

This instrument was prepared by

Mitchell A. Spears

ATTORNEY AT LAW

143 Main, P.O. Box 91
Montevallo, AL 35115-0091

205/665-5102
205/665-5076

Send Tax Notice to:

(Name)

(Address)

James M. Wagner and
Hettie E. Wagner

P.O. Box 328
2711 Hwy. 17

Montevallo, AL 35115

WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVOR

STATE OF ALABAMA

SHELBY

COUNTY }

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of TWENTY-SIX THOUSAND, FIVE HUNDRED and 00/100, (\$26,500.00)--- DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we, Holly L. Boettger-Tong and husband, John Y. Tong; and Leah M. Driscoll, an unmarried woman (herein referred to as grantors) do grant, bargain, sell and convey unto

James M. Wagner and wife, Hettie E. Wagner

(herein referred to as GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, the following described real estate situated in SHELBY County, Alabama to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HERewith,
AS THOUGH FULLY SET OUT HEREIN.

THIS CONVEYANCE IS EXECUTED BY GERALDINE P. BOETTGER AND THEODORE O. BOETTGER, ATTORNEYS-IN-FACT FOR THE ABOVE DESIGNATED GRANTORS, WITH FULL POWER AND AUTHORITY TO EXECUTE SUCH DEED, AS DESIGNATED BY EXHIBITS A-1 THROUGH A-6, ATTACHED HERETO AND INCORPORATED HERewith.

HOLLY L. BOETTGER-TONG IS ONE AND THE SAME PERSON AS HOLLY BOETTGER-TONG.
LEAH M. DRISCOLL IS ONE AND THE SAME PERSON AS LEAH MICHELE DRISCOLL.

GERALDINE P. BOETTGER IS ONE AND THE SAME PERSON AS GERALDINE PATRICIA BOETTGER.

EACH OF THE ABOVE DESIGNATED PERSONS USES THE NAMES CITED HEREIN, INTER-CHANGEABLY.

TO HAVE AND TO HOLD to the said GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns for such survivor forever.

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

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s), this 24th day of May, 19 96.

WITNESS

(Seal)

(Seal)

(Seal)

Geraldine P. Boettger (Seal)
Geraldine P. Boettger, Attorney-in-Fact

Theodore O. Boettger (Seal)
Theodore O. Boettger, Attorney-in-Fact

Theodore O. Boettger (Seal)

STATE OF ALABAMA

COUNTY }

General Acknowledgment

I, _____, a Notary Public in and for said County, in said State,

hereby certify that _____
whose name _____ signed to the foregoing conveyance, and who _____ known to me, acknowledged before me on this day, that being informed of the contents of the conveyance _____ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____, A.D. 19 _____

05/29/1996-17242
10:28 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

012 WCB

68.50

Notary Public

My Commission Expires

Inst. # 1996-17242

EXHIBIT "A"

A parcel of land in the SW 1/4 of SE 1/4 of Section 5, Township 22 South, Range 3 West, Shelby County, Alabama, described as follows: Commence at the SW corner of the SW 1/4 of the SE 1/4 of Section 5, Township 22 South, Range 3 West, Shelby County, Alabama, and from a bearing of South 87 deg. 41 min. East on the South line of said 1/4 1/4 run North 79 deg. 43 min. 30 sec. East a distance of 210.50 feet to a point; thence run North 50 deg. 19 min. East a distance of 168.00 feet to a point; thence North 69 deg. 17 min. East a distance of 364.72 feet to a point; thence North 64 deg. 16 min. East a distance of 73.48 feet to a point; thence North 55 deg. 33 min. East a chord distance of 158.00 feet to the point of beginning of the property being described; thence continue last course along the North right of way line of Shelby County Highway No. 17 a chord distance of 66.50 feet to a point; thence turn an angle of 75 deg. 53 min. left and run Northerly a distance of 113.40 feet to a point; thence turn an angle of 12 deg. 27 min. left and run a distance of 93.26 feet to a point; thence turn an angle of 81 deg. 44 min. left and run Southerly a distance of 127.56 feet to a point; thence turn an angle of 20 deg. 25 min. 20 sec. left and run 28.81 feet to a point; thence turn an angle of 16 deg. 45 min. 30 sec. right and run 62.15 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

