIONNAIRE

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name:

Osgiliath, LLC

Grantee's Name:

Libertae Vitae, LLC

Mailing Address:

5015 Addison Circle, St 279
Addison, TX 75001

Mailing Address:

3617 Cedar Lane
Farmers Branch, TX 75234-5204

Property Address:

5375 U.S. Hwy 280 East
Birmingham, AL 35242

Date of Sale: October 13, 2014

Total Purchase Price: \$ 1,772,100.00

or

Current Assessor's MV: \$1,772,100.00

Documentary Evidence provided:

☒ Closing Statement

☐ Bill of Sale

☐ Sales Contract

☐ Other: _____

Affidavit of Exception

Mark the appropriate situation upon which an exception is based.

When transfer of title to real estate or affidavit of equitable interest in real estate is made:

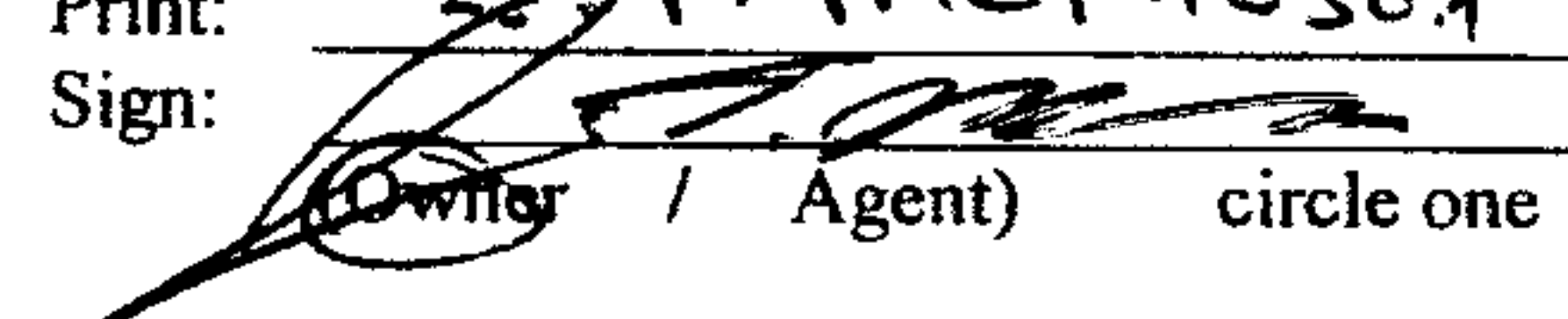
- ☐ Transfer of mortgage on real or personal property within this state upon which the mortgage tax has been paid.
- ☐ Deeds or instruments executed for a nominal consideration for the purpose of perfecting the title to real estate.
- ☐ Re-recording of corrected mortgage, deed, or instrument executed for the purpose of perfecting the title to real estate or personal property, specifically, but not limited to, corrections of maturity dates thereof, and deeds and other instruments or conveyances, executed prior to October 1923.
- ☐ Instrument conveying only leasehold easement, or licenses or the recordation of copies of instruments evidencing original transfers of title to land by the United States or the State of Alabama.

I hereby affirm that to the best of my knowledge and belief the information contained in this document is true and complete.

Date: October 8, 2014

Print:

Sign:

J.T. McPherson

(Owner / Agent) circle one



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