

value \$5,000-

THIS DOCUMENT WAS PREPARED BY:

Douglas Corretti
CORRETTI & NEWSOM
1804 7th Avenue North
Birmingham, Alabama 35203

THE STATE OF ALABAMA)

Inst # 1995-19397

SHELBY COUNTY)

07/24/1995-19397
QUITCLAIM DEED CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 KCD 18.50

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of TEN and NO/100 (\$10.00) DOLLARS to the undersigned GRANTORS in hand paid by the GRANTEES herein, the receipt, adequacy and sufficiency whereof are hereby acknowledged, **PHILLIP J. LUSCO and wife, VIRGINIA P. LUSCO** (hereinafter referred to as Grantors), do hereby grant, bargain, sell and convey unto **JACK M. MENDEL and wife, RITA D. MENDEL** (hereinafter referred to as Grantees), the following described real property, located and situated in Shelby County, Alabama, to-wit:

Lot 1, Block 4, according to the survey of Indian Springs Ranch, as recorded in Map Book 4, Page 29, in the Office of the Judge of Probate of Shelby County, Alabama.

SUBJECT TO:

1. Ad valorem taxes for the current year, 1995.
2. Easements, restrictions, set back lines, rights of way and limitations of record, if any.

It is the intent and purpose of this QuitClaim Deed to divest Grantors, Phillip J. Lusco and Virginia P. Lusco of any and all right, title, interest or claim in and to the hereinabove described property. Grantors do hereby acknowledge that the boundary lines of the hereinabove described real property are set forth and shown in the Boundary Line Surveys of Lawrence D. Weygand dated September 27, 1984 (Order #77223) and July 21, 1994 (Order #87736).

Grantors do hereby expressly reserve unto themselves the right and privilege of using the disputed area (hereinafter defined) which is the subject of the boundary line action entitled Jack M. Mendel and Rita D. Mendel vs. Phillip J. Lusco and Virginia P. Lusco being Civil Action No. CV-94-523-J in the Circuit Court of Shelby County, Alabama for a period of two (2) years from July 20, 1995. Grantees, however, shall have the right and privilege during the two year period from July 20, 1995 to July 20, 1997 to plant five (5) trees within the disputed area and Grantees shall have the right and privilege of watering, fertilizing and otherwise maintaining the trees which they propose to plant within the disputed area. In the event the Grantors should move from their present residence located on Lot 2-A, Block 4, according to the resurvey of Lots 2 and 3, Indian Springs Ranch, as recorded in Map

Book 15, Page 103, in said Probate Office at any time prior to July 20, 1997, Grantors shall have no further right or privilege to use the disputed area and Grantees shall thereafter have the exclusive right to use, occupy and possess same.

The execution and delivery of this QuitClaim Deed by Grantors to Grantees fully, completely and absolutely settles all issues and matters presented in and by the action pending in the Circuit Court of Shelby County, Alabama being Civil Action No. CV-94-523-J.

The term "disputed area" as used herein shall mean that portion of the subject property lying south of the fence which extends along the southerly portion of the hereinabove described real property and outlined in red on the reduced copy of the survey of Lawrence D. Weygand dated July 21, 1994 (Order #87736) which is attached hereto and expressly incorporated herein by reference.

For the consideration hereinabove mentioned, Grantors do hereby expressly disclaim any right, title, interest or claim in and to the hereinabove described real property except as expressly provided hereinabove.

TO HAVE AND TO HOLD to the said Grantees forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 21st day of July, 1995.

Phillip J. Lusco (SEAL)
PHILLIP J. LUSCO

Virginia P. Lusco (SEAL)
VIRGINIA P. LUSCO

THE STATE OF ALABAMA)
SHELBY COUNTY)

