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This instrument was prepared by:  
Page, Scrantom, Sprouse,  
Tucker & Ford, P.C.  
Attn: George W. Mize, Jr.  
P.O. Box 1199  
Columbus, GA 31902

and should be returned to:

Westdale Asset Management, Ltd.  
2550 Pacific Avenue, Suite 1600  
Dallas, Texas 75226

Parcel ID #14-4-19-3-001-009.008 and 14-9-30-0-000-002.039

### **SPECIAL WARRANTY DEED**

**THIS INDENTURE** is made as of the 30th day of June, 2021, by and between **THE GRAND RESERVE AT PELHAM, LLC**, an Alabama limited liability company (the "**Grantor**"), whose street address is 10 Grand Reserve Drive, Pelham, Alabama, and **WESTDALE GRAND PELHAM, LLC**, a Delaware limited liability company (the "**Grantee**"), whose street address is 2550 Pacific Avenue, Suite 1600, Dallas, Texas.

The Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantee, all of the land situated, lying and being in Shelby County, Alabama described in **Exhibit A** attached to and by reference made a part of this Special Warranty Deed (the "Property").

Together with all and singular the rights, benefits, privileges, easements, tenements, interests, hereditaments, and appurtenances pertaining to such real property, including any and all improvements and fixtures currently attached to and located thereon.

**TO HAVE AND TO HOLD THE SAME** in fee simple forever.

The Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Property is free and clear of all encumbrances except for the Permitted Exceptions

listed on **Exhibit B** attached to and made a part of this Special Warranty Deed, without reimposing the same; that the Grantor has good right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever, lawfully claiming or to claim the same or any part thereof, by, through or under the Grantor, but not otherwise.

**IN WITNESS WHEREOF**, Grantor has executed and sealed this Special Warranty Deed, and delivered this Special Warranty Deed to Grantee, all the day and year first written above.

**SELLER:**

**THE GRAND RESERVE AT PELHAM, LLC,**  
an Alabama limited liability company

By: \_\_\_\_\_

Name: Juston Trimback

Title: Member and Manager


STATE OF ALABAMA )

:

RUSSELL COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Juston Trimback, whose name as a member and manager of The Grand Reserve at Pelham, 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 said instrument, he, as such duly authorized member and manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

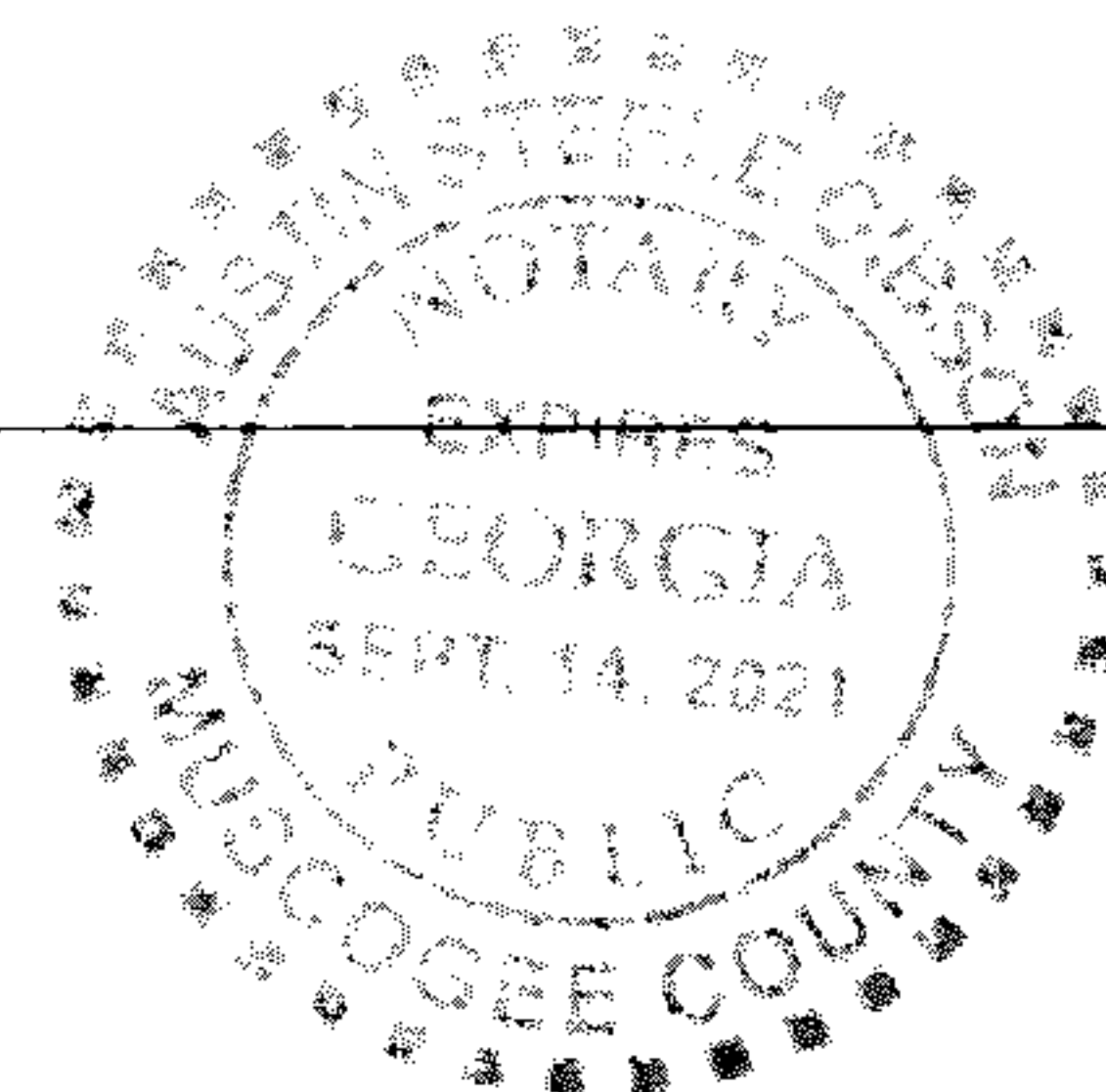
Given under my hand and official seal this 30th day of June, 2021.