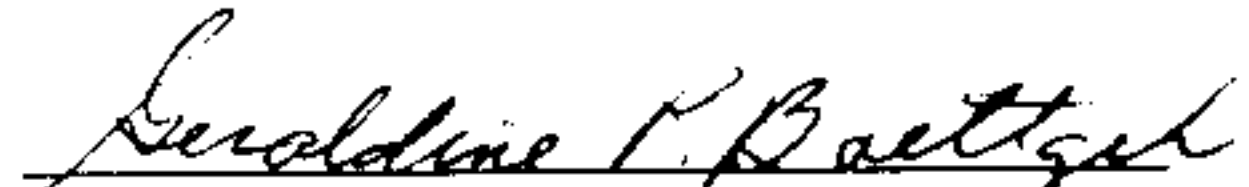
SUBJECT TO:

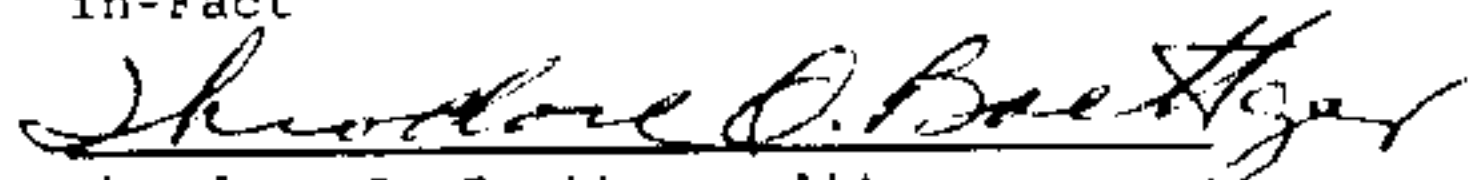
Property taxes for 1996 and subsequent years.

Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 108 page 54; Deed Book 121 page 352; Deed Book 200 page 523 and Deed Book 211 page 448 in Probate office.

Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Deed Book 92 page 203 in Probate Office.

Dated: 5/24/96


Geraldine P. Boettger, Attorney
in-Fact


Theodore O. Boettger, Attorney-
in-Fact

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT IN REPRESENTATIVE CAPACITY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **GERALDINE P. BOETTGER and THEODORE O. BOETTGER**, whose names as **ATTORNEY-IN-FACT FOR HOLLY L. BOETTGER-TONG, JOHN Y. TONG AND LEAH M. DIRSCOLL**, 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 the conveyance, they, in their capacity as such Attorneys-in-Fact, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 24th day of May, 1996.

Don A. Spear
Notary Public
My Commission Expires: 9/97

EXHIBIT "A-1"

AFFIDAVIT REGARDING NON-REVOCATION OF POWER OF ATTORNEY

Before me, the undersigned Notary Public, in and for the State of Alabama-at-Large, personally appeared **Geraldine P. Boettger and Theodore O. Boettger**, who having been by me first duly sworn, deposed as follows:

1. Our names are Geraldine P. Boettger and Theodore O. Boettger. We are over the age of twenty-one (21) years, and have personal knowledge of the facts stated herein.

2. On May 22, 1992, John Y. Tong and Holly Boettger-Tong appointed us as Attorneys-in-Fact under a Power of Attorney, a true and correct copy of which is attached hereto as Exhibit "A-2".

3. We have on this day exercised the above-referenced Power of Attorney by executing a Warranty Deed and Bill of Sale, and various other documents relating to the sale of a residence located in Shelby County, Alabama, and being more particularly described as follows, to-wit:

See Exhibit "A-3" attached hereto and incorporated herewith, as though fully set out herein.

4. At the time of the execution of the above-mentioned closing documents and exercise of the Power of Attorney, we had no actual knowledge of the termination of the power by revocation or of John Y. Tong's or Holly Boettger-Tong's death. We know both John Y. Tong and Holly Boettger-Tong to be still living, and have never been notified, since the execution of the Power of Attorney, that he or she has revoked said power.

5. We are making this Affidavit pursuant to Code of Alabama 1975 Section 26-1-2(e).

6. Holly Boettger-Tong is one and the same person as Holly L. Boettger-Tong and sometimes uses such names, interchangeably.

Witness my hand and seal this the 24th day of May, 1996.

Geraldine P. Boettger
Affiant and Attorney-in-Fact

Theodore O. Boettger
Affiant and Attorney-in-Fact

Subscribed and sworn to before me on this the 24th day of May, 1996.

