

THIS INSTRUMENT PREPARED BY:  
James J. Odom, Jr.  
P.O. Box 11244  
Birmingham, AL 35202-1244

SEND TAX NOTICE TO:

Gregg Cary and JoAnn Cary

536 Talleys Court  
Bham, 35244

STATE OF ALABAMA )  
COUNTY OF SHELBY )

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT in consideration of Forty-two Thousand and No/100 Dollars (\$42,000.00), and other good and valuable consideration, paid to the undersigned grantor, Roy Martin Construction, Inc., an Alabama corporation ("Grantor"), by Gregg Cary and JoAnn Cary ("Grantees"), the receipt and sufficiency whereof are hereby acknowledged. Grantor does by these presents, grant, bargain, sell and convey unto Gregg Cary and JoAnn Cary, as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama (the "Premises"), to-wit:

A parcel of land lying partially in the SE 1/4 of SW 1/4 of Section 35, Township 19 South, Range 1 West, and partially in the NE 1/4 of NW 1/4 of Section 2, Township 20 South, Range 1 West, more particularly described as follows: Beginning at the SW corner of the SE 1/4 of SW 1/4 of Section 35, Township 19 South, Range 1 West and run north along the West line of the SE 1/4 of SW 1/4 a distance of 450 feet; thence turning an angle of 110 deg. to right a distance of 480 feet; thence turning an angle of 70 deg. to the right a distance of 550 feet to a point in the centerline of the Shelby County gravel road; thence in a southwesterly direction and a northwesterly direction along the centerline of said gravel road a distance of 520 feet, more or less, to the intersection with the West line of the NE 1/4 of NW 1/4 of Section 2, Township 20 South, Range 1 West; thence north along the West line of said NE 1/4 of NW 1/4 a distance of 230 feet to point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

**SUBJECT TO:** (1) Current taxes; (2) Transmission Line Permit to Alabama Power Company as shown by instrument recorded in Deed Book 142, at Page 101 in Probate Office; (3) Right of Way granted to Shelby County by instrument recorded in Deed Book 135, at Page 116, in Probate Office; (4) 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 Book 313, Pages 71, 215 and 312, in Probate Office; (5) Riparian Rights, if any, in and to the use of Yellow Leaf Creek; (6) Less and except any portion of the land lying within road right of way.

**TO HAVE AND TO HOLD** to the 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

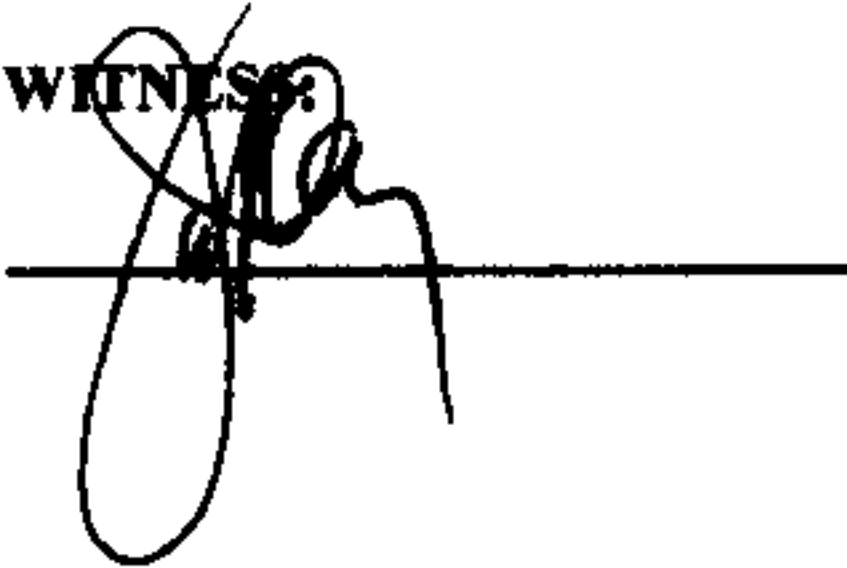
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surviving Grantee, and if one does not survive the other, then the heirs and assigns of the Grantees herein shall take as tenants in common.


IN WITNESS WHEREOF, the undersigned has executed this conveyance on this the 4th day of September, 1998.

WITNESS:



Roy Martin Construction, Inc.

By:

  
Roy L. Martin, as its President

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Roy L. Martin, whose name as President of Roy Martin Construction, Inc., an Alabama 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 seal this 4th day of September, 1998.

  
Notary Public

My Commission Expires: 6-31-2001

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