

This instrument was prepared by:  
Clayton T. Sweeney, Attorney  
2700 Highway 280 East, Suite 160  
Birmingham, AL 35223

Send Tax Notice To:  
New Castle Development, LLC  
3978 Parkwood Road SE  
Bessemer, AL 35023

STATE OF ALABAMA )

**STATUTORY WARRANTY DEED**

COUNTY OF SHELBY )

**KNOW ALL MEN BY THESE PRESENTS:** That, for and in consideration of **Four Million Eight Hundred Forty Thousand and 00/100 (\$4,840,000.00)**, and other good and valuable consideration, this day in hand paid to the undersigned **HIGHPOINTE INVESTMENTS, LLC, an Alabama limited liability company**, (hereinafter referred to as GRANTORS), in hand paid by the GRANTEE herein, the receipt whereof is hereby acknowledged, the GRANTORS do hereby give, grant, bargain, sell and convey unto the GRANTEE, **NEWCASTLE DEVELOPMENT, LLC, an Alabama limited liability company**, (hereinafter referred to as GRANTEE), its successors and assigns, the following described Real Estate, lying and being in the County of **SHELBY**, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION

Subject To:

- 1) Ad valorem taxes for 2016 and subsequent years not yet due and payable until October 1, 2016.
- 2) Existing covenants and restrictions, easements, building lines and limitations of record.
- 3) Mineral and mining rights not owned by grantor.
- 4) Less and except any part of the subject property lying north and east of Eagle Point Drive Easement as set forth in Map Book 22, Page 43 and Map Book 14, Page 118.
- 5) Right-of-way granted to Alabama Power Company recorded in Volume 111, Page 408 and Volume 273, Page 201, in said Probate Office.
- 6) Declaration of Easements, Covenants, and Restrictions for Griffin Park at Eagle Point filed for record in Instrument No. 20160620000210350, in said Probate Office.
- 7) Easement from Highpointe Investments, LLC to NewCastle Development, LLC for Access Road as recorded in Instrument No. 20160620000210340, in said Probate Office.

The Grantor is the Developer under the Declaration of Easements, Covenants and Restrictions for Griffin Park at Eagle Point, in the Probate Office of Shelby County, Alabama (the "Covenants"). In accordance with Section 13.17 of the Covenants, Grantor hereby assigns to Grantee with respect to the property herein conveyed (the "Lots" or "Tracts") the Developer's rights under Section 6.3 of the Covenants so that the Lots or Tracts shall be deemed to be owned by the Developer pursuant to Section 6.3 of the Covenants and each Lot or Tract shall be exempt from Assessments (as defined in the Covenants) until the sooner of either (i) the conveyance of the Lot to a person other than the Developer at which time the Assessments shall commence on the Lot or Tract so conveyed in

accordance with Section 6.3 of the Covenants or (ii) the Developer elects to pay Common Area Assessments and Sector Assessments on the Lots or Tracts owned by the Developer in accordance with Section 6.3 of the Covenants at which time Assessments shall commence on all of the Lots then owned by Grantee; Except for the limited assignment of rights herein set forth, the Grantee shall have no other rights of the Developer under the Covenants with respect to the Lots, Tracts or otherwise.

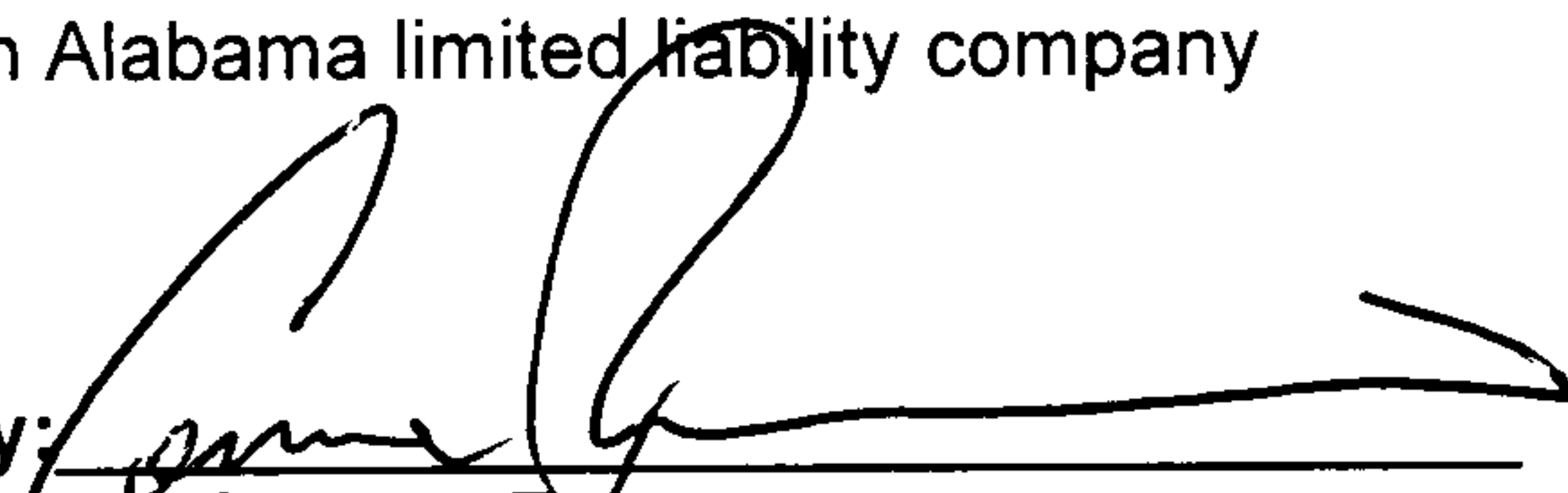
\$3,200,000.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

