


*This instrument was prepared by:*  
Claude McCain Moncus, Esq.  
CORLEY MONCUS, P.C.  
728 Shades Creek Parkway, Suite 100  
Birmingham, Alabama 35209  
205.879.5959

Send Tax Notice To:  
The Mountain Lodge BAL, LLC  
400 Galleria Parkway, Suite 1140  
Atlanta, GA 30339

STATE OF ALABAMA                    )  
   :  
COUNTY OF SHELBY                )

  
20160602000188580 1/7 \$792.00  
Shelby Cnty Judge of Probate, AL  
06/02/2016 08:02:31 AM FILED/CERT

### STATUTORY WARRANTY DEED

**THIS STATUTORY WARRANTY DEED** executed and delivered as of the 23<sup>rd</sup> day of March, 2016, by **FDK, L.L.C.**, an Alabama limited liability company (the “Grantor”) to **THE MOUNTAIN LODGE BAL, LLC**, a Georgia limited liability company (the “Grantee”).

#### KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of Two Million Eight Hundred Sixty Thousand and no/100 Dollars (\$2,860,000.00) in hand paid by Grantee to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does by these presents grant, bargain, sell and convey unto Grantee that certain real property situated in Shelby County, Alabama, the following described property (the “Property”):

See attached Exhibit “A.”

**TOGETHER WITH** all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor in and to all roads, alleys and ways bounding the Property.

This conveyance is further subject to those matters set forth on Exhibit “B” attached hereto.

\$2,100,000.00 of the Purchase Price recited below was paid from the proceeds of a mortgage loan recorded simultaneously herewith.

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

The Grantor hereby covenants and agrees with Grantee, its successors and assigns, that the Grantor, its successors and assigns, will warrant and defend the Property against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under the Grantor, but not further or otherwise.

Shelby County, AL 06/02/2016  
State of Alabama  
Deed Tax: \$760.00

Pursuant to the provisions of the Code of Alabama § 40-22-1 (1975), the following information is offered in lieu of submitting Form RT-1:

Grantor's Name and Mailing Address:

FDK, L.L.C.  
c/o Jack Whitson Kidd  
6600 Walt Drive  
Birmingham, AL 35242

Grantee's Name and Mailing Address:

The Mountain Lodge BAL, LLC  
400 Galleria Parkway, Suite 1140  
Atlanta, GA 30339



20160602000188580 2/7 \$792.00  
Shelby Cnty Judge of Probate, AL  
06/02/2016 08:02:31 AM FILED/CERT

Property Address:

5429 Highway 280 East  
Birmingham, AL 35242

Purchase Price:

\$2,860,000.00

The Purchase Price of the Property can be verified by the Closing Statement.

*[Signature page to follow]*

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

**GRANTOR:**


FDK, L.L.C., an Alabama limited liability company

By: Jack Whitson Kidd

Name: Jack Whitson Kidd

Title: Authorized Member

STATE OF ALABAMA       )  
                                  :  
COUNTY OF JEFFERSON   )

  
20160602000188580 3/7 \$792.00  
Shelby Cnty Judge of Probate, AL  
06/02/2016 08:02:31 AM FILED/CERT

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Jack Whitson Kidd, the Manager of FDK, L.L.C., an Alabama limited liability company, whose name 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 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 the 19<sup>th</sup> day of May, 2016.

[NOTARY SEAL]


Kenneth Baker Findley  
NOTARY PUBLIC  
My Commission Expires: 6.24.18

KENNETH BAKER FINDLEY  
Notary Public, Alabama State At Large  
My Commission Expires June 24, 2018



**EXHIBIT "A"**

**[Legal Description]**

  
20160602000188580 4/7 \$792.00  
Shelby Cnty Judge of Probate, AL  
06/02/2016 08:02:31 AM FILED/CERT

