

Send Tax Notice To:

✓ The First National Bank
of Birmingham
P. O. Box 11007
Birmingham, Alabama 35288
Attn: Properties Dept.

STATE OF ALABAMA)

SHELBY COUNTY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, Castleberry Construction Company, Inc., an Alabama corporation, (hereinafter collectively referred to as the "Grantor"), is indebted to THE FIRST NATIONAL BANK OF BIRMINGHAM, a national banking association (the "Grantee"), as evidenced by certain promissory notes executed from time to time by the Grantor to the Grantee (the aforesaid indebtedness being hereinafter referred to as the "Indebtedness"), which Indebtedness is secured by that certain mortgage to the Grantee (the "Mortgage") dated January 5, 1979, from the Grantor, as recorded in Real Volume 387, page 225 in the office of the Judge of Probate of Shelby County, Alabama, which Mortgage covers that certain real property located in Shelby County, Alabama that is more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"); and

WHEREAS, the fair market value of the Property is substantially less than the amount of the Indebtedness; and

WHEREAS, the Grantor has agreed to convey the Property to the Grantee and, in consideration of said conveyance and the performance by the Grantor of certain other requirements specified by the Grantee, the Grantee has performed certain requirements specified by the Grantors and has agreed to accept said conveyance and said performance in partial satisfaction of the Indebtedness.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, receipt of which the Grantor hereby acknowledges, and the aforesaid agreement of the Grantee with respect to the partial satisfaction of the Indebtedness, the Grantor does hereby grant, bargain, sell and convey unto The First National Bank of Birmingham, a national banking association, all of that certain real property situated in Shelby County, Alabama that is more particularly described in Exhibit A attached hereto and made a part hereof, together with any and all rights of redemption, statutory or equitable, of the Grantor with respect thereto. The Grantor expressly makes this conveyance without reservation or retention of any rights of redemption, statutory or equitable.

TO HAVE AND TO HOLD to The First National Bank of Birmingham, 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 the same is free of all encumbrances; and that the Grantor will forever warrant and defend the title to the Property to the Grantee and to its successors and assigns. All covenants and agreements made herein shall bind the Grantor and its successors and assigns.

It is understood and agreed that the lien and title of the Mortgage shall be merged in the title hereby conveyed only in the event of the full effectiveness of this conveyance according to the terms and provisions expressed herein, 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 Code or otherwise, the Grantee shall be subrogated to, or shall be considered to

have retained, all of its lien, title and rights under the Mortgage and any notes secured thereby, and in any such event the Grantee shall have the right to proceed to a foreclosure of the Mortgage in all respects as if this instrument had not been executed.

IN WITNESS WHEREOF, the undersigned Grantor has caused this instrument to be executed by its duly authorized representative on this 26th day of March, 1982.

CASTLEBERRY CONSTRUCTION
COMPANY, INC.

By

C. E. CASTLEBERRY
Its President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, do hereby certify that C. E. Castleberry, whose name as President of Castleberry Construction Company, Inc., a 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 said instrument, he as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 26th day of March, 1982.

Helen L. Holmer
Notary Public

[AFFIX NOTARIAL SEAL]

This instrument was prepared by:

Kathleen A. Collier
Cabaniss, Johnston, Gardner,
Dumas & O'Neal
1900 First National - Southern
Natural Building
Birmingham, Alabama 35203
(205) 252-8800

EXHIBIT A

Lots 11 and 12, according to Survey of First and Second Sectors of Sunnydale Estates, as recorded in the Probate Office of Shelby County, Alabama. Situated in Shelby County, Alabama.

BOOK 341 PAGE 600

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1982 AUG -5 PM 2:48

Thomas A. Spaulding, Jr.
JUDGE OF PROBATE

Deed.	93.00
Rec.	6.00
Incl.	1.00
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	100.00