

870

SEND TAX NOTICES TO:

Kimbrell Homes, Inc.  
2035 Countryridge Circle  
Birmingham, Alabama 35243

WARRANTY DEED

STATE OF ALABAMA     )  
                              )  
SHELBY COUNTY         )

KNOW ALL MEN BY THESE PRESENTS:

This Deed is made by and between Moore Development, Inc., an Alabama corporation, hereinafter called "Grantor," and Kimbrell Homes, Inc., hereinafter called "Grantee".

The Grantor, for and in consideration of Thirty One Thousand, Five Hundred and 00/100 (\$31,500.00) Dollars in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, convey and sell to Grantee the following described real estate located in Shelby County, Alabama to-wit:

Lot 68, according to Amended Map of Hickory Ridge Subdivision as recorded in Map Book 11 Page 79, Probate Office, Shelby County, Alabama

SUBJECT TO:

1. Easements, conditions, restrictions, set-back lines, right-of-ways and limitations of record including those shown on the recorded survey, and also the Restrictions recorded in Real Record 153 beginning at Page 992 in the office aforesaid.
2. Grantee acknowledges that it is aware that the property within the Hickory Ridge Subdivision including lots and streets is located in an area where sinkholes have occurred, and that neither Grantor, Shelby County nor anyone affiliated with the Grantor or Shelby County make any representations that the Subdivision lots and streets are safe or are suitable for residential construction. Grantee for itself, its successors and assigns does forever release Grantor from any damages arising out of surface or subsurface conditions of the property. This release shall constitute a covenant running with the land conveyed hereby, as against Grantee, and all persons, firms and others holding under or through Grantee.
3. Release of damages as shown in deed recorded in Real Record 108, Page 150, in Probate Office of Shelby county, Alabama.

ALL OF THE ABOVE CONSIDERATION WAS PAID FROM A MORTGAGE RECORDED SIMULTANEOUSLY HEREWITH.

Southwest Mt. P.O. Box 7244-A

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4. 35-Foot building set back line from Cedarshed Cove as shown on recorded map of said subdivision.
  5. 7.5-foot utility easement over the North side of said lot as shown on recorded map of said subdivision.
  6. Transmission line permits to Alabama Power Company as recorded in Deed Book 139, Page 140, in Probate Office of Shelby County, Alabama.
  7. Easement to The Water Works and Sewer Board of the City of Birmingham, as recorded in Real Record 144, Page 878, in Probate Office of Shelby County, Alabama.
  8. Agreement with Alabama Power Company as recorded in Real Record 158, Page 720 in Probate Office of Shelby County, Alabama.
  9. Easement to Alabama Power Company as recorded in Real Record 158, Page 723 in Probate Office of Shelby County, Alabama.
  10. Right of Way to Alabama Power Company as recorded in Real 167, Page 406 in the Probate Office of Shelby County, Alabama.

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

And Grantor does for itself and its successors and assigns covenant with the said Grantee, its successors and assigns that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid; that it will and its successors and assigns shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Moore Development, Inc. has caused this conveyance to be signed by and through its President, Donald B. Moore, who is authorized to execute this conveyance, on this the 17<sup>th</sup> day of July, 1989.

MOORE DEVELOPMENT, INC.  
an Alabama corporation

By:



Donald B. Moore, its President

STATE OF ALABAMA     )  
                                  )  
JEFFERSON COUNTY     )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Donald B. Moore, whose name as President of Moore Development, Inc., an Alabama 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 17<sup>th</sup> day of July, 1989.

Thomas A. Ritchie  
Notary Public

My Commission Expires: 2-2-92

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NOTARY PUBLIC  
I CERTIFY THAT  
INSTRUMENT WAS FILED

89 JUL 20 PM 12:39

Thomas A. Ritchie  
JUDGE OF PROBATE

**NO TAX COLLECTED**

1. Deed Tax	\$	—
2. Mtg. Tax		—
3. Recording Fee		<u>7.50</u>
4. Indexing Fee		<u>3.00</u>
TOTAL		<u>10.50</u>

This conveyance was prepared by: Thomas A. Ritchie, Ritchie and Rediker, Attorneys at Law, 312 North 23rd Street, Birmingham, Alabama, 35203.