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08/16/97  
This instrument prepared by:  
Robert C. Walthall  
Bradley Arant Rose & White LLP  
2001 Park Place Tower, Suite 1400  
Birmingham, Alabama 35203

Inst # 1997-27631

STATE OF ALABAMA )

SHELBY COUNTY )

**GENERAL WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Twenty Nine Thousand Dollars (\$29,000.00), in hand paid by **Lonnie O. Wilson** and **Cathy B. Wilson**, husband and wife, as joint tenants with right of survivorship (herein "Grantee"), to **Daniel E. McFadden**, a married man (herein "Grantor"), the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey unto Grantee, subject to the matters hereinafter set forth, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot No. 3, according to the survey of McFadden Estates, as recorded in Map Book 20, Page 142, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns forever; subject, however, to the following:

1. All taxes for the year 1997 due but not payable until October 1, 1997, and subsequent thereto.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
3. Right-of-way granted to Alabama Power Company by instrument recorded in Deed Book 177, Page 363, Probate Office Shelby County, Alabama.

4. Restrictions, terms, and conditions as shown on recorded map, including those in Instrument No. 1997-07969.
5. Restrictions, terms and covenants as shown on "Exhibit A", attached hereto and made a part hereof by reference, which shall run with the land.

Grantor hereby grants to Grantees and reserves unto himself and his heirs and assigns a nonexclusive easement for ingress and egress on the following described property:

1. The eastern 907.03 feet of a 20-foot wide strip of Lot 4, McFadden Oaks Subdivision, as recorded in Map Book 21, Page 132, in the Probate Office of Shelby County, Alabama;
2. The eastern 907.03 feet of a 20-foot wide strip of a parcel owned by Grantor that lies between Lots 4 and 5 of McFadden Oaks Subdivision, but not a part of said Subdivision, but shown on the recorded plat of said Subdivision in Map Book 21, Page 132, in the Probate Office of Shelby County, Alabama.

It is the intention of Grantor to grant to Grantees an ingress-egress easement on that portion of above-described property that lies East of the Lot hereinabove conveyed to permit Grantees access to County Road 445. Grantor shall have no obligation to maintain the aforesaid easement property and Grantees accept this conveyance under this condition.

Grantor does for himself, his heirs and assigns, covenant with Grantee, his heirs and assigns, that he is lawfully seized in fee simple of said premises; that they are free from all encumbrances except as set forth hereinabove; that he has a good right to sell and convey the same as aforesaid; and that he will, and his heirs and assigns shall, warrant and defend the same to Grantee, his heirs and assigns forever against the lawful claims of all persons.

Grantor warrants that the said real property does not constitute the homestead of the Grantor or of his spouse.

IN WITNESS WHEREOF, Grantor, has caused these presents to be executed on or as of the 14<sup>th</sup> day of August, 1997.

*Daniel E. McFadden*

**Daniel E. McFadden**

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a notary public in and for said county in said state, hereby certify that **Daniel E. McFadden**, a married man, whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 4<sup>th</sup> day of August, 1997.

*Edith R. Hawkins*  
Notary Public

[NOTARIAL SEAL]

My commission expires: 11/17/97

EXHIBIT "A"

CAW LW  
Dm<sup>c</sup>

1. No structure of temporary character, trailer, basement, tent, shack, garage, barn or other buildings shall be used at any time as a residence either temporarily or permanently.
2. No mobile home will be permitted.
3. No visible accumulation of inoperable vehicles or machinery will be permitted on this property.
4. No commercial chicken operations will be allowed nor will any other commercial activity be allowed on the said premises.
5. The said premises shall be for new home construction and shall contain a minimum of 1,500 square feet, excluding basements.
6. There shall be no more than one residence on the said premises.
7. No junked or non-operable motor vehicles or non-operative equipment or construction materials or other abandoned non-used personal property may be stored or allowed to remain on the said premises.

Inst # 1997-27631

08/28/1997-27631  
10:17 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 HCD 47.50