\_\_\_\_\_  


Notary Public

[NOTARIAL SEAL]

My commission expires: \_\_\_\_\_



**EXHIBIT "A"**

**Property Description**

LOT 1, ACCORDING TO THE SURVEY OF COLE & AWTREY RESURVEY, AS RECORDED IN MAP BOOK 44, PAGE 9, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 20 SOUTH, RANGE 2 WEST AND THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 20 SOUTH, RANGE 2 WEST, PELHAM, SHELBY COUNTY, ALABAMA, RUN NORTH 89 DEGREES 58 MINUTES 11 SECONDS EAST 646.41 FEET TO AN IRON PIN SET ON THE EAST RIGHT-OF-WAY OF HUNTLEY PARKWAY, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 58 MINUTES 11 SECONDS EAST 661.52 FEET TO AN IRON PIN SET; THENCE NORTH 00 DEGREES 03 MINUTES 55 SECONDS WEST 384.15 FEET TO AN IRON PIN SET; THENCE SOUTH 89 DEGREES 45 MINUTES 50 SECONDS WEST 622.80 FEET TO AN IRON PIN SET ON THE EAST RIGHT-OF-WAY OF HUNTLEY PARKWAY; THENCE ALONG THE EAST RIGHT-OF-WAY OF HUNTLEY PARKWAY, NORTH 00 DEGREES 14 MINUTES 10 SECONDS WEST 206.44 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE NORTH 89 DEGREES 45 MINUTES 50 SECONDS EAST 239.44 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE SOUTH 00 DEGREES 14 MINUTES 10 SECONDS EAST 90.46 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE NORTH 89 DEGREES 45 MINUTES 50 SECONDS EAST 515.54 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE SOUTH 00 DEGREES 03 MINUTES 55 SECONDS EAST 500.65 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS WEST 74.57 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST 32.26 FEET TO A NAIL FOUND IN A 15" OAK TREE; THENCE SOUTH 00 DEGREES 28 MINUTES 44 SECONDS WEST 1310.93 FEET TO A REBAR & CAP IRON PIN FOUND; THENCE NORTH 89 DEGREES 52 MINUTES 41 SECONDS WEST 296.33 FEET TO A REBAR & CAP IRON PIN FOUND ON THE EAST RIGHT-OF-WAY OF HUNTLEY PARKWAY; THENCE ALONG THE EAST RIGHT-OF-WAY OF HUNTLEY PARKWAY, THE FOLLOWING SEVEN (7) CALLS: 1) NORTH 01 DEGREE 09 MINUTES 05 SECONDS EAST 72.07 FEET TO AN IRON PIN SET; 2) AS IT CURVES, CONCAVE WESTERLY, HAVING A CHORD BEARING AND DISTANCE OF NORTH 08 DEGREES 47 MINUTES 53 SECONDS WEST 183.05 FEET, AN ARC LENGTH OF 183.97 FEET AND A RADIUS OF 530.00 FEET TO A REBAR & CAP IRON PIN FOUND; 3) THENCE NORTH 18 DEGREES 44 MINUTES 32 SECONDS WEST 329.31 FEET TO AN IRON PIN SET; 4) AS IT CURVES, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING AND DISTANCE OF NORTH 25 DEGREES 57 MINUTES 06 SECONDS WEST 161.32 FEET, AN ARC LENGTH OF 161.75 FEET AND A RADIUS OF 642.74 FEET TO AN IRON PIN SET; 5) THENCE NORTH 33 DEGREES 09 MINUTES 40 SECONDS WEST 85.91 FEET TO AN IRON PIN SET; 6) THENCE AS IT CURVES, CONCAVE NORTHEASTERLY, HAVING A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES 22 MINUTES 46 SECONDS WEST 212.00 FEET, AN ARC LENGTH OF 212.50 FEET AND A RADIUS OF 897.56 FEET TO A REBAR & CAP IRON PIN FOUND; AND 7) THENCE AS IT CURVES, CONCAVE EASTERLY, HAVING A CHORD BEARING AND DISTANCE OF NORTH 05 DEGREES 54 MINUTES 37 SECONDS WEST 340.72 FEET, AN ARC LENGTH OF 343.98 FEET AND A RADIUS OF 720.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 18.5 ACRES.

