

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

Send Tax Notice to:  
Henry W. Donald  
Leslie W. Donald

Inst # 1997-04305

WARRANTY DEED, Joint Tenants with Right of Survivorship

State of Alabama

KNOW ALL MEN BY THESE PRESENTS,

Shelby County

That in consideration of Three Hundred Twenty Thousand and 00/100 (\$320,000.00) Dollars to the undersigned grantor in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, I, Ingrid F. L. Smyer-Kelly, married, (herein referred to as Grantor) do grant, bargain, sell and convey unto Henry W. Donald and Leslie W. Donald (herein referred to as Grantees) as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

See attached "Exhibit A" for legal description.

Subject to:

1. Advalorem taxes for the current tax year which grantees herein assume and agree to pay.
2. Riparian and other rights created by the fact that the subject property fronts on Hollybrook Lake.
3. Title to all minerals within and underlying the premises, 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 such rights as recorded in Deed Book 285, page 722.
4. Easements, rights as set out in Deed Book 285, Page 722.
5. Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 240, Page 444; and Deed Book 231, Page 269.
6. Right of way to Hollybrook Lake Corporation as recorded in Deed Book 326, Page 427.
7. Terms and conditions of agreement filed in Real Volume 41, Page 987.
8. Right of Way to The Water Works Board of the City of Birmingham, as recorded in Deed Book 69, page 430.
9. Declaration of Covenants and Restrictions recorded simultaneously herewith.

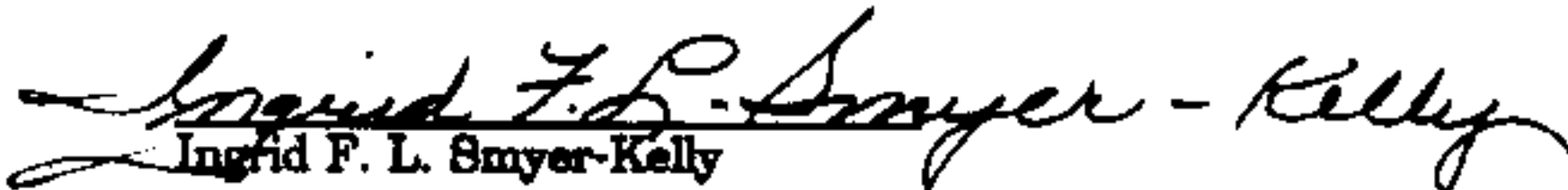
This property is not the homestead of the grantor nor her spouse.

Ingrid F. L. Smyer-Kelly is one and the same person as Ingrid L. Smyer.

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.

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.

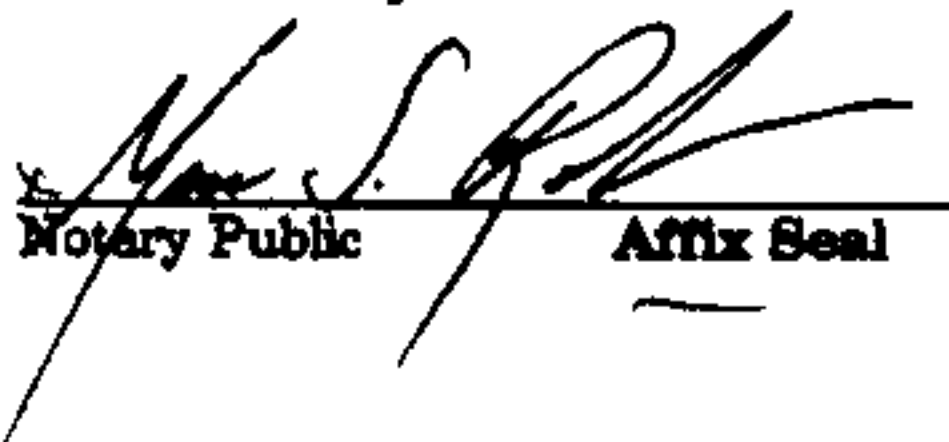
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6<sup>th</sup> of February, 1997.

  
Ingrid F. L. Smyer-Kelly

STATE OF VIRGINIA  
COUNTY OF Alexandria

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Ingrid F. L. Smyer-Kelly, married 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 the conveyance, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 6<sup>th</sup> day of February, 1997.

  
Notary Public Affix Seal

My Commission Expires:

March 31, 1998 / 1997-04305  
10:57 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 331.00

EXHIBIT A

LEGAL DESCRIPTION

All that part of Section 24, Township 18 South, Range 1 West lying southeast of Shelby County Highway No. 41, and lying West and North and Northeast of the shore of Hollