

This instrument was prepared by

Send Tax Notice To: MARK EUGENE KERSTETTER  
name

(Name) GENE W. GRAY, JR.

2104 BROOK HIGHLAND RIDGE  
address

(Address) 2100 SouthBridge Pkwy., Ste. 650  
Birmingham, Alabama 35209

BIRMINGHAM, ALABAMA 35242

**CORPORATION FORM WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

STATE OF ALABAMA )

KNOW ALL MEN BY THESE PRESENTS,

COUNTY OF Jefferson )

That in consideration of FOUR HUNDRED THIRTY FIVE THOUSAND AND NO/100-----  
-----DOLLARS (\$435,000.00)

to the undersigned grantor, ARTHUR HOWARD HOMES, INC.

a corporation

(herein referred to as GRANTOR) in hand paid by the grantee herein, the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto MARK EUGENE KERSTETTER AND WIFE, MARY K. KERSTETTER (herein referred to as GRANTEE, whether one or more), the following described real estate, situated in Shelby County, ALABAMA to-wit:

LOT 2108, ACCORDING TO THE BROOK HIGHLAND, AN EDDLEMAN COMMUNITY, 21ST SECTOR, AS RECORDED IN MAP BOOK 18 PAGE 52 A & B IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE EXCEPTIONS AS DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

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002 HCD 126.00

\$ 320,000.00 of the Purchase Price was paid from the proceeds of a mortgage recorded simultaneously herewith.

TO HAVE AND TO HOLD Unto the said GRANTEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, the the heirs and assigns of the grantees herein shall take as tenants in common. And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEES, their heirs and assigns that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances, unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns shall, warrant and defend the same to the same GRANTEES, their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR by its PRESIDENT who is authorized to execute this conveyance, hereto set its signature and seal,

this the 21st day of June, 1995.

ATTEST:

ARTHUR HOWARD HOMES, INC.

By Arthur W. Howard  
ARTHUR W. HOWARD, PRESIDENT

STATE OF Alabama )

COUNTY OF Jefferson )

I, GENE W. GRAY, JR.

a Notary Public in and for said County, in said State,

hereby certify that ARTHUR W. HOWARD

whose name as PRESIDENT of ARTHUR HOWARD HOMES, INC., a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, 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 21st day of June, 1995

CWJTRS

Notary Public

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EXHIBIT "A"

Advalorem taxes for the year 1995 which are a lien, but not due and payable until October 01, 1995.

Any loss, claim, damage or expense including additional tax due, if any, due to the fact that ad valorem taxes for subject property have been paid under a current use assessment. (See 1975 Code of Alabama Section 40-7-25.3)

Building setback line of 35 feet reserved from Brook Highland Ridge as shown by plat.

13. Public easements as shown by recorded plat, including 10 feet on the Southwesterly side of lot.

Easement(s) to Alabama Power Company as shown by instrument recorded in Real 207 page 380 and Real 220 pages 521 and 532 in Probate Office.

Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Deed 32 page 48 in Probate Office.

Covenant releasing predecessor in title from any liability arising from sinkholes, limestone formations, soil conditions or any other known or unknown surface or subsurface conditions that may now or hereafter exist or occur or cause damage to subject property, as shown by instrument recorded in Map Book 18 page 52 A & B in Probate Office; the policy will insure that any violation of this covenant will not result in a forfeiture or reversion of title.

Instrument recorded in Instrument #1994-09070, along with a Deed and Bill of Sale as Instrument #1994-09071 in Probate Office.

Declaration of Protective Covenants for the "Watershed Property", which provides, among other things, for an Association to assess and maintain the Watershed Maintenance Areas, etc. of the development; all of said covenants, restrictions, and conditions being set out in instrument recorded in Real 194 page 54 in the Probate Office.

Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Brook Highland, as set out in instrument recorded in Real 194 page 254 in the Probate Office, along with Articles of Incorporation as recorded in Real 194 page 281, and By-Laws recorded in Real 194 page 287-A in the Probate Office, along with supplemental instrument recorded as Instrument #1994-9886 and Map Book 18 page 52 A & B in Probate Office.

A Deed and Bill of Sale from AmSouth as Ancillary Trustee to the Water Works and Sewer Board of the City of Birmingham conveying the sanitary sewer trunkline, pipelines, gravity flow mains, etc., located under the surface of subject land, as shown by instrument recorded in Real 194 page 43 in the Probate Office, along with an easement for Sanitary sewer lines and Water lines as set out in Real 194 page 1 in the Probate Office.

Drainage Agreement between AmSouth Bank N.A., as Ancillary Trustee and Eddleman and Associates as set out in Real 125 page 238 in the Probate Office.

Agreement for electrical services to NCNB/Brook Highland as set out in instrument recorded in Real 306 page 119 in the Probate Office.

Restrictions, covenants, and conditions as set out and contained within deeds conveyed to other parties as set out in Real 301 page 1, Real 220 page 339 and Instrument #1992-14567 in the Probate Office.

Restrictive covenants with regard to underground transmission installation by Alabama Power Company as recorded in Real 181 page 995 in Probate Office.

Reciprocal easement agreement as set out in Real 125 page 249 and Real 199 page 18 in the Probate Office.

Restrictive Covenant & Agreement as set out in the Deed from NCNB National Bank of North Carolina to Brook Highland Limited Partnership dated 10/12/93 and recorded as Instrument #1993-32511 in the Probate Office.

Subdivision restrictions shown on recorded plat in Map Book 18 page 52 A & B provided for constructions of single family residence only.

Release of damages, restrictions, modifications, covenants, conditions, rights, privileges, immunities, and limitations, as applicable, as set out in, and as referenced in deed(s) recorded as Instrument #1994-26961 and Instrument #1994-27782 in Probate Office.