TOGETHER WITH THE NON-EXCLUSIVE RIGHT TO THE USE AND BENEFIT OF THE RETENTION AREA EASEMENT RESERVED IN THAT CERTAIN STATUTORY WARRANTY DEED RECORDED IN INSTRUMENT 20040610000314510, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

FURTHER TOGETHER WITH THE RIGHTS AND EASEMENTS GRANTED IN THAT CERTAIN EASEMENT AGREEMENT DATED EFFECTIVE FEBRUARY 4, 2015, BY AND BETWEEN COLE INVESTMENT REALTY, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AND THE GRAND RESERVE AT PELHAM, LLC, AN ALABAMA LIMITED LIABILITY COMPANY, AND RECORDED IN INSTRUMENT 20150205000039130, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.



**EXHIBIT "B"**

**Permitted Encumbrances**

1. Taxes for 2021 and for all subsequent years, and any additional taxes, which may result from reassessment of the captioned property are an inchoate lien and not yet due and payable.
2. Any minerals or mineral rights leased, granted or retained by prior owners.
3. Rights of tenants, as tenants only, with no options to purchase or rights of first refusal, under unrecorded, written leases or rental agreements as set forth on the closing date rent roll approved by Purchaser.
4. Line Permit granted to Alabama Power Company by instrument dated July 10, 1946, recorded in **Volume 126, Page 299**, in the Probate Office of Shelby County, Alabama.
5. Line Permit granted to Alabama Power Company by instrument dated July 13, 1946, recorded in and **Volume 126, Page 301**, in the Probate Office of Shelby County, Alabama.
6. Terms and conditions pertaining to drainage easement rights established in Statutory Warranty Deed between C&A Enterprises, L.L.C. and Huntley Hall Apartments, Ltd., dated June 10, 2004, recorded in **Instrument 2004061000314510** in the Office of the Judge of Probate of Shelby County, Alabama, and shown on the ALTA/NSPS Land Title Survey by Eddie A. Eubanks, AL PLS No. 24328 with Barrett-Simpson, Inc., Project No. 16-0100, dated April 27, 2021, last revised \_\_\_\_\_, 2021.
7. Maintenance Agreement between Sharp Pelham, LLC and the City of Pelham, dated November 15, 2007, recorded in **Instrument 20071127000539670**, and refiled in **Instrument 20071217000568150**, in the Probate Office of Shelby County, Alabama, as shown on that certain survey entitled "Plat of ALTA/NSPS Land Title Survey for The Grand Reserve at Pelham, LLC, Lot 1, Cole & Awtrey Survey, MB. 44, Pg. 9, Located in the Southwest 1/4 of Section 19 & the Northwest 1/4 of Section 30, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama," dated March 26, 2016, last revised April 22, 2016, prepared by Barrett-Simpson, Inc. and shown on the ALTA/NSPS Land Title Survey by Eddie A. Eubanks, AL PLS No. 24328 with Barrett-Simpson, Inc., Project No. 16-0100, dated April 27, 2021, last revised \_\_\_\_\_, 2021.
8. Declaration of Restrictions, Covenants and Conditions and Grant of Easements by Sharp Pelham, LLC, dated June 4, 2008, recorded in **Instrument 20080616000243120**, and First Amendment to Declaration dated June 20, 2011, recorded in **Instrument 20120229000071120**, in the Probate Office of Shelby County, Alabama, solely as to the future right to amend the Declaration of Restrictions, Covenants and Conditions to include the portion of the Land described under such Declaration as the Future Development.
9. Drainage Easement Agreement by and between Sharp Pelham, L.L.C. and Encore Retail BPTC, LLC, dated June 20, 2011, recorded in **Instrument 20110623000184140**, in the Probate Office of Shelby County, Alabama, as shown on that certain survey entitled "Plat of ALTA/NSPS Land Title Survey for The Grand Reserve at Pelham, LLC, Lot 1, Cole & Awtrey Survey, MB. 44, Pg. 9, Located in the Southwest 1/4 of Section 19 & the Northwest 1/4 of Section 30, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama," dated March 26, 2016, last revised April 22, 2016, prepared by Barrett-Simpson, Inc., and shown on the ALTA/NSPS Land Title Survey by Eddie A. Eubanks, AL PLS No. 24328 with Barrett-Simpson, Inc., Project No. 16-0100, dated April 27, 2021, last revised \_\_\_\_\_, 2021.
10. Easement to Alabama Power Company from SAC, LLC, dated February 2, 2012, recorded in **Instrument 20120521000180780**, in the Probate Office of Shelby County, Alabama.