On A. Spear
Notary Public
My Commission Expires: 9/97

EXHIBIT "A-2"

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT LIMITED POWER OF ATTORNEY

We, John Y. Tong and wife, Molly Boettger-Tong, hereinafter designated as "Principals", of Shelby County, Alabama, do hereby constitute and appoint Geraldine P. Boettger and Theodore O. Boettger, hereinafter designated as "Joint Attorneys in Fact", of Shelby County, Alabama, as our true and lawful Attorneys in Fact in and for the State of Alabama, and all other Counties and States, or Foreign Countries, wherein the need may arise, for the following purposes:

To represent the herein designated Principals for the purpose of selling, transferring, conveying, leasing, or, in any other manner, dealing with business activities relating to our 1988, 24' x 54' Buccaneer Mobile Home and/or certain real estate located in section 5, Township 22 South, Range 3 West, Shelby County, Alabama (Address: 2711 Highway 17, Montevallo, Alabama 35115).


The aforementioned Joint Attorneys in Fact are authorized, subject to revocation, to receive confidential information and to perform any and all acts that the Principals can perform with respect to the above specified matters, including the power to sign any and all legal or binding documents on behalf of the Principals, including, but not limited to, deeds, mortgages, leases, as well as other forms of agreements or documentation which the Principals have the right to execute; and to undertake any and all acts which Principals may do, conduct or perform for themselves.

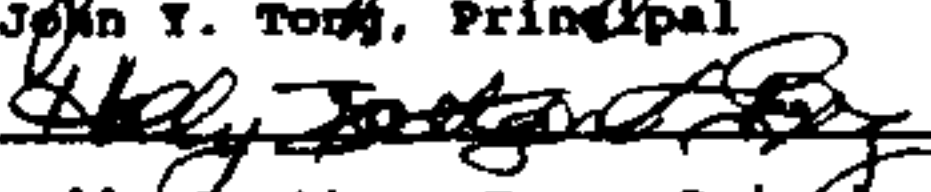
Copies of notices and other written communications addressed to the Principals, in proceedings involving the above designated matters, should be directed and forwarded to:

Geraldine P. Boettger and Theodore O. Boettger
320 Navajo Pine Drive
Alabaster, Alabama 35007

This Joint Power of Attorney revokes all earlier Powers of Attorney and vests in the Attorneys in Fact only those powers and authority herein designated; and any act undertaken by the Attorneys in Fact as specified herein, shall bind the Principal and inure to his benefit as though they had personally undertaken said act.

The above designated Joint Power of Attorney is granted without power of substitution or appointment, and authorizes the Attorneys in Fact to deal with any person or entity for the purposes herein specified.



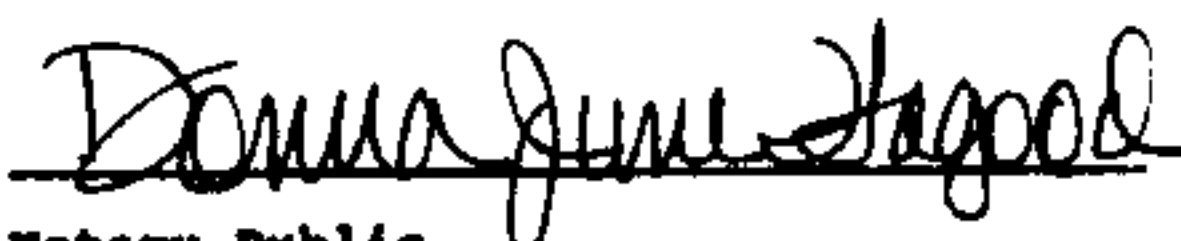
John Y. Tong, Principal


Holly Boettger-Tong, Principal

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that John Y. Tong and Holly Boettger-Tong, whose names are signed to the foregoing Joint Limited Power of Attorney, and who are known to me, acknowledged before me on this day, that, being informed of the contents of this document, said Principals executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22nd day of May, 1992.



