

5788

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

**This instrument was
prepared by:**

**R. Shan Paden
PADEN & PADEN
Attorneys at Law
5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244**

SEND TAX NOTICE TO:

**MICHAEL DUBAY
129 HIGH CREST ROAD
PELHAM, AL 35124**

Inst # 2000-11610

**04/10/2000-11610
09:11 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE**

**81.50
DDB HWS**

STATE OF ALABAMA)

(COUNTY OF SHELBY)

WARRANTY DEED

Know All Men by These Presents: That in consideration of THREE HUNDRED THIRTY EIGHT THOUSAND DOLLARS and 00/100 (\$338,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, KIRK ROYAL THOMAS, AN UNMARRIED PERSON and SYLVIA DENISE THOMAS, AN UNMARRIED PERSON (herein referred to as GRANTORS) do grant, bargain, sell and convey unto MICHAEL DUBAY and MARJORIE DUBAY, AS TRUSTEES OF THE MICHAEL DUBAY AND MARJORIE R. DUBAY FAMILY TRUST DATED JUNE 9, 1990 (REVOCABLE), (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 18, ACCORDING TO THE SURVEY OF OAK CREST, SECTOR TWO, AS RECORDED IN MAP BOOK 20 PAGE 129 A & B IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

- 1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1999 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2000.**
- 2. BUILDING SETBACK LINE OF 50 FEET RESERVED FROM HIGH CREST ROAD AS SHOWN BY PLAT.**
- 3. EASEMENTS AS SHOWN BY RECORDED PLAT, INCLUDING 30 FOOT ALABAMA POWER COMPANY EASEMENT THROUGH CENTER OF LOT. 100 FOOT ALABAMA POWER COMPANY EASEMENT THROUGH CENTER OF LOT.**
- 4. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) RECORDED IN INST. #1996-2205 IN PROBATE OFFICE.**
- 5. TRANSMISSION LINE PERMIT(S) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT(S) RECORDED IN DEED BOOK 127 PAGE 442 IN PROBATE OFFICE.**
- 6. RIGHT(S)-OF-WAY(S) GRANTED TO SOUTH CENTRAL BELL BY INSTRUMENT(S) RECORDED IN REAL 116 PAGE 275 IN PROBATE OFFICE.**

7. A 100 FOOT RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY AS SHOWN BY RECORDED PLAT.
8. A PERPETUAL EASEMENT, THE CENTERLINE OF WHICH IS THE CREEK CROSSING THE PROPERTY, SAID EASEMENT BEING 15 FEET ON EITHER SIDE OF SUCH CENTERLINE, AND THE PURPOSE OF THIS EASEMENT BEING FOR THE MAINTENANCE OF THE CREEK AND DRAINAGE APPARATUS (INCLUDING SILTATION PONDS) ON THE PROPERTY AS SHOWN BY INST. #1996-42540.
9. PERPETUAL EASEMENT FOR INGRESS AND EGRESS TO CREEK. AS SHOWN BY INST. #1996-42540 IN THE PROBATE OFFICE.
10. RESERVATION IN DEED RECORDED IN INST. #1996-42540 OF THE RIGHT TO MODIFY THE DECLARATION OF RESTRICTIVE COVENANTS FOR OAK CREST, SECTOR TWO, IN ORDER TO IMPOSE UPON THE OWNERS OF ALL OR A PART OF THE LOTS WITHIN OAK CREST, SECTOR TWO, THE OBLIGATION FOR THE MAINTENANCE OF THE CREEK AND SILTATION RETAINAGE POND LOCATION ON THE LAND.
11. AGREEMENT WITH ALABAMA POWER COMPANY SET OUT IN INST. #1995-1633 IN THE PROBATE OFFICE.
12. ARTICLES OF INCORPORATION SET OUT IN INST. #1996-2971 IN THE PROBATE OFFICE.
13. 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 INST. #1996-42540 IN THE PROBATE OFFICE.

\$270,000.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

TO HAVE AND TO HOLD Unto the said GRANTEES, his, her or their heirs and assigns, forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, his, her, or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons

IN WITNESS WHEREOF, the said GRANTORS, KIRK ROYAL THOMAS, AN UNMARRIED PERSON and SYLVIA DENISE THOMAS, AN UNMARRIED PERSON, have hereunto set his, her or their signature(s) and seal(s), this the 5th day of April, 2000.


KIRK ROYAL THOMAS

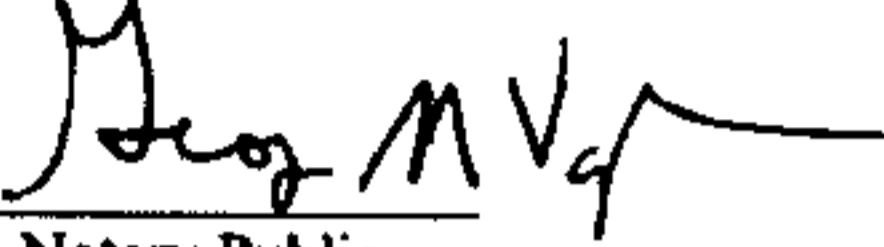

SYLVIA DENISE THOMAS

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that **KIRK ROYAL THOMAS, SYLVIA DENISE THOMAS** whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 5TH day of APRIL, 2000.


Notary Public

My commission expires: 9.29.02

Inst # 2000-11610

04/10/2000-11610
09:11 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
800 NMS 81.30