11. Easement to Alabama Power Company from SAC, LLC, dated February 2, 2012, recorded in **Instrument 20120412000126720**, in the Probate Office of Shelby County, Alabama.
12. Easement for improvement and use as vehicular parking and driveways, and for grading and the establishment of slopes, and obligations stated therein reserved in that certain Statutory Warranty Deed from SAC, LLC to The Grand Reserve at Pelham, LLC, dated May 7, 2014, recorded in **Instrument 20140513000144230**, in the Probate Office of Shelby County, Alabama, as shown on that certain survey entitled "Plat of ALTA/NSPS Land Title Survey for The Grand Reserve at Pelham, LLC, Lot 1, Cole & Awtrey Survey, MB. 44, Pg. 9, Located in the Southwest 1/4 of Section 19 & the Northwest 1/4 of Section 30, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama," dated March 26, 2016, last revised April 22, 2016, prepared by Barrett-Simpson, Inc. and shown on the ALTA/NSPS Land Title Survey by Eddie A. Eubanks, AL PLS No. 24328 with Barrett-Simpson, Inc., Project No. 16-0100, dated April 27, 2021, last revised \_\_\_\_\_, 2021.
13. Easement from The Grand Reserve at Pelham, LLC to Bellsouth Telecommunications, LLC, dated April 4, 2015, recorded in **Instrument 20150511000154400** in the Probate Office of Shelby County, Alabama, as shown on that certain survey entitled "Plat of ALTA/NSPS Land Title Survey for The Grand Reserve at Pelham, LLC, Lot 1, Cole & Awtrey Survey, MB. 44, Pg. 9, Located in the Southwest 1/4 of Section 19 & the Northwest 1/4 of Section 30, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama," dated March 26, 2016, last revised April 22, 2016, prepared by Barrett-Simpson, Inc. and shown on the ALTA/NSPS Land Title Survey by Eddie A. Eubanks, AL PLS No. 24328 with Barrett-Simpson, Inc., Project No. 16-0100, dated April 27, 2021, last revised \_\_\_\_\_, 2021.
14. Easement from The Grand Reserve at Pelham, LLC to Alabama Power Company dated May 11, 2015, recorded in **Instrument 20150518000163860** in the Probate Office of Shelby County, Alabama.
15. Easement from The Grand Reserve at Pelham, LLC to Alabama Power Company dated April 11, 2015, recorded in **Instrument 20150518000164020** in the Probate Office of Shelby County, Alabama.
16. Easement Agreement by and between Cole Investment Realty, LLC, an Alabama limited liability company, and The Grand Reserve at Pelham, LLC, an Alabama limited liability company, dated effective February 4, 2015, and recorded in **Instrument 20150205000039130** in the Office of the Judge of Probate of Shelby County, Alabama, as shown on that certain survey entitled "Plat of ALTA/NSPS Land Title Survey for The Grand Reserve at Pelham, LLC, Lot 1, Cole & Awtrey Survey, MB. 44, Pg. 9, Located in the Southwest 1/4 of Section 19 & the Northwest 1/4 of Section 30, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama," dated March 26, 2016, last revised April 22, 2016, prepared by Barrett-Simpson, Inc. and shown on the ALTA/NSPS Land Title Survey by Eddie A. Eubanks, AL PLS No. 24328 with Barrett-Simpson, Inc., Project No. 16-0100, dated April 27, 2021, last revised \_\_\_\_\_, 2021.
17. The matters shown on that certain map or plat of subject property entitled "Plat of ALTA/NSPS Land Title Survey for The Grand Reserve at Pelham, LLC, Lot 1, Cole & Awtrey Survey, MB. 44, Pg. 9, Located in the Southwest 1/4 of Section 19 & the Northwest 1/4 of Section 30, Township 20 South, Range 2 West, Pelham, Shelby County, Alabama," dated April 27, 2021, last revised \_\_\_\_\_, 2021, prepared by Barrett-Simpson, Inc., including, without limitation, the following:
  - (a) 20' sanitary sewer running north/south across the western portion of subject property located in Section 19;
  - (b) 20' easement located on a portion of the southwestern portion of subject property located in Section 30;
  - (c) Easement located on the southwest corner of subject property located in Section 30;
  - (d) Easement running east/west across subject property located in Section 30;
  - (e) Easement located on the western boundary line of subject property located in Section 30;

