

This Instrument Prepared By:  
Timothy A. Massey  
1100 East Park Drive  
Birmingham, Alabama 35235

Send Tax Notice To:  
Jerry McGaha  
5455 Highway 280 South  
Birmingham, Alabama 35242

STATE OF ALABAMA     ()  
COUNTY OF SHELBY    ()

Inst # 1995-27730

### STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) in hand paid to the undersigned Grantor, MICHAEL A. WINDHAM, a married man (herein referred to as "GRANTOR") in hand paid by the Grantee herein, the receipt and sufficiency of which is hereby acknowledged, said Grantor does hereby grant, bargain, sell and convey unto JERRY MCGAHA and wife, LEISA MCGAHA, (herein referred to as GRANTEES), the following described real estate, situated in Shelby County, State of Alabama, to-wit:

Lot 3-B, according to the Map of Windham Tire Resurvey, as recorded in Map Book 18, Page 94, in the Probate Office of Shelby County, Alabama.

TOGETHER with a 30-foot non-exclusive, perpetual easement for vehicular, and pedestrian ingress and egress in, under, over and across the area specifically shown on the Resurvey and lying on the most westerly boundary of Lots 2-B and 3-B, according to the Resurvey and Lot 1, USW Subdivision, as recorded in Map Book 14, Page 8, in said Probate Office.

Subject to the following:

1. Ad valorem taxes for 1995 which are a lien but not yet due and payable
2. Rights-of-way to Shelby County, as recorded in Volume 95, Page 538.
3. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges, immunities and release of damages relating thereto as recorded in Volume 72, Page 515, and Volume 45, Page 326.
4. Right of way granted to Alabama Power Company by instrument recorded in Volume 173, Page 191; Volume 160, Page 403 and Volume 109, Page 492.
5. Detention pond, oil separator and grit chamber as shown by recorded map.
6. Perpetual easement for the use of that certain detention pond, oil separator, and grit chamber and rights related thereto in Instrument #1994-21718, and as shown on the recorded map.
7. Riparian and other rights created by the fact that the subject property fronts on creek.

10/02/1995-27730  
04:23 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 12.00

10/02/1995-27730  
04:23 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 12.00

8. A 30-foot non-exclusive ingress-egress easement along front lot line, and rights pertaining thereto, as shown on recorded map and set forth in Instrument #1994-21718.
9. Any part of subject property lying within the creek.

This property is not the homestead of the grantor or his spouse as defined by the Code of Alabama.

\$1,000,000.00 of the purchase price is being paid by the proceeds of a first mortgage loan executed and recorded simultaneously herewith.

TO HAVE AND TO HOLD UNTO THE SAID GRANTEES, their heirs and assigns, forever.

And I do for myself and for my heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.


IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 28<sup>th</sup> day of September, 1995.

  
Michael A. Windham

STATE OF ALABAMA       ()  
COUNTY OF JEFFERSON   ()

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Michael A. Windham, a married man, 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 this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 28<sup>th</sup> day of September, 1995.

  
Notary Public  
My Commission Expires: 5/1/96  
Inst # 1995-27730

10/02/1995-27730  
04:23 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 12.00