

This instrument prepared by:
John N. Randolph
Sirote & Permutt P.C.
2222 Arlington Avenue
Birmingham, Alabama 35205

Send Tax Notice to:
John N. Randolph
Virginia S. Randolph
416 Hollybrook Lake
Leeds, Al. 35094

STATE OF ALABAMA)

JEFFERSON COUNTY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Twenty-Five Thousand and no/100 Dollars (\$25,000.00) and other good and valuable consideration to the undersigned Sidney W. Smyer, III, unmarried (herein referred to as "Grantor"), in hand paid by John N. Randolph and Virginia S. Randolph (herein referred to as "Grantees"), the receipt of which is hereby acknowledged, the said grantor does by these presents, grant, bargain, sell and convey unto the said Grantees, as tenants in common with equal rights and interest for the period or term that the said Grantees shall both survive, and unto the survivor of the said Grantees, at the death of the other, and to the heirs and assigns of such survivor in fee simple forever, such tenancy being expressly intended to create co-tenants in common for life with a contingent remainder in fee in favor of the survivor of the said Grantees, the following described real estate situated in Jefferson County, Alabama, to-wit:

See attached "Exhibit A" for legal description and restrictions imposed upon the property.

Subject to the following:

1. Advalorem taxes for the current tax year which grantees herein assume and agree to pay.
2. Transmission line permits to Alabama Power Company as recorded in Deed Book 131, Page 205; Deed Book 315, Page 778; and Deed Book 333, Page 369, in Probate Office.
3. Right of way to Shelby County as recorded in Deed Book 196, Page 264, in Probate Office.

By the execution and delivery of this Deed, Grantor and Grantees acknowledge that it is not their intention to create a joint tenancy with right of survivorship, but on the contrary, it is their intention to create, and they do hereby create a form of concurrent ownership in the above property as tenants in common during the respective lives of the Grantees, with cross-contingent remainders in fee to and in favor of the survivor, and to the heirs, and assigns of such survivor, which interests so created in the Grantees are indestructible by the act of one of the Grantees.

And the Grantor do, for themselves and their heirs, administrators, successors and assigns, covenant with the said Grantees that Grantor is lawfully seized of said premises in fee simple; that they are free from all encumbrances except as hereinabove stated; that Grantor has a good right to sell and convey the same as aforesaid; and that Grantor will, and Grantor's successors and assigns shall warrant and defend the same unto the said grantees, their heirs and assigns forever, against the lawful claims of any and all persons.

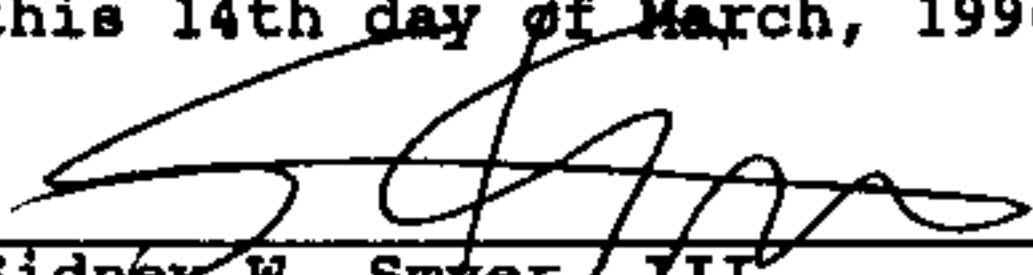
TO HAVE AND TO HOLD TO THE SAID Grantees, as tenants in common and with equal rights and interest for the period or term that the said Grantees shall both survive, and unto the survivor of the said Grantees, at the death of the other and to the heirs and assigns of such survivor in fee simple forever, such tenancy being expressly intended to create co-tenants in common for life with a contingent remainder in fee in favor of the survivor of the Grantees.

Inst # 1996-09015

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Page 2 of Warranty Deed from Sidney W. Smyer, III to John N. Randolph and Virginia S. Randolph dated March 14, 1996.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 14th day of March, 1996.

