

This instrument was prepared by:
Clayton T. Sweeney, Esquire
2700 Highway 280 East
Suite 290E
Birmingham, AL 35223

Send Tax Notice to:
STUART W. BENJAMIN
KIMBERLY B. BENJAMIN
1920 Indian Lake Drive
Birmingham, AL 35244

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, that in consideration of FIFTY-TWO THOUSAND FOUR HUNDRED and 00/100 DOLLARS (\$52,400.00) and other good and valuable consideration, paid to the undersigned grantor, **HEATHERWOOD FOREST DEVELOPMENT COMPANY, LTD.**, in hand paid by Grantee named herein, the receipt of which is hereby acknowledged, the said **HEATHERWOOD FOREST DEVELOPMENT COMPANY, LTD.** (hereinafter referred to as "Grantor") does by these presents, grant, bargain, sell and convey unto **STUART W. BENJAMIN AND KIMBERLY B. BENJAMIN** (hereinafter referred to as "Grantee"), the following described real estate (the "property"), situated in Shelby County, Alabama, to-wit:

Lot 16, according to the survey of Heatherwood Forest, Sector Two, as recorded in Map Book 17, Page 129, in the Probate Office of Shelby County, Alabama.

Mineral and mining rights excepted.

The above property is conveyed subject to:

- (i) All valid and enforceable easements, covenants, conditions and restrictions of record, including, without limitation, that certain Declaration of Protective Covenants recorded in Instrument #1993-35854, in the Office of the Judge of Probate of Shelby County, Alabama , (ii) the lien of ad valorem and similar taxes for 1996 and subsequent years, and (iii) all matters that would be revealed by a current and accurate physical survey of the subject property.

TO HAVE AND TO HOLD to 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 on e 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, then 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 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 said Grantees, their heirs, executors and assigns forever, against the lawful claims of all persons.

Inst # 1995-33546
11/21/1995-33546
01:41 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 66.00

Inst # 1995-33546

CLAYTON T. SWEENEY, ATTORNEY AT LAW

IN WITNESS WHEREOF, Heatherwood Forest Development Company has caused this statutory warranty deed to be executed by its duly authorized officer this 7th day of November, 1995.

GRANTOR:

HEATHERWOOD FOREST DEVELOPMENT COMPANY, LTD.

BY: BROOKHAVEN PROPERTIES III, INC.,
General Partner

BY: Albert F. Thomasson
Albert F. Thomasson
ITS: President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that **Albert F. Thomasson** whose name as **President** of Brookhaven Properties, III, Inc., General Partner of Heatherwood Forest Development Company, Ltd., N.A., is signed to the foregoing Deed; and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Deed, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as General Partner of the aforesaid.

7th Given under my hand and office seal of office this the 7th day of November, 1995.

[Signature]
Notary Public
My Commission Expires: 5-28-95

The Grantees execute this deed only to acknowledge and accept all covenants and restrictions contained hereinabove.

[Signature]
STUART W. BENJAMIN
[Signature]
KIMBERLY B. BENJAMIN

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that STUART W. BENJAMIN and KIMBERLY B. BENJAMIN whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 8th day of November, 1995.


Notary Public
My Commission expires: 5-29-99

Inst # 1995-33546

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SHELBY COUNTY JUDGE OF PROBATE
003 MCB 66.00