

This Instrument Prepared By:
James F. Burford, III
Attorney at Law
Suite 200-A, 100 Vestavia Office Park
Birmingham, Alabama 35216

Send Tax Notice To:
KIRK THOMAS
100 CEDAR CREEK DR.
PELHAM, AL.
35124

WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That in consideration of Forty-Six Thousand Five and No/100 Dollars (\$46,500.00), to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, I, RANDALL H. GOGGANS, a married man (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto KIRK THOMAS, (herein referred to as Grantee, whether one or more), in the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 18, according to the Survey of Oakcrest, Sector Two as set out in Map Book 20, Page 129 A & B in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Grantor hereby retains unto himself and his successors and/or assigns (which successors and/or assigns may include the Oakcrest Sector Two Homeowner's Association, Inc.) easements as follows:

(1) A perpetual easement, the centerline of which is the creek crossing the Property, said easement being fifteen feet (15') on either side of such centerline, and the purpose of this easement being for the maintenance of the creek and drainage apparatus (including siltation ponds) on the Property; and

(2) Perpetual easement for ingress and egress to such creek.

Grantor specifically reserves the right to modify the Declaration of Restrictive Covenants for Oakcrest Sector Two in order to impose upon the owners of all or a part of the lots within Oakcrest Sector Two, the obligation for the maintenance of the creek and siltation retainage pond located on the Property.

SUBJECT TO: (1) Taxes due in the year 1997 and thereafter; (2) Mineral and mining rights unowned by Grantor; (3) Public easements as shown by recorded plat, including a 30 foot easement granted to Alabama Power Company running through lot; (4) Restrictions, covenants and conditions as set out in instrument(s) recorded in Instrument #1996-2205 in Probate Office; (5) Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 127, Page 442 in Probate Office; (6) Right(s)-of-Way(s) granted to South Central Bell by instrument(s) recorded in Real 116, Page 275 in Probate Office; (7) Restrictions, limitations and conditions as set out in Map Book 20, Page 129 A & B; (8) Agreement with Alabama Power Company as set out in Instrument #1995-1633 in Probate Office; and (9) A 100 foot Right of Way granted to Alabama Power Company as shown by the recorded plat.

\$45,500.00 of the consideration recited herein was derived from a mortgage loan closed simultaneously herewith.

~~Grantor hereby quitclaims without warranty any portion of the above-described lot which lies North of the fence as shown by the recorded plat.~~
RHB.

The property conveyed herein is not the homestead of the Grantor or his spouse.

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SHELBY COUNTY JUDGE OF PROBATE

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TO HAVE AND TO HOLD to the said Grantee, his heirs, successors and assigns forever.

And I do for myself and for my heirs, executors and administrators, covenant with said Grantee, his successors and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated 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 Grantee, his successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned, RANDALL H. GOGGANS, a married man, ha hereunto set his hand and seal, this the 23 day of December, 1996.


Randall H. Goggans

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that RANDALL H. GOGGANS, a married man, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the foregoing instrument he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 23 day of December, 1996.


Notary Public
My Commission Expires: 3-1-98

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