X 

Sidney W. Smyer, III

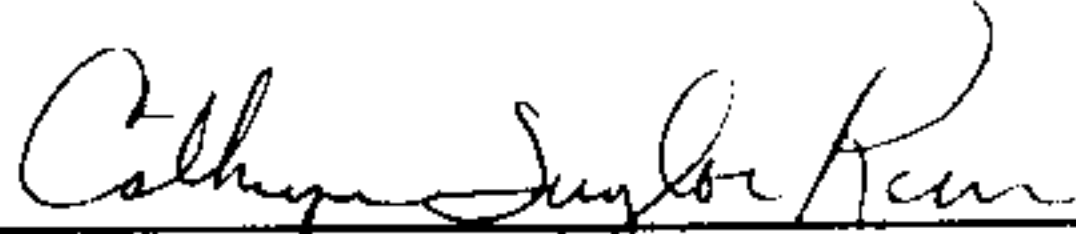
STATE OF ALABAMA

JEFFERSON COUNTY

On this 14th day of March, 1996, I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that Sidney W. Smyer, III unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me that, being informed of the contents of the conveyance, he executed the same voluntarily and as his act on the day the same bears date.

Given under my hand and seal of office this 14th day of March, 1996.

My Commission expires: 6/20/98



Notary Public

AFFIX SEAL

EXHIBIT A

LEGAL DESCRIPTION
(RANDOLPH PROPERTY)

Commence at the Northeast corner of the Northwest 1/4 of the Southwest 1/4 of Section 18, Township 18 South, Range 1 East, Shelby County, Alabama and run Southerly along the East line of said 1/4-1/4 section for 1319.93 feet to the Southeast corner of said 1/4-1/4 section; thence turn 71 degrees 16 minutes 40 seconds right and run 1,094.88 feet to a point on the west side of a private road and the point of beginning of the tract of land herein described; thence turn 100 degrees 56 minutes 09 seconds left and run southeasterly along said private road 86.66 feet to the point of beginning of a curve to the left, said curve having a radius of 315.16 feet, and run along said curve 107.49 feet to a point; thence run southeasterly along the tangent to said curve at said point for 93.01 feet to the point of beginning of a curve to the left, said curve having a radius of 244.07 feet; thence run along said curve and said private road for 93.07 feet to a point; thence turn 68 degrees 21 minutes 37 seconds right from the tangent to said curve at said point and run southerly 317.85 feet; thence turn 143 degrees 59 minutes 05 seconds right and run northwesterly 390.42 feet; thence turn 89 degrees 14 minutes 00 seconds left and run southwesterly 121.73 feet; thence turn 7 degrees 42 minutes 38 seconds left and run 79.91 feet to a point on the shoreline of Hollybrook Lake; thence turn 96 degrees 57 minutes 25 seconds right and northwesterly along said lake shoreline 32.92 feet; thence turn 82 degrees 09 minutes 31 seconds right and run northeasterly 158.40 feet; thence turn 50 degrees 20 minutes 28 seconds left and run northerly 150.07 feet; thence turn 28 degrees 39 minutes 01 second right and run 127.86 feet to the point of beginning;

Together with all real estate lying between the aforesaid property, and Lot 2, Survey of Hollybrook Lake, First Sector, as recorded in Map Book 4, page 74, in the Probate Court of Shelby County, Alabama ("Lot 2"), it being the intention of the Grantor to reconcile any discrepancies in boundaries and descriptions that appear of public record with regard to the said Lot 2, so that the real estate being conveyed herein lies immediately contiguous to Lot 2, with no intervening unconveyed property.

As a part of the consideration for this sale, the Grantor does hereby impose the following covenants and restrictions upon the real estate herein conveyed (the "Property"), which shall run with the land and be binding upon the Grantees, their respective personal representatives, heirs, successors and assigns forever:

1. The Property may not be subdivided into smaller tracts.
2. For the purpose of this covenant, the Property and the contiguous Lot 2 shall be considered a single parcel of real estate, which may be used for single family residential purposes only and upon which only one single family residence may be constructed; provided, however, that the boathouse/apartment that currently exists upon Lot 2 shall not be considered as a separate residence for the purpose of this Covenant.

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