- (f) 10' easement running along the northern portion of the western boundary line of subject property located in Section 30;
  - (g) Detention Pond located in Section 19;
  - (h) intentionally omitted;
  - (i) 5' landscape area running along the south, east and northern boundary lines of subject property located in Section 30;
  - (j) 10' landscape buffer located along the northern boundary line of the property located in Section 30;
  - (k) 25' building setback on the south and north boundary lines of the property located in Section 30;
  - (l) 35' building setback along the west and east boundary lines of the property located in Section 30;
  - (m) sanitary sewer lines and related cleanouts and other facilities located throughout subject property;
  - (n) storm drain pipes and related storm manholes, grate inlets, drop inlets, and other related facilities located throughout subject property;
  - (o) underground and overhead electric lines and related poles, guywires, meters, boxes, lightpoles, and other related facilities located throughout subject property;
  - (p) Detention Pond located in the southwest corner of subject property in Section 30;
  - (q) water vaults and related facilities located throughout subject property;
  - (r) telephone boxes and related facilities located throughout subject property;
  - (s) the encroachments identified in Surveyor's Note number 4 on Sheet 1 of 3.
18. That certain obligation to contribute 7.05% of the actual cost of maintaining the Detention Pond as set forth in that certain Statutory Warranty Deed from SAC, LLC to The Grand Reserve At Pelham, LLC dated May 7, 2014 and recorded as **Instrument #20140513000144230**, in the Probate Office of Shelby County, Alabama.



## Real Estate Sales Validation Form

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

Grantor's Name The Grand Reserve At Pelham, LLC  
 Mailing Address 3517 Retail Drive  
Phenix City, AL 36869

Grantee's Name Westdale Grand Pelham, LLC  
 Mailing Address 2550 Pacific Avenue, Ste 1600  
Dallas, Texas 75226

Property Address 10 Grand Reserve Drive  
Pelham, AL 35124

Date of Sale 06/30/2021  
 Total Purchase Price \$ 43,000,000.00

or  
 Actual Value \$

or  
 Assessor's Market Value \$



Filed and Recorded  
 Official Public Records  
 Judge of Probate, Shelby County Alabama, County  
 Clerk  
 Shelby County, AL  
 07/01/2021 08:21:36 AM  
 \$12543.00 CHERRY  
 20210701000318570

*Allen S. Boyd*

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  
☐ Other

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 6/30/21

Print Stefanie Comer

☐ Unattested

Sign Stefanie Comer

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

Form RT-1