

SEND TAX NOTICE TO:

Philip W. Yerby, Jr.

Linda S. Yerby

345 LOCKHART DR.
JEMISON, AL 35085

WARRANTY DEED

STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS.

That for and in consideration of Eighty Thousand and No/100 (\$80,000.00) DOLLARS, to the undersigned, The Shires, L.L.C., an Alabama Limited Liability Company (hereinafter referred to as "Grantor"), in hand paid by **Philip W. Yerby, Jr. and Linda S. Yerby** (hereinafter referred to as "Grantees"), the receipt, adequacy and sufficiency whereof are hereby acknowledged, the said Grantors do by these presents, grant, bargain, sell and convey unto the said Grantees, **Philip W. Yerby, Jr. and Linda S. Yerby**, 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 real estate, located and situated in Shelby County, Alabama:

Lot 23, Phase 2, according to the Survey of The Shires, as recorded in Map Book 13, Page 86, in the Office of the Judge of Probate of Shelby County, Alabama.

SUBJECT TO:

1. Ad valorem taxes for the year 2002 which are a lien but not yet due and payable.
2. Right of way granted to the Water Works and Sewer Board of the City of Birmingham as recorded in Real Volume 160, Page 9.
3. Easements and building line as shown on recorded map.
4. Right of Way granted to Alabama Power Company by instrument(s) recorded in Real Volume 292, Page 631.
5. Terms, agreements and right of way to Alabama Power Company as recorded in Real Volume 298, Page 890.
6. Agreement with Alabama Power Company for Underground Residential Distribution as shown by instrument(s) recorded in Real Volume 298, Page 921.
7. Declaration of Protective Covenants as recorded in Real Volume 173, Page 840, re-recorded in Real Volume 179, Page 44.

TO HAVE AND TO HOLD the said described property unto the said Grantees 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 for such survivor forever, together with every contingent remainder and right of reversion.

And said Grantors do for themselves, their heirs and assigns, covenant with said Grantees, their heirs, executors and assigns, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, that they have a good right to sell and convey the same as aforesaid, and that they will and their heirs and assigns shall warrant and defend the same to the said Grantees, their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor, has caused this conveyance to be executed by its authorized representative on this the 20th day August, 2002.

The Shires, L.L.C.
By: [Signature]
Sidney W. Smyer, III
Its: Member
By: [Signature]
Sidney W. Smyer, Jr.
Its: Member

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Sidney W. Smyer, III, whose name as Member of The Shires, L.L.C., an Alabama Limited Liability Corporation, 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 said instrument, he, in his capacity aforesaid, executed the same voluntarily and with full authority, for and as the act of said corporation.

Given under my hand and official seal this 20th day of August, 2002.

[Signature]
NOTARY PUBLIC

My commission expires: SEPTEMBER 1, 2004 OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Aug 27, 2004
SENDING TO: PUBLIC UNDERWRITERS

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Sidney W. Smyer, Jr., whose name as Member of The Shires, L.L.C., an Alabama Limited Liability Corporation, 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 said instrument, he, in his capacity aforesaid, executed the same voluntarily and with full authority, for and as the act of said corporation.

Given under my hand and official seal this 20th day of August, 2002.

[Signature]
NOTARY PUBLIC

My commission expires: SEPTEMBER 1, 2004 OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: FEB 18, 2005
SENDING TO: PUBLIC UNDERWRITERS

THIS INSTRUMENT WAS PREPARED BY:
DAVID F. OVSON, Attorney at Law
1130 South 22nd Street
Ridge Park Building, Suite 4800
Birmingham, Alabama 35205