**PROPERTY LEGAL**

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 1 WEST, SHELBY COUNTY ALABAMA; THENCE RUN NORTH 86 DEGREES 43 MINUTES 38 SECONDS EAST ALONG THE NORTH LINE OF SAID QUARTER-QUARTER SECTION LINE FOR A DISTANCE OF 333.88 FEET; THENCE SOUTH 71 DEGREES 31 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 100.20 FEET; THENCE RUN SOUTH 23 DEGREES 59 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 260.63 FEET; THENCE RUN SOUTH 71 DEGREES 19 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 261.47 FEET; THENCE RUN SOUTH 23 DEGREES 55 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 14.31 FEET; THENCE RUN SOUTH 71 DEGREES 24 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 261.73 FEET TO A POINT; THENCE RUN 24 DEGREES 50 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 130.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 24 DEGREES 50 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 97.62 FEET; THENCE RUN SOUTH 26 DEGREES 37 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 226.72 FEET TO THE CENTERLINE OF A CREEK AS SHOWN ON USW SUBDIVISION AND IS RECORDED IN MAP BOOK 14, PAGE 80 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE RUN ALONG SAID CENTERLINE BY THE FOLLOWING DESCRIBED COURSES; THENCE RUN NORTH 35 DEGREES 50 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 64.67 FEET; THENCE RUN NORTH 10 DEGREES 27 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 13.24 FEET; THENCE RUN NORTH 64 DEGREES 39 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 10.39 FEET; THENCE RUN NORTH 63 DEGREES 17 MINUTES 11 SECONDS WEST FOR A DISTANCE OF 10.75 FEET; THENCE RUN SOUTH 63 DEGREES 19 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 10.92 FEET; THENCE RUN NORTH 73 DEGREES 35 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 12.11 FEET; THENCE RUN NORTH 17 DEGREES 02 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 7.18 FEET; THENCE RUN NORTH 37 DEGREES 45 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 17.71 FEET; THENCE RUN NORTH 59 DEGREES 12 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 20.62 FEET; THENCE RUN NORTH 45 DEGREES 12 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 28.09 FEET; THENCE RUN NORTH 87 DEGREES 59 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 20.59 FEET; THENCE RUN NORTH 51 DEGREES 43 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 26.76 FEET; THENCE RUN NORTH 24 DEGREES 40 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 25.49 FEET; THENCE RUN NORTH 08 DEGREES 02 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 12.43 FEET; THENCE RUN NORTH 82 DEGREES 00 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 26.34 FEET; THENCE RUN NORTH 32 DEGREES 40 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 22.77 FEET; THENCE RUN NORTH 60 DEGREES 33 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 19.70 FEET; THENCE RUN SOUTH 78 DEGREES 46 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 12.33 FEET; THENCE RUN NORTH 44 DEGREES 56 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 20.92 FEET; THENCE RUN NORTH 88 DEGREES 15 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 11.94 FEET; THENCE RUN SOUTH 49 DEGREES 01 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 23.71 FEET; THENCE RUN SOUTH 41 DEGREES 29 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 29.53 FEET; THENCE RUN NORTH 59 DEGREES 21 MINUTES 24 SECONDS WEST FOR A DISTANCE OF





16.97 FEET; THENCE RUN NORTH 54 DEGREES 34 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 30.16 FEET; THENCE RUN SOUTH 85 DEGREES 48 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 19.77 FEET; THENCE RUN NORTH 36 DEGREES 44 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 42.66 FEET; THENCE RUN NORTH 40 DEGREES 17 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 18.80 FEET; THENCE RUN NORTH 35 DEGREES 26 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 4.99 FEET AND THE END OF SAID CREEK CENTERLINE COURSE; THENCE RUN SOUTH 87 DEGREES 22 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 85.62 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO 280; THENCE RUN IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY FOR A DISTANCE OF 16.99 FEET (SAID HIGHWAY RIGHT-OF-WAY LINE BEING SITUATED ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00 DEGREES 19 MINUTES 51 SECONDS HAVING A RADIUS OF 2,944.79 FEET A CHORD OF 16.99 FEET AND A CHORD BEARING OF NORTH 21 DEGREES 36 MINUTES 19 SECONDS WEST; THENCE RUN NORTH 68 DEGREES 13 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 30.00 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE LEFT; THENCE RUN IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 116.72 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 50 DEGREES 45 MINUTES 00 SECONDS AND A RADIUS OF 131.77 FEET, A CHORD OF 112.94 FEET AND A CHORD BEARING OF NORTH 42 DEGREES 51 MINUTES 14 SECONDS EAST; THENCE RUN NORTH 17 DEGREES 28 MINUTES 44 SECONDS EAST ALONG THE TANGENT IF EXTENDED FROM SAID CURVE FOR A DISTANCE OF 153.42 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE RIGHT, SAID CURVE HAVING A LENGTH OF 2.00 FEET, A CENTRAL ANGLE OF 00 DEGREES 34 MINUTES 43 SECONDS AND RADIUS OF 198.00 FEET AND A CHORD BEARING OF NORTH 17 DEGREES 46 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 2.00 FEET; THENCE RUN IN A SOUTHEASTERLY DIRECTION SOUTH 61 DEGREES 36 MINUTES 29 SECONDS EAST A DISTANCE OF 508.90 FEET TO THE POINT OF BEGINNING.  
SAID PARCEL CONTAIN 3.17 ACRES.