Notary Public
My Commission Expires: 10-29-94

EXHIBIT "A-3"

A parcel of land in the SW 1/4 of SE 1/4 of Section 5, Township 22 South, Range 3 West, Shelby County, Alabama, described as follows: Commence at the SW corner of the SW 1/4 of the SE 1/4 of Section 5, Township 22 South, Range 3 West, Shelby County, Alabama, and from a bearing of South 87 deg. 41 min. East on the South line of said 1/4 1/4 run North 79 deg. 43 min. 30 sec. East a distance of 210.50 feet to a point; thence run North 50 deg. 19 min. East a distance of 168.00 feet to a point; thence North 69 deg. 17 min. East a distance of 364.72 feet to a point; thence North 64 deg. 16 min. East a distance of 73.48 feet to a point; thence North 55 deg. 33 min. East a chord distance of 158.00 feet to the point of beginning of the property being described; thence continue last course along the North right of way line of Shelby County Highway No. 17 a chord distance of 66.50 feet to a point; thence turn an angle of 75 deg. 53 min. left and run Northerly a distance of 113.40 feet to a point; thence turn an angle of 12 deg. 27 min. left and run a distance of 93.26 feet to a point; thence turn an angle of 81 deg. 44 min. left and run Southerly a distance of 127.56 feet to a point; thence turn an angle of 20 deg. 25 min. 20 sec. left and run 28.81 feet to a point; thence turn an angle of 16 deg. 45 min. 30 sec. right and run 62.15 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

ALSO to include one 1988 Buccaneer Challenger mobile home, 24' x 50', Serial Number; 1210, permanently affixed to said premises.

EXHIBIT "A-4"

AFFIDAVIT REGARDING NON-REVOCATION OF POWER OF ATTORNEY

Before me, the undersigned Notary Public, in and for the State of Alabama-at-Large, personally appeared Geraldine Patricia Boettger, who having been by me first duly sworn, deposed as follows:

1. My name is Geraldine Patricia Boettger. I am over the age of twenty-one (21) years, and have personal knowledge of the facts stated herein.

2. On June 26, 1992, Leah Michele Driscoll appointed me as Attorney-in-Fact under a Power of Attorney, a true and correct copy of which is attached hereto as Exhibit "A-5".

3. I have on this day exercised the above-referenced Power of Attorney by executing a Warranty Deed and Bill of Sale, and various other documents relating to the sale of a residence located in Shelby County, Alabama, and being more particularly described as follows, to-wit:

See Exhibit "A-6" attached hereto and incorporated herewith, as though fully set out herein.

4. At the time of the execution of the above-mentioned closing documents and exercise of the Power of Attorney, I had no actual knowledge of the termination of the power by revocation or of Leah Michele Driscoll's death. I know Leah Michele Driscoll to be still living, and have never been notified since the execution of the Power of Attorney that he/she/or it has revoked said power.

5. I am making this Affidavit pursuant to Code of Alabama 1975 Section 26-1-2(e).

6. Geraldine Patricia Boettger is one and the same person as Geraldine P. Boettger, and Leah Michele Driscoll is one and the same person as Leah M. Driscoll.

Witness my hand and seal this the 24th day of May, 1996.

Geraldine P. Boettger
Affiant and Attorney-in-Fact

Subscribed and sworn to before me on this the 24th day of May, 1996.

Dr. A. Spear
Notary Public
My Commission Expires: 9/97

EXHIBIT "A-5"

SPECIAL POWER OF ATTORNEY

I, LEAH MICHELE DRISCOLL residing at 1825 CAROLINA STREET, MIDDLETOWN, OH 45044, hereby appoint GERALDINE PATRICIA BOETTGER, of 320 NAVAHO PINE DRIVE, ALABASTER, AL 35007, as my Attorney-in-Fact, to act in my name and place, and for my benefit and on my behalf with authority to do the following:

1. Sell or convey any interest of mine in real property located at 2711 HWY 17 MONTEVALLO, AL, and legally described on the attached Exhibit. The total sales price must be at least \$1.00.

This power shall include the power to (i) sell upon such terms as my Attorney-in-Fact shall deem appropriate, (ii) sign any documents (including deeds) that may be required to convey title to such property, and (iii) collect and receive the proceeds from any such sale.

2. Manage, insure, improve, repair, collect rents, execute leases, or take any other action that a landlord might take, with respect to any interest of mine in real property located at 2711 HWY 17 MONTEVALLO, AL.

I hereby grant to my Attorney-in-Fact full right, power and authority to do every act, deed and thing necessary or advisable to be done concerning the above powers, as fully as I could do if personally present and acting.

This Power of Attorney shall become effective on May 27, 1992 and shall continue effective until my death; provided, however, that this Power may be revoked by me as to my Attorney-in-Fact at any time by written notice to my Attorney-in-Fact.

Dated June 26, 1992, at First National Bank of Germantown.

Leah Michele Driscoll
LEAH MICHELE DRISCOLL

Witness Ruby M. Hays

Witness N/A

State of Ohio, County of Butler, ss.