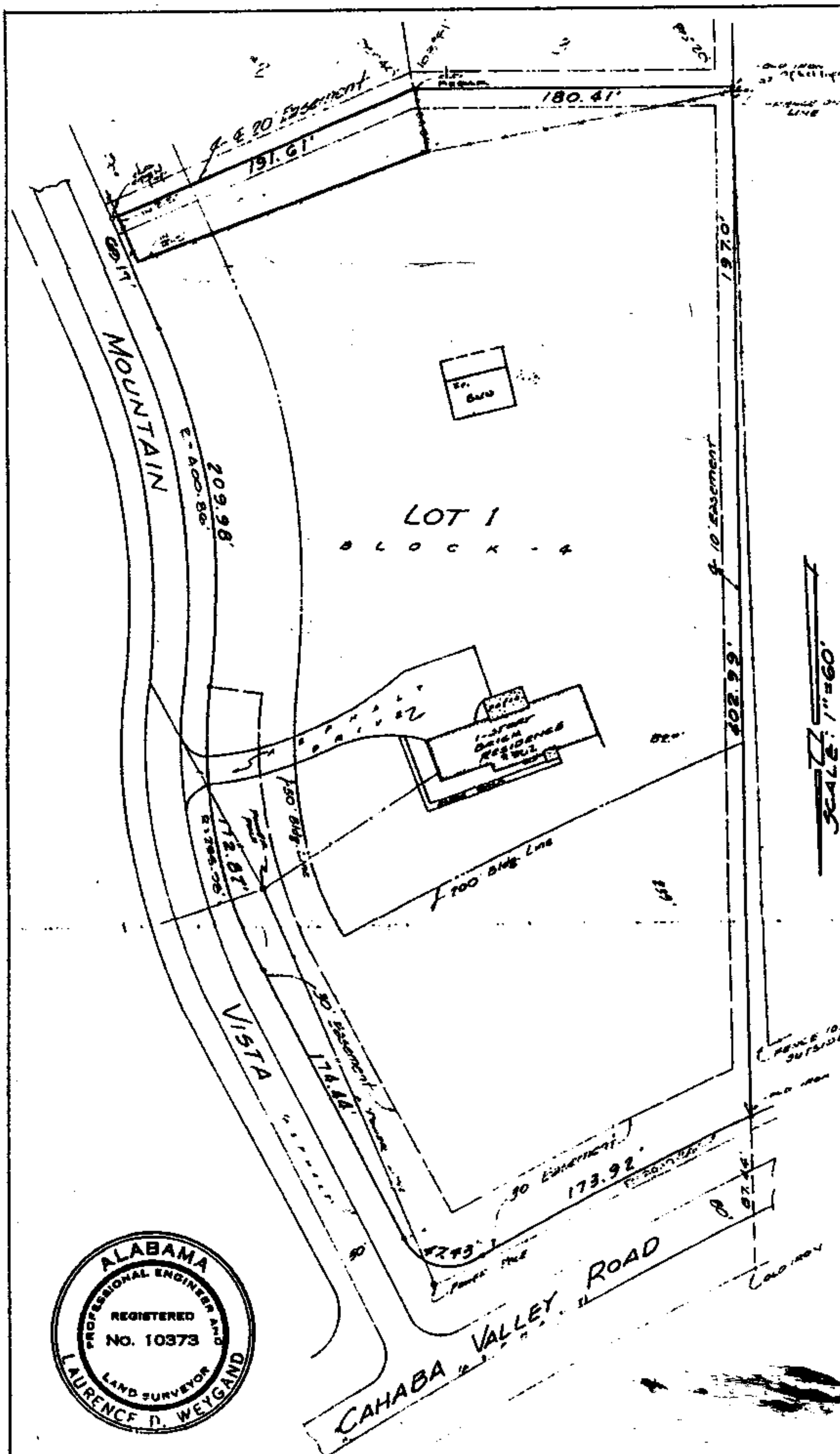
I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Phillip J. Lusco and wife, Virginia P. Lusco, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of same, they executed the same on the day the same bears date.

Given under my hand and official seal this the 21st day of July, 1995.

John L. Cole
NOTARY PUBLIC

My commission expires:

3-12-97



STATE OF ALABAMA /
SHELBY COUNTY

I, Laurence D. Weygand, a registered Engineer, Land Surveyor, certify that I have surveyed Lot 1, Block 4, INDIAN SPRINGS RANCH as recorded in Map Volume 4, Page 29, in the office of the Judge of Probate, SHELBY County, Alabama; that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in a special flood hazard area; that there are no encroachments on said lot except as shown; that improvements are located as shown above; and that the correct address is as follows: 392 MOUNTAIN VISTA according to my survey of July 21, 1994.

Order No. 8117268
Flom-Zachary, C.A. # 010131 00458
Laurence D. Weygand, Reg. No. 10373 phone: 42 c.m.

07/24/1995-19397
08:30 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DGS MCD 18.50