

29,000.00

SEND TAX NOTICE TO:

Hall's Birmingham Wholesale  
Floral Company, Inc.

100-6th Ave, S.W.  
P.O. Box 10352

BIRMINGHAM, AL 35202

This instrument was prepared by:

Jerry E. Held

SIROTE, PERMUTT, FRIEND, FRIEDMAN,

HELD & APOLINSKY, P.A.

2222 Arlington Avenue South

Birmingham, Alabama 35255

STATE OF ALABAMA )

SHELBY COUNTY )

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Sixty-Seven Thousand Six Hundred Forty and no/100 Dollars (\$67,640.00) and other good and valuable consideration to the undersigned RONALD L. CHERRY and wife, CAROL T. CHERRY (herein referred to as "Grantors"), in hand paid by HALL'S BIRMINGHAM WHOLESALE FLORAL COMPANY, INC. (herein referred to as "Grantee"), the receipt of which is hereby acknowledged, said Grantors do by these presents grant, bargain, sell and convey unto the said Grantee, the hereinafter described real estate situated in Shelby County, Alabama, to-wit:

Lot 7, Block 4, according to the survey of Cahaba Valley Estates, Seventh Sector as recorded in Map Book 6, page 82 in the Probate Office of Shelby County, Alabama.

This conveyance is made subject to the following:

1. Ad valorem taxes due 10/1/83, which the Grantee herein assumes and agrees to pay.

2. That certain mortgage executed by Rebecca S. Wiggins and Victor B. Wiggins to Jefferson Federal Savings & Loan Association filed for record 6/30/78, and recorded in Vol. 379, Page 927 in the Probate Office of Shelby County, Alabama. Balance Due \$38,640.00

3. 40' Building line as shown by recorded map.

4. 10' easement on rear as shown by recorded map.

5. Right of way to Alabama Power Company as recorded in Vol. 302, page 83 in the Probate Office of Shelby County, Alabama.

6. Restrictions as recorded in Misc. Vol. 15, page 501 and Misc. Vol. 15, page 333 in the said Probate Office.

7. Right of way to Pelham Sewer Fund as recorded in Vol. 298, page 677 in the said Probate Office.

8. Mineral and mining rights and rights incident thereto as recorded in Vol. 298, page 597 in the said Probate Office.

*Land Title Co.*

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This deed is given for a new and valuable consideration and is not a deed in lieu of foreclosure of that certain mortgage from RONALD L. CHERRY and CAROL T. CHERRY to HALL'S BIRMINGHAM WHOLESALE FLORAL COMPANY, INC., filed for record 1/16/81 and recorded in Vol. 409, Page 239, in the Probate Office of Shelby County, Alabama.

This conveyance is executed voluntarily and upon payment of the consideration stated herein, and the undersigned waive any and all rights of redemption which they might have in connection with that certain mortgage referred to hereinabove.

It is understood and agreed that the lien and title of the mortgage referred to hereinabove shall be merged in the title hereby conveyed ONLY in the event of the full effectiveness of this conveyance, according to the terms and provisions expressed herein, and that, if for any reason, this conveyance shall be held ineffective in any particular, or in the event of the setting aside of this conveyance in any proceedings instituted under the Bankruptcy Code or otherwise, the Grantee shall be subrogated to, or shall be considered to have retained, all of its lien, title, and rights under the mortgage, and the indebtedness secured thereby, and, in any such event, said Grantee shall have the right to proceed to a foreclosure of the mortgage in all respects as if this instrument had not been executed and delivered to the Grantee. Further, it is the intent of the parties hereto that the execution of the within conveyance by RONALD L. CHERRY and wife, CAROL T. CHERRY, and acceptance of delivery of this Warranty Deed will not operate as a merger of the mortgage lien into the fee of the property in the event the mortgage lien is necessary to protect the Grantee therein from intervening claims or liens of third persons, which were junior to the lien of the mortgage.

And the Grantors do, for themselves and their heirs and assigns, covenant with the said Grantee that they are lawfully seized of said premises in fee simple; that they are free from all encumbrances except as hereinabove stated; 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 unto the said Grantee, its successors and assigns forever, against the lawful claims of any and all persons.

TO HAVE AND TO HOLD to the said Grantee, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said RONALD L. CHERRY and wife, CAROL T. CHERRY, have hereunto set their signatures and seals, this 30<sup>th</sup> day of MARCH, 1983.

CLERK OF SHELBY CO.  
I CERTIFY THIS  
MAY 10 1983  
THAT THIS DOCUMENT WAS FILED

Ronald L. Cherry (SEAL)  
Ronald L. Cherry

1983 JUL -1 AM 10:48

Thomas A. Sander, Jr.  
NOTARY PUBLIC

Carol T. Cherry (SEAL)  
Carol T. Cherry

Deed Tax 29.00  
Rec 4.50  
Jud 1.00  
34.50

STATE OF ALABAMA )

348 SHELBY COUNTY )

BOOK

I, the undersigned, a Notary Public in and for said County and State aforesaid, do certify that Ronald L. Cherry and wife, Carol T. Cherry, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 30 day of MARCH, 1983.

Rodney R. Laney  
Notary Public

My Commission Expires: May 10, 1984