Before me, a notary public (or justice of the peace) in and for said county, personally appeared the above named

LEAH M. DRISCOLL

(Type or Print Names of Declarant and Two Witnesses) who acknowledged that they did sign the foregoing instrument, and that the same is their free act and deed. In testimony whereof, I have hereunto subscribed my name at N/A, this day of N/A, 19N/A.

N/A
(Signature and official title)

I CERTIFY that the above-named person whose identity is well-known or proved to me, personally appeared, before me this 26th day of June, 1992, at FIRST NATIONAL BANK OF GERMANTOWN and signed the above request, acknowledging the same to be his/her free act and deed.

RUBY M. HAYS, Notary Public
In and for the State of Ohio
My Commission Expires Sept. 25, 1994

Ruby M. Hays
(Signature and title of certifying officer)

17 N. Main St., Germantown, OH 45327
(Address)

This instrument was prepared by Leah M. Driscoll.
(print name)

EXHIBIT ONE

COMMENCE AT THE S.W. CORNER OF THE S.W. 1/4 OF THE SE SECTION 5, TOWNSHIP 22 S. RANGE 3W, SHELBY COUNTY, ALABAMA, AND FROM A BEARING OF S. 87 DEGREES 41 E. ON THE SOUTH LINE OF SAID 1/4 1/4 RUN N. 79 DEGREES 43'30"E A DISTANCE OF 210.50' TO A POINT, THENCE RUN N 50 DEGREES 19E A DISTANCE OF 168.00' TO A POINT, THENCE N69 DEGREES 17E A DISTANCE OF 364.72' TO A POINT, THENCE N.64 DEGREES 16'E A DISTANCE OF 73.48' TO A POINT, THENCE N55 DEGREES 33'E A CHORD DISTANCE OF 158.00' TO THE POINT OF BEGINNING OF THE PROPERTY BEING DESCRIBED, THENCE CONTINUE LAST COURSE ALONG THE NORTH 'RIGHT OF WAY LINE OF SHELBY COUNTY HIGHWAY 17 A CHORD DISTANCE OF 66.50' TO A POINT, THENCE TURN AN ANGLE OF 75 DEGREES 53' LEFT AND RUN NORTHERLY A DISTANCE OF 113.40' TO A POINT, THENCE TURN AN ANGLE OF 12 DEGREES 27' LEFT AND RUN A DISTANCE OF 93.26' TO A POINT, THENCE TURN AN ANGLE OF 81 DEGREES 44' LEFT AND RUN SOUTHERLY A DISTANCE OF 127.56' TO A POINT, THENCE TURN AN ANGLE OF 20 DEGREES 25'20" LEFT AND RUN 28.81' TO A POINT, THENCE TURN AN ANGLE OF 16 DEGREES 45'30" RIGHT AND RUN 62.15' TO THE POINT OF BEGINNING, CONTAINING 0.324 OF AN ACRE AND SUBJECT TO ALL AGREEMENT OF PROBATED RECORD.

EXHIBIT "A-6"

A parcel of land in the SW 1/4 of SE 1/4 of Section 5, Township 22 South, Range 3 West, Shelby County, Alabama, described as follows: Commence at the SW corner of the SW 1/4 of the SE 1/4 of Section 5, Township 22 South, Range 3 West, Shelby County, Alabama, and from a bearing of South 87 deg. 41 min. East on the South line of said 1/4 1/4 run North 79 deg. 43 min. 30 sec. East a distance of 210.50 feet to a point; thence run North 50 deg. 19 min. East a distance of 168.00 feet to a point; thence North 69 deg. 17 min. East a distance of 364.72 feet to a point; thence North 64 deg. 16 min. East a distance of 73.48 feet to a point; thence North 55 deg. 33 min. East a chord distance of 158.00 feet to the point of beginning of the property being described; thence continue last course along the North right of way line of Shelby County Highway No. 17 a chord distance of 66.50 feet to a point; thence turn an angle of 75 deg. 53 min. left and run Northerly a distance of 113.40 feet to a point; thence turn an angle of 12 deg. 27 min. left and run a distance of 93.26 feet to a point; thence turn an angle of 81 deg. 44 min. left and run Southerly a distance of 127.56 feet to a point; thence turn an angle of 20 deg. 25 min. 20 sec. left and run 28.81 feet to a point; thence turn an angle of 16 deg. 45 min. 30 sec. right and run 62.15 feet to the point of beginning; being situated in Shelby County, Alabama. Mineral and mining rights excepted.

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