

This instrument was prepared by
Peggy A. Werdehoff, General Attorney
USX Corporation
Fairfield, Alabama 35064

791

47,250

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS that, for and in consideration of Ten Dollars (\$10.00) and that certain note of even date secured by a purchase money mortgage in the amount of Forty Seven Thousand Two Hundred Fifty Dollars (\$47,250.00) and for other good and valuable consideration paid to USX CORPORATION, a Delaware corporation, hereinafter called "Grantor", by BRIGHAM/WILLIAMS and ASSOCIATES, INC., an Alabama corporation, whose mailing address is 200 Union Hill Drive, Birmingham, Alabama 35209, hereinafter called "Grantee", the receipt and sufficiency of which are hereby acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto the said Grantee the following described real estate, MINERALS AND MINING RIGHTS EXCEPTED, situated in Shelby County, Alabama, to wit:

Lot 33, according to the survey of Heatherwood,
Fourth Sector, as recorded in Map Book 9, Pages
161, 162 and 163 in the Probate Office of
Shelby County, Alabama.

RESERVING AND EXCEPTING, however, from this conveyance all of the coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coal bed methane gas, limestone, and all other minerals and non-mineral substances in and under said land, including water associated with the production of coal bed methane gas, together with the right to explore for, to drill for, to mine, to produce and to remove said coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coal bed methane gas, limestone, and all other minerals and non-mineral substances in and under said land, including water associated with the production of coal bed methane gas, without using the surface of said land; and also the right to transport through said land coal, iron ore, gas, oil, methane, hydrocarbons, occluded natural gas, coal bed methane gas, limestone, and all other minerals and non-mineral substances from adjoining or other land without using the surface of the land hereby conveyed.

This conveyance is made upon the covenant and condition which shall constitute a covenant running with said land that no right of action for damages on account of injury to said land or to any buildings, improvements, structures, pipe lines and other sources of water supply now or hereafter located upon said land or to any owners or occupants or other persons in or upon said land, resulting from past mining or other operations of the Grantor, its predecessors, assignees, licensees, lessees or contractors, or resulting from blasting, dewatering or the removal of said minerals, whether said past mining or other past operations be in said land or other lands, shall ever accrue to or be asserted by the Grantee herein or by said Grantee's successors in title, or by any person, this deed made expressly subject to all such past or future injuries. It is understood by the Grantee that Grantor cannot determine to any degree of certainty whether or not any past mining or other operations have occurred in said land or lands in the general vicinity of said land.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, forever; SUBJECT, however, to the following: (a) applicable zoning and subdivision regulations; (b) taxes for the current tax year; (c) building setback line of 35 feet reserved from Heatherwood Drive as shown by plat; (d) public utility easements as shown by recorded plat, including a 5 foot easement on the northeasterly side; a 10 foot easement on the southeasterly side and a 5 foot easement on the south-westerly side of lot; (e) restrictions, covenants and conditions as set out in instrument recorded in Real 71, Pages 737-742 in said Probate Office; (f) right-of-way granted to Alabama Power Company by instrument recorded in Real 93, Page 103 in said Probate Office; (g) easement to Alabama Power Company as shown by instrument recorded in Real 84,

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(2)

Page 162 in said Probate Office; (h) permit to Alabama Power Company shown by instrument recorded in Real 236, Page 953 in said Probate Office; and (i) all other matters of public record.

And the Grantor does for itself and for its successors and assigns covenant with the Grantee, Grantee's successors and assigns, that it is seized and possessed of said land and has the right to convey it, and it warrants the title against all persons claiming by, through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and behalf and its corporate seal to be hereunto affixed and attested by its officers thereunto duly authorized this, the 28 day of January, 1991.

ATTEST:

USX CORPORATION

[Signature]
Assistant Secretary
USX Corporation

[Signature]
Regional Manager - Southeast
USX Realty Development, a division
of U. S. Diversified Group



STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Thomas G. Howard, whose name as Regional Manager - Southeast, USX Realty Development, a division of USX 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 SEAL OF OFFICE this, the 28th day of January, 1991.

[Signature]
Notary Public

My Commission Expires May 13, 1994

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

91 FEB 13 AM 9:31

[Signature]
JUDGE OF PROBATE

NO TAX COLLECTED

1. Deed Tax	\$	5.00
2. Mfg. Tax	\$	5.00
3. Recording Fee	\$	3.00
4. Income Fee	\$	1.00
5. No Tax Fee	\$	1.00
6. Certified Fee	\$	1.00
Total	\$	10.00