This instrument is executed as required by the Articles of Organization and Operational Agreement of said LLC and same have not been modified or amended.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEE, its successors and assigns forever.

IN WITNESS WHEREOF, said GRANTOR has through its duly authorized member hereunto set its hand and seal this the 15<sup>th</sup> day of June, 2016.

**HIGHPOINTE INVESTMENTS, LLC**  
An Alabama limited liability company

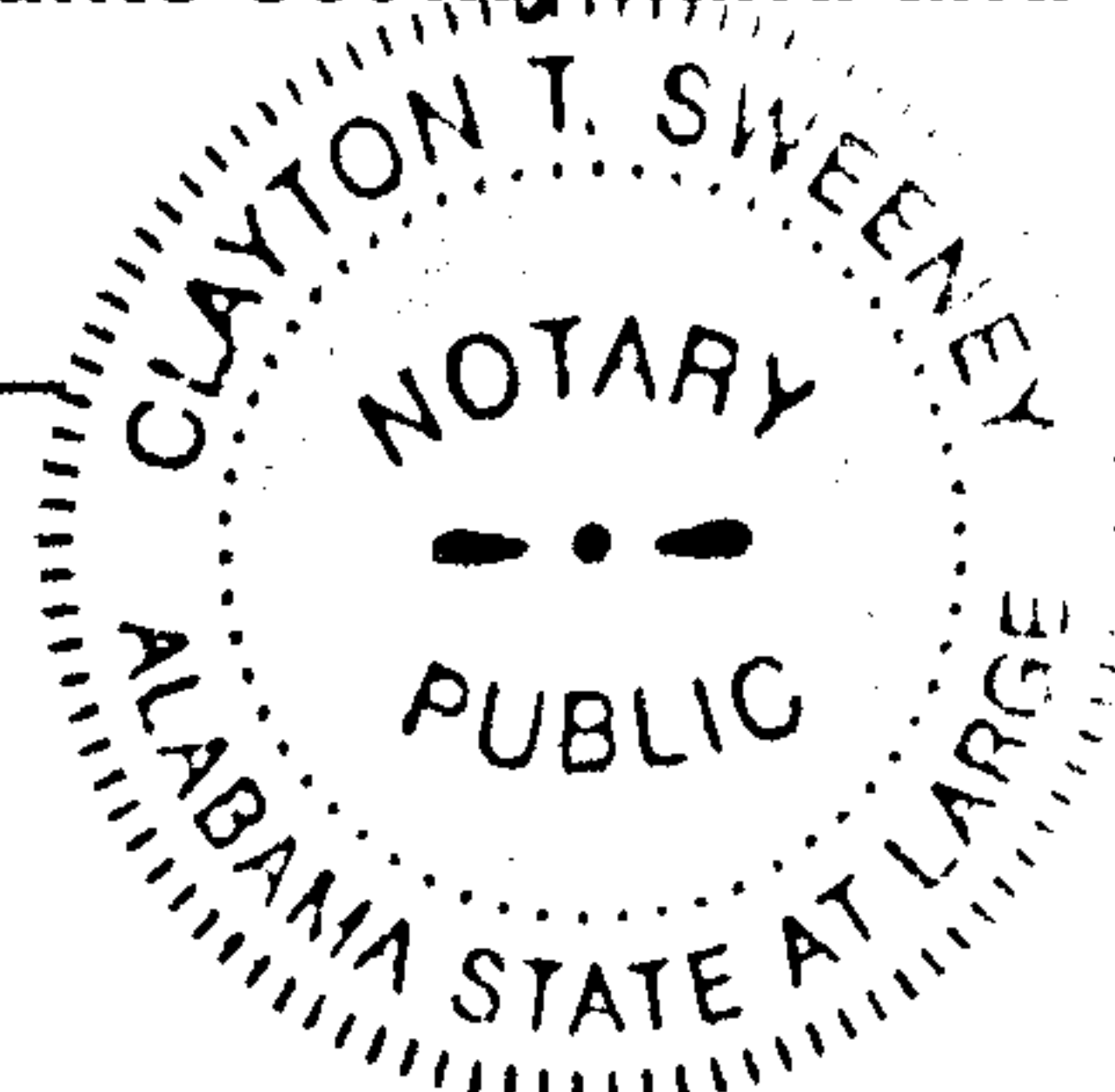
By:   
Its: **Connor Farmer**  
**Member**

