

Send Tax Notice to:
Robert & Janet Kirkland
P.O. Box 212
Alabaster, Alabama 35007
35209

Instrument Prepared By:
John G. Lowther
Attorney at Law
3500 Independence Drive
Birmingham, Alabama

Inst # 1996-42667

GENERAL WARRANTY DEED JOINT WITH SURVIVORSHIP

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS:

This Deed is made by and between McCullough Snappy Service Oil Co., Inc., hereinafter called "Grantor", and Robert L. Kirkland and Janet A. Kirkland, hereinafter called "Grantees".

The Grantor, for and in consideration of Three Hundred Sixty-Seven Thousand Three Hundred Sixty-Nine and 82/100 (\$367,369.82) Dollars in hand paid by the Grantees, the receipt of which is hereby acknowledged, does hereby grant, bargain, convey and sell to Robert L. Kirkland and Janet A. Kirkland as joint tenants with right of survivorship, the following described real estate located in Shelby County, Alabama:

As described in Exhibit "A" attached hereto and incorporated herein by reference.

The entire purchase price was paid from the proceeds of a mortgage recorded herewith.

Subject to:

1. Taxes and assessments for the year 1997, and subsequent years, which are not yet due and payable. Tax information has been based on the present assessment roles, but is subject to any future adjustments that may be made by either the Tax Assessor or the Board of Equalization of Shelby County, Alabama.
2. Title to all minerals within and underlying the property, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 23 Page 525.
3. Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 126, Page 292.

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4. Right of Way to City of Pelham, recorded in Real Volume 64, Page 312.
5. Right of Way granted to South Central Bell Telephone Company by instrument recorded in Real Volume 119, Page 870.
6. Denial of all existing, future, or potential common law or statutory rights of access between subject property and I-65.
7. For a period of twenty-five (25) years after the date of this conveyance, or until the foreclosure of the certain mortgages granted by Grantees herein to The Money Store Commercial Mortgage, Inc., in the amounts of \$551,652.00 and \$469,148.00, recorded herewith, or that certain mortgage to be granted at a later date by Grantees herein to Southern Development Council, Inc., and assigned to the U.S. Small Business Administration, in the amount of \$486,000.00, whichever occurs first, the following covenants shall run with the land: (a) the property shall only be used as a gasoline/convenience store; (b) any petroleum product sold from the property must be purchased from the Grantor; and (c) the Grantor shall retain a right of first refusal to match any bona fide arms-length offer to purchase the property from the Grantees prior to the Grantees' acceptance of any other party's offer.

TO HAVE AND TO HOLD unto the said Grantees as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

Grantor covenants with the said Grantees, their heirs, successors and assigns, that it is lawfully seized in fee simple of said premises; that it is free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid; that it will warrant and defend the same to the said Grantees, their heirs, successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor, has caused this conveyance to be signed on this the 30th day of December, 1996.

McCullough Snappy Service Oil Co., Inc.

By: D. Lloyd Bowers
D. Lloyd Bowers, President

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that D. Lloyd Bowers, whose name as President of McCullough Snappy Service Oil Co., Inc., a

corporation, is signed to the foregoing General Warranty Deed, and who is known to me, acknowledged before me on this date that, being informed of the contents of the General Warranty Deed, he, as such Officer, and with full authority, executed the same voluntarily for and as the act of said Corporation. Given under my hand and seal this 30th day of December, 1996.

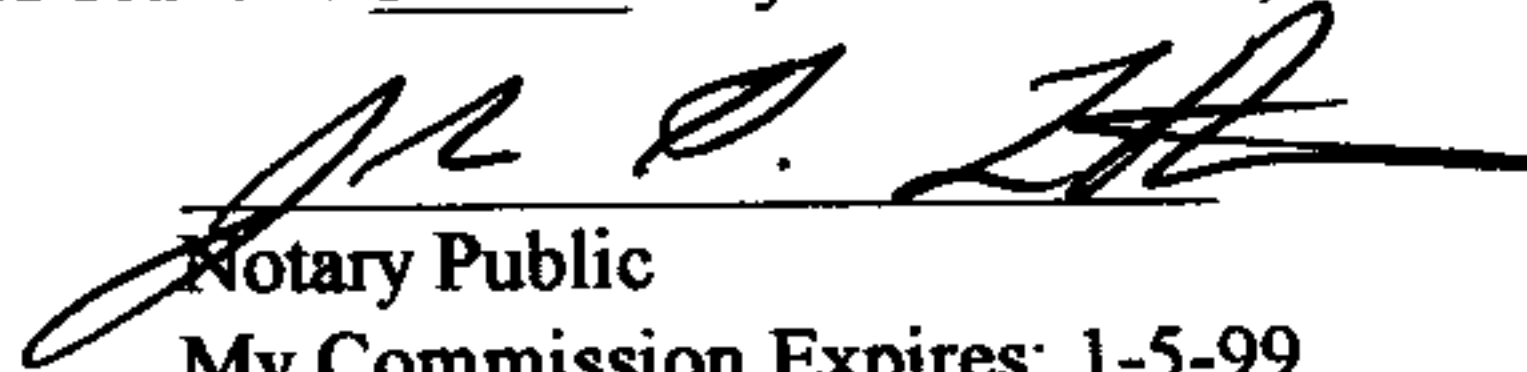

Notary Public
My Commission Expires: 1-5-99

EXHIBIT A
LEGAL DESCRIPTION



A parcel of land situated in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the SE corner of Section 24, Township 20 South, Range 3 West; thence North 2 degrees 28 minutes 59 seconds West for a distance of 1639.63 feet to the point of beginning; thence North 2 degrees 28 minutes 10 seconds West for a distance of 364.29 feet, to the southwesterly line of a State of Alabama right of way (R.O.W. varies); thence North 61 degrees 32 minutes 32 seconds West along said right of way for a distance of 312.05 feet, to a point on the southeasterly right of way of McCain Parkway (60 foot right of way); thence South 16 degrees 16 minutes 03 seconds West along said right of way for a distance of 372.23 feet, to a point on a curve to the left having a central angle of 9 degrees 54 minutes 44 seconds and a radius of 1011.24 feet; thence along the arc of said curve and along said right of way for a distance of 174.95 feet, said curve is subtended by a chord bearing South 11 degrees 18 minutes 41 seconds West and a chord distance of 174.73 feet; thence North 87 degrees 51 minutes 37 seconds East and leaving said right of way for a distance of 428.89 feet, to the point of beginning. Situated in Shelby County, Alabama.

D. L. RB.

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