#### EASEMENT LEGAL

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN NORTH 86 DEGREES 43 MINUTES 38 SECONDS EAST ALONG THE NORTH LINE OF SAID QUARTER-QUARTER FOR A DISTANCE OF 333.88 FEET; THENCE RUN SOUTH 71 DEGREES 31 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 100.20 FEET; THENCE RUN SOUTH 23 DEGREES 59 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 260.63 FEET TO A POINT; THENCE RUN SOUTH 71 DEGREES 19 MINUTES 30 SECONDS EAST A DISTANCE OF 261.47 FEET TO A POINT; THENCE RUN 23 DEGREES 55 MINUTES 20 SECONDS WEST A DISTANCE OF 14.31 FEET TO A POINT; THENCE 71 DEGREES 24 MINUTES 36 SECONDS EAST A DISTANCE OF 261.73 FEET TO A POINT; THENCE SOUTH 24 DEGREES 50 MINUTES 46 SECONDS WEST A DISTANCE OF 130.00 FEET TO A POINT; THENCE RUN SOUTH 61 DEGREES 36 MINUTES 29 SECONDS EAST A DISTANCE OF 492.37 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;


THENCE FROM SAID POINT OF BEGINNING RUN ALONG A CURVE TO THE LEFT A DISTANCE OF 0.42 FEET, SAID CURVE HAVING A RADIUS OF 183.00, A CHORD OF 0.42 FEET AND A CHORD BEARING OF SOUTH 16 DEGREES 43 MINUTES 43 SECONDS WEST;



THENCE RUN SOUTH 17 DEGREES 28 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 153.42 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 50 DEGREES, A RADIUS OF 146.77 FEET, A CHORD OF 125.79 AND A CHORD BEARING OF SOUTH 42 DEGREES 51 MINUTES 14 SECONDS WEST; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 130.00 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 68 DEGREES 13 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 30.04 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280, SAID RIGHT OF WAY BEING SITUATED ON A CURVE TO THE LEFT AND HAVING A CENTRAL ANGLE OF 00 DEGREES 35 MINUTES 01 SECONDS, A RADIUS OF 2944.79 FEET, A CHORD OF 30.00 FEET AND A CHORD BEARING OF NORTH 21 DEGREES 46 MINUTES 15 SECONDS WEST; THENCE RUN ALONG THE ARC OF SAID CURVE AND THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 FOR A DISTANCE OF 30.00 FEET; THENCE RUN NORTH 68 DEGREES 13 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 30.04 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 50 DEGREES 45 MINUTES, A RADIUS OF 116.77 FEET, A CHORD OF 100.08 FEET AND A CHORD BEARING OF NORTH 42 DEGREES 51 MINUTES 14 SECONDS EAST; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 103.43 FEET TO THE END OF SAID CURVE; THENCE RUN NORTH 17 DEGREES 28 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 153.42 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 16 DEGREES 10 MINUTES 47 SECONDS, A RADIUS OF 213.00 FEET, A CHORD OF 59.95 FEET AND A CHORD BEARING OF NORTH 25 DEGREES 45 MINUTES 08 SECONDS EAST; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 60.15 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 71 DEGREES 29 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 29.61 FEET TO A POINT; THENCE RUN ALONG A CURVE TO THE LEFT A DISTANCE OF 59.33 FEET, SAID CURVE HAVING A RADIUS OF 183.00, A CHORD OF 59.07 FEET AND A CHORD BEARING OF SOUTH 26 DEGREES 04 MINUTES 59 SECONDS WEST TO A POINT; SAID POINT BEING THE POINT OF BEGINNING.

**EXHIBIT "B"**

**[Permitted Exceptions]**

  
20160602000188580 7/7 \$792.00  
Shelby Cnty Judge of Probate, AL  
06/02/2016 08:02:31 AM FILED/CERT

1. Taxes or assessments for 2016 and subsequent years not yet due and payable.
2. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records.
3. Terms, conditions and obligations of Road Maintenance Agreement recorded in Instrument No. 1997-28547 and re-recorded in Instrument No. 1997-30269.
4. Easement granted Alabama Power Company by instrument recorded in Volume 160, Page 403.
5. Easement granted Alabama Power Company by instrument recorded in Volume 173, Page 191.
6. Right of way granted Shelby County by instrument recorded in Volume 95, Page 530.  
Easement granted the Water Works and Sewer Board of the City of Birmingham by instrument recorded in Instrument No. 20021028000531260.
7. Grant of Easement from Eastwood Mini Storage Company in favor of Jack Whitson Kidd recorded in Instrument No. 1997-28141.
8. Easement for ingress and egress granted Sovran Acquisition Limited Partnership granted in Deed recorded in Instrument No. 1998-12011.
9. Easement for ingress and egress granted JWK, LLC in Ground Lease recorded in Instrument No. 20030522000319250.
10. Grant of Easement by FDK, L.L.C. in favor of AJK, LLC and Eastwood Mini Storage Company recorded in Instrument No. 20081217000467400.