STATE OF ALABAMA       )  
                                     :  
COUNTY OF JEFFERSON   )

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Connor Farmer, whose name as Member of Highpointe Investments, LLC, 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 the Instrument, he as such Member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 15<sup>th</sup> day of June, 2016.

  
NOTARY PUBLIC  
My Commission Expires: 06/02/2019




  
20160620000210360 2/5 \$1666.00  
Shelby Cnty Judge of Probate, AL  
06/20/2016 08:11:23 AM FILED/CERT



EXHIBIT "A"

A parcel of land situated in Sections 5, 7, and 8, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

BEGIN at a cross at the SW corner of the SE 1/4 of the SW 1/4 of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama; thence N 07°52'52" E a distance of 125.49 feet to a point; thence S 88°21'30" E a distance of 84.09 feet to a point on the southwestern right-of-way of Eagle Point Drive, said point also being a point on a non-tangent curve to the right having a central angle of 06°31'41" and a radius of 445.00 feet, said curve subtended by a chord bearing N 07°15'28" E and a chord distance of 50.67 feet; thence along the arc of said curve and along said right-of-way a distance of 50.70 feet; thence N 10°31'18" E along said right-of-way a distance of 106.28 feet to a point of curve to the left having a central angle of 101°36'07" and a radius of 270.00 feet, said curve subtended by a chord bearing N 40°16'46" W and a chord distance of 418.48 feet; thence along the arc of said curve and along said right-of-way a distance of 478.79 feet to a point; thence S 88°55'11" W along said right-of-way a distance of 629.71 feet to a point of curve to the left having a central angle of 49°52'28" and a radius of 398.90 feet, said curve subtended by a chord bearing S 63°58'57" W and a chord distance of 336.37 feet; thence along the arc of said curve and along said right-of-way a distance of 347.23 feet to a point; thence S 39°02'42" W along said right-of-way a distance of 108.74 feet to a point; thence S 27°49'31" W and leaving said right-of-way a distance of 384.55 feet to a point; thence S 39°24'53" W along the eastern line of lot 30 of Eagle Point 12th Sector Phase I as recorded in Map Book 22 Page 433 in the office of the Judge of Probate in Shelby County, Alabama, a distance of 150.77 feet to a point; thence S 32°45'09" W along said lot 30 and lot A of Resurvey Lots 1 & 2 Eagle Point 12th Sector Phase I as recorded in Map Book 31 Page 133, a distance of 238.27 feet to a point; thence S 16°50'10" W along said Lot A and Lot 3 of Eagle Point 12th Sector Phase I, a distance of 179.02 feet to a point; thence S 71°52'25" E a distance of 369.43 feet to a point; thence S 56°32'34" E a distance of 48.01 feet to a point; thence S 27°08'36" W a distance of 199.74 feet to a point; thence S 62°51'24" E a distance of 149.87 feet to a point; thence S 83°30'52" E a distance of 66.10 feet to a point; thence S 84°18'19" E a distance of 160.00 feet to a point; thence S 05°41'41" W a distance of 10.00 feet to a point; thence S 88°21'22" E a distance of 71.74 feet to a point; thence N 81°41'33" E a distance of 237.25 feet to a point; thence N 08°18'27" W a distance of 10.00 feet to a point; thence N 81°41'33" E a distance of 85.90 feet to a point; thence N 87°38'26" E a distance of 88.81 feet to a point; thence N 90°00'00" E a distance of 82.07 feet to a point; thence N 00°55'30" E a distance of 101.92 feet to a point; thence N 45°37'43" E a distance of 197.86 feet to a point; thence N 47°26'59" E a distance of 99.78 feet to a point; thence N 57°38'23" W a distance of 221.37 feet to a point; thence N 50°42'32" W a distance of 65.82 feet to a point; thence N 35°41'34" E a distance of 377.45 feet to a point; thence N 70°35'14" E a distance of 193.87 feet to the POINT OF BEGINNING.

Together with a non-exclusive easement as set out in that Easement from Highpointe Investments, LLC in favor of Newcastle Development, LLC, as recorded in 20160620000210360, Shelby County Probate Office, Alabama, for ingress, egress, utilities and drainage to be used as an access road or right of way over the following described property strip of land, commonly referred to as an extension of "Eagle Point Parkway" to-wit:

A parcel of land situated in the SW 1/4 of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a cross at the SW corner of the SE 1/4 of the SW 1/4 of Section 5, Township 19 South, Range 1 West, Shelby County, Alabama; thence N 07°52'52" E a distance of 125.49 feet to a point; thence S 88°21'30" E a distance of 84.09 feet to a point on the westerly right-of-way of Eagle Point Drive said point also being on a non-tangent curve to the left having a central angle of 21°34'54" and a radius of 445.00 feet, said curve subtended by a chord bearing S 06°47'50" E and a chord distance of 166.63 feet; thence along the arc of said curve and along said right-of-way a distance of 167.62 feet to a point; thence S 17°35'17" E a distance of 254.22 feet to the POINT OF BEGINNING, said point also being a point of curve to the right having a central angle of 107°04'26" and a radius of 25.00 feet, said curve subtended by a chord bearing S 35°56'56" W and a chord distance of 40.21 feet;



thence along the arc of said curve and leaving said right-of-way a distance of 46.72 feet; thence S 89°29'09" W a distance of 39.53 feet to a point of curve to the left having a central angle of 42°02'10" and a radius of 180.00 feet, said curve subtended by a chord bearing S 68°28'04" W and a chord distance of 129.12 feet; thence along the arc of said curve a distance of 132.06 feet to a point; thence S 47°26'59" W a distance of 243.93 feet to a point; thence S 47°26'59" W a distance of 99.78 feet to a point; thence S 45°37'43" W a distance of 82.15 feet to a point on a curve to the right having a central angle of 12°12'06" and a radius of 270.00 feet, said curve subtended by a chord bearing S 42°16'18" E and a chord distance of 57.39 feet; thence along the arc of said curve a distance of 57.50 feet to a point; thence N 47°26'59" E a distance of 426.09 feet to a point of curve to the right having a central angle of 42°02'10" and a radius of 120.00 feet; thence along the arc a distance of 88.04 feet; thence N 89°29'09" E a distance of 61.69 feet to a point; thence S 60°12'13" E a distance of 29.79 feet to a point on the westerly right-of-way of Eagle Point Drive said point also being on a non-tangent curve to the left having a central angle of 19°10'43" and a radius of 169.19 feet, said curve subtended by a chord bearing N 08°47'57" W and a chord distance of 56.37 feet; thence along the arc of said curve and along said right-of-way a distance of 56.63 feet to a point; thence N 17°35'17" W along said right-of-way a distance of 53.97 feet to the POINT OF BEGINNING.



20160620000210360 4/5 \$1666.00  
Shelby Cnty Judge of Probate, AL  
06/20/2016 08:11:23 AM FILED/CERT

# Real Estate Sales Validation Form

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

Grantor's Name Highpointe Investments, LLC

Grantee's Name

Newcastle Development, LLC

Mailing Address 120 Bishop Circle  
Pelham, AL 35124

Mailing Address 3978 Parkwood Road SE  
Bessemer, AL 35023

Property Address Approximately 38.96 acres metes and  
bounds

Date of Sale June 15, 2016

Total Purchase Price \$4,840,000.00

or

Actual Value \$

or

Assessor's Market Value \$

The purchase price or actual value claimed on this form can be verified in the following documentary evidence:  
(check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale

☐ Sales Contract

☒ Closing Statement

☐ Appraisal/ Assessor's Appraised Value

☐ Other – property tax redemption

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

## Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available. Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date \_\_\_\_\_

Highpointe Investments, LLC

Print By: Connor Farmer Member

Unattested

(verified by)

Sign

(Grantor/Grantee/Owner/Agent) circle one

