

T 44475

SEND TAX NOTICE TO:

Enro Realty Company, Inc.
c/o J.H. Berry & Moulton
P.O. Box 968
Birmingham, Alabama 35201

Inst # 1998-02912

STATE OF ALABAMA)

SHELBY COUNTY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of One Hundred Eighty-Seven Thousand Forty and No/100 Dollars (\$187,040.00) in hand paid by **ENRO REALTY COMPANY, INC., an Alabama corporation**, ("Grantee"), pursuant to the terms of that certain Real Estate Sales Agreement dated as of January 15, 1998, the receipt and sufficiency of which is hereby acknowledged, **M. L. LATHAM, a married man, MARTHA JEAN OELSCHLAEGGER, a single woman, and JOHN M. GUNN, JR., a married man**, each of whom owns an undivided one-third undivided interest as tenants in common ("Grantors"), do hereby grant, bargain, sell and convey unto the Grantee subject to the matters herein set forth, the real estate situated in Shelby County, Alabama, as described more particularly on the attached Exhibit A (the "Property"). The Property constitutes the Grantee's "Replacement Property" acquired in connection with Grantee's simultaneous tax-free exchange pursuant to **Section 1031** of the Internal Revenue Code of 1986, as amended.

TOGETHER WITH all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantors in and to any and all roads, alleys and ways bounding the Property.

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

This conveyance is subject to the following:

1. Ad valorem taxes for tax year 1998 and subsequent years;
2. Title to all minerals within and underlying the Property, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or

01/28/1998-02912
11:22 AM CERTIFIED
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005 NEL 206.00

property as a result of the exercise of such rights as recorded in Volume 96, Page 438.

3. Rights of Way recorded in Volume 248, Page 505.
4. Riparian and other rights created by the fact that the Property fronts on Buckhorn Branch.

Grantors do for themselves, their heirs, personal representatives, successors and assigns, covenant with Grantee, its successors and assigns, that they are lawfully seized in fee simple of the Property; that the Property is free from all encumbrances except as set forth hereinabove; that they have a good right to sell and convey the same as aforesaid; and that they will, and their heirs, personal representatives, successors and assigns shall, warrant and defend the same to Grantee, its successors and assigns forever against the lawful claims of all persons.

The Property does not constitute the homestead of any of the undersigned Grantors or their spouses.

IN WITNESS WHEREOF, the Grantors have caused these presents to be executed on or as of the 26th day of January, 1998.

M. L. LATHEM

MARTHA JEAN OELSCHLAEGER

JOHN M. GUNN, JR.

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **M. L. LATHEM**, whose name as is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, executed the same voluntarily.

Given under my hand this the 26th day of January, 1998.

Debbie G. Hutchcraft

Notary Public

My Commission Expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: Jan. 26, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **MARTHA JEAN OELSCHLAEGE**R, whose name as is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, she, executed the same voluntarily.

Given under my hand this the 26th day of January, 1998.

Debbie G. Hutchcraft

Notary Public

My Commission Expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: Jan. 26, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **JOHN M. GUNN, JR.**, whose name as is signed to the foregoing Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, executed the same voluntarily.

Given under my hand this the 26th day of January, 1998.

Bobbie G. Hutchcraft
Notary Public

My Commission Expires ~~1998~~ NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
COMMISSION EXPIRES: Jan. 26, 2000.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

THIS INSTRUMENT PREPARED BY:

James C. Stanley
Berkowitz, Lefkovits, Isom & Kushner
1600 SouthTrust Tower
Birmingham, Alabama 35203

All that part of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5, Township 18 South, Range 2 East, lying West of Shelby County Highway No. 55, except the following tract: Commence at the NW corner of said S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section; thence East along the North line of same a distance of 639.0 feet to the point of beginning; thence 8 degrees 31 minutes 11 seconds to the right in a Southeasterly direction a distance of 449.35 feet; thence 9 degrees 18 minutes 03 seconds to the right in a Southeasterly direction a distance of 114.00 feet; thence 14 degrees 58 minutes to the left in an Easterly direction a distance of 55.50 feet; thence 6 degrees 47 minutes to the right in a Southeasterly direction a distance of 579.52 feet; thence 102 degrees 59 minutes to the left in a Northerly direction a distance of 200.48 feet to the North line of said S $\frac{1}{2}$; thence 86 degrees 36 minutes to the left in a Westerly direction along said North line a distance of 1167.97 feet to the point of beginning. ALSO: An easement for right of way for gas, electric, and telephone lines on, over and across the following described parcel, viz: Begin at the SW corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, Township 18 South, Range 2 East, and run East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 30.0 feet; thence run North and parallel with the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 1093.39 feet, more or less, to the centerline of Magnolia Lane, as described by deed recorded in Deed Book 248, Page 505, Office of Judge of Probate of Shelby County, Alabama, thence run Westerly along the centerline of said Magnolia Lane to a point on the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run South along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 1093.39 feet to the point of beginning.

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EXHIBIT

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