

This Instrument Prepared By:
 James F. Burford, III
 Attorney at Law
 Suite 200, 100 Vestavia Office Park
 Birmingham, Alabama 35216

Send Tax Notice To:
MARK & KATHY BERRY
1419 APPLGATE DRIVE
ALABAMA, AL. 35007

STATE OF ALABAMA)

COUNTY OF SHELBY)

That in consideration of Forty Eight Thousand Three Hundred and No/100 Dollars (\$48,300.00) to the undersigned grantor, Applegate Realty, Inc., a corporation, (herein referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto Mark S. Berry and Kathy H. Berry (herein referred to as GRANTEES) 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 described real estate, situated in Shelby County, Alabama, to-wit:

Lot 93, according to a Resurvey of Lots 1 through 64, 89 through 104 and A through C, of Applegate Manor, as recorded in Map Book 10, Page 25, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama; together with all of the rights, privileges, easements and appurtenant ownership interest in and to premises previously conveyed by Applegate Realty, Inc. to the Applegate Townhouse Association, Inc., by deed recorded in Real 65, Page 201 in the Probate Office of Shelby County, Alabama, and more fully defined in the Declaration of Covenants, Conditions and Restrictions of Applegate Townhouse, recorded in Real 63, Page 634 in Probate Office of Shelby County, Alabama.

SUBJECT TO: (1) Taxes for the year 1988 and thereafter. (2) Building setback line of 30 feet reserved from Applegate Drive as shown by plat. (3) Public utility easements as shown by recorded plat, including a 5 foot easement on the West side. (4) Restrictions, covenants and conditions as set out in instrument recorded in Real 63, Page 634 and amended in Real 125, Page 299 in Probate Office. (5) Right-of-way granted to South Central Bell by instrument recorded in Deed Book 337, Page 235 in Probate Office. (6) Easement to Alabama Power Company as shown by instrument recorded in Real 59, Page 376 in Probate Office. (7) Agreement with Alabama Power Company as to underground cables recorded in Real 60, Page 745 and covenants pertaining thereto recorded in Real 60, Page 748 in Probate Office.

Mineral and mining rights are hereby quitclaimed to Grantees but are not warranted.

The entire consideration recited herein was derived from a purchase money mortgage executed simultaneously herewith.

TO HAVE AND TO HOLD, To 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 of such survivor forever, together with every contingent remainder and right of reversion. And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEES, their heirs and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances, that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns shall warrant and

Calvin Little

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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, by its President, RANDALL H. GOGGINS, who is authorized to execute this conveyance, has hereto set its signature and seal this the 28 day of April, 1988.

APPLEGATE REALTY, INC.

BY:

Randall H. Goggin
Its President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, James F. Burford, III, a Notary Public in and for said County in said State, hereby certify that RANDALL H. GOGGINS, whose name as President of Applegate Realty, Inc., a 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 official seal this the 28 day of April, 1988.

J. F. Burford, III
Notary Public

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STATE OF ALA. DEEDS
I CERTIFY THIS
INSTRUMENT WAS FILED

60 JUL-3 AM 11:15

James F. Burford, III
JUDGE OF PROBATE

1. Deed Tax	\$ <u>—</u>
2. Mtg. Tax	<u>—</u>
3. Recording Fee	<u>500</u>
4. Indexing Fee	<u>100</u>
TOTAL	<u>600</u>