

This Instrument was prepared by M. Glenn Perry, Jr., 3000 SouthTrust Tower, Birmingham, Alabama 35203.

44

STATE OF ALABAMA)
SHELBY COUNTY)

\$ 512,778.00
SEND TAX NOTICE TO -
HIGHLAND POINTE PROPERTIES, LTD
510 BANK FOR SAVINGS BUILDING
BIRMINGHAM, AL 35203

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that in consideration of an eighteen percent (18%) limited partnership interest in Highland Pointe Properties, Ltd., an Alabama limited partnership, divided equally between them, the undersigned Charles H. Raines and John C. Fay, Jr. ("the Grantors"), do by these presents grant, bargain, sell and convey unto said Highland Pointe Properties, Ltd., (the "Grantee") its successors and assigns, their undivided twenty percent (20%) interest in and to the following described lands in Shelby County, Alabama, to wit:

PARCEL I:

The West 1/2 of the Section and the W 1/2 of the E 1/2 of Section 4, Township 19 South, Range 1 West.

PARCEL II:

The S 1/2 of NE 1/4 of NE 1/4; E 1/2 of SE 1/4 of NE 1/4; E 1/2 of NE 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 5, Township 19 South, Range 1 West.

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The South 620 feet of the SW 1/4 of SE 1/4 of Section 5, Township 19 South, Range 1 West lying East of the right of way of U.S. Highway No. 280, except that part of said South 620 feet included in Parcel described in deed to C.B. Bragg and Ella Bragg recorded in Book 176, Page 522 and except that part described in deed to Jos. S. Vaughn and Mabel E. Vaughn recorded in Book 183, Page 498, both in the Office of the Judge of Probate of Shelby County, Alabama.

PARCEL III:

All of Section 8, Township 19 South, Range 1 West lying East of the right of way of U.S. Highway No. 280 except the following parcels:

That part described in deed to State of Alabama recorded in Book 244, Page 11 in the Office of the Judge of Probate of Shelby County, Alabama.

That part included in Survey of Skyland recorded in Map Book 3, Page 66 in the Office of the Judge of Probate of Shelby County, Alabama.

That part described in deed to R.M. Srygley recorded in Book 176, Page 149 in the Office of the Judge of Probate of Shelby County, Alabama.

The part described in deed to Alabama Power Company recorded in Book 276, Page 672 in the Office of the Judge of Probate of Shelby County, Alabama.

That part described in deed to Stanley S. Swiney recorded in Book 122, Page 287 in the Office of the Judge of Probate of Shelby County, Alabama.

That part described in deed to C.T. Turner recorded in Book 137, Page 207 in the Office of the Judge of Probate of Shelby County, Alabama.

Any part included in Survey of Sunrise recorded in May Book 3, Page 69 in the Office of the Judge of Probate of Shelby County, Alabama.

PARCEL IV:

All of Section 9, Township 19 South, Range 1 West, except the NE 1/4 of SE 1/4 and except that part of the SE 1/4 of SE 1/4 lying Southeast of the old county road.

PARCEL V:

All of the NW 1/4 of Section 10, Township 19 South, Range 1 West lying Northwest of the old county road.

PARCEL VI:

The N 1/2 of NW 1/4; SW 1/4 of NW 1/4 of Section 16, Township 19 South, Range 1 West.

Said conveyance is subject to the following:

1. Taxes due in 1988 which are a lien but not due until October 1, 1988.
2. Right of way granted to Shelby County, Alabama recorded in Book 95, Page 503 in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel II)
3. Right of way granted to Alabama Power Company recorded in Book 111, Page 408 in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel II)
4. Rights of way granted to Alabama Power Company recorded in Book 109, Page 70; Book 149, Page 380; Book 173, Page 364 and Book 276, Page 670 all in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel III)
5. Right of way granted to Alabama Power Company recorded in Book 134, Page 408 in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel IV)
6. Right of way granted to Shelby County, Alabama recorded in Book 196, Page 246 in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel IV)
7. Rights of way granted to Alabama Power Company recorded in Book 133, Page 212; Book 134, Page 408 both in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel V)
8. Right of way granted to Shelby County, Alabama recorded in Book 196, Page 246 in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel V)
9. Right of way granted to Alabama Power Company recorded in Book 133, Page 210, and Real Volume 31, Page 355 both in the Office of the Judge of Probate of Shelby County, Alabama. (Affects Parcel VI)
10. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto as set out in Book 28, Page 237, as to the SW 1/4 of SW 1/4, Section 9, Township 19, Range 1 in the Office of the Judge of Probate of Shelby County, Alabama.
11. That part of subject property in the right of way of New Highway No. 280 acquired by the State of Alabama by condemnation proceedings.

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

And the undersigned Grantors do covenant with the said Grantee, its successors and assigns, that they are lawfully seized in fee simple of said premises; that the said premises are free from all encumbrances except as specified above; that they have good right to sell and convey the same as aforesaid; that they shall, warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

Grantors further covenant that such property does not constitute the homestead or residence of Grantors.

IN WITNESS WHEREOF, the said Charles H. Raines and John C. Fay, Jr., who are duly authorized to execute this conveyance, have hereto set their signatures this 4th day of March, 1988.

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Charles H. Raines
Charles H. Raines
John C. Fay, Jr.
John C. Fay, Jr.

STATE OF Alabama)
Jefferson COUNTY)

I, [Signature], a Notary Public in and for said County in said State, hereby certify that Charles H. Raines whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 4 day of March, A.D. 1988.

STATE OF ALA. SHERIFF
I CERTIFY THIS
INSTRUMENT WAS FILED
88 MAR -7 AM 9:56

[Signature]
Notary Public

My Commission Expires:
1-6-92

[Signature]
JUDGE OF PROBATE

STATE OF Alabama)
Jefferson COUNTY)

I, [Signature], a Notary Public in and for said County in said State, hereby certify that John C. Fay, Jr., whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 4 day of March, A.D. 1988.

- 1. Deed Tax \$ 513.00
- 2. Mig. Tax
- 3. Recording Fee 7.50
- 4. Indexing Fee 1.00
- TOTAL 521.50

[Signature]
Notary Public

My Commission Expires:
1-6-92