

THIS DEED IS BEING RE-RECORDED TO INCLUDE THE REFERENCED EXHIBIT "A".

This instrument was prepared by

Send Tax Notice To: FREDERICK P. MARTIN

(Name) GENE W. GRAY, JR.

name  
2101 BROOK HIGHLAND RIDGE  
address

(Address) 2100 SOUTHBIDGE PARKWAY, #650, BIRMINGHAM, ALABAMA 35242  
BIRMINGHAM, ALABAMA 35242  
CORPORATION FORM WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVOR

STATE OF ALABAMA  
COUNTY OF Jefferson

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of FOUR HUNDRED SIXTY THOUSAND AND NO/100  
-----DOLLARS (\$460,000.00)

to the undersigned grantor, MEGA BUILDERS, INC.

(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 FREDERICK P. MARTIN AND WIFE, PAMELA A. MARTIN

(herein referred to as GRANTEE) for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real estate, situated in SHELBY COUNTY, ALABAMA to-wit:

LOT 2125, ACCORDING TO 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.

SUBJECT TO:

THOSE RESTRICTIONS, COVENANTS, EASEMENTS AND RIGHTS OF WAY AS SET FORTH ON EXHIBIT "A" ATTACHED HERETO, MADE A PART HEREOF AND INCORPORATED HEREIN FOR ALL PURPOSES.

\$350000.00 OF THE CONSIDERATION WAS PAID FROM A MORTGAGE LOAN.

Inst # 1996-07007

03/04/1996-07007  
02:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
901 MCD 108.50

TO HAVE AND TO HOLD, To the said GRANTEE for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion. And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEE, their heirs and assigns, that is lawfully seized in fee simple of said premises, that they are free from all encumbrances, 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 GRANTEE, their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, by its PRESIDENT, ROBERT L. CLARK who is authorized to execute this conveyance, has hereto set its signature and seal, this the 29th day of February 1996

MEGA BUILDERS, INC.

ATTEST:

By ROBERT L. CLARK, PRESIDENT

STATE OF ALABAMA  
COUNTY OF Jefferson

I, GENE W. GRAY, JR.

State, hereby certify that ROBERT L. CLARK whose name as PRESIDENT of MEGA BUILDERS, 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 29th day of February 1996

GENE W. GRAY, JR. Notary Public

11-13-96  
I certify this to be a true and correct copy  
Catherine Gray Administrator  
Probate Judge  
Shelby County

Inst # 1996-38501  
11/21/1996-38501  
01:58 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 12.00

EXHIBIT "A"

Advalorem taxes for the year 1996 which are a lien, but not due and payable until October 01, 1996.

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

Public easements as shown by recorded plat, including a 10 foot along the rear 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.

Easement(s) for Sanitary Sewer Lines and Water Lines as shown by 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 recorded in Instrument #1995-19639 and Instrument #1995-19640 in Probate Office.

Inst # 1996-38501

11/21/1996-38501  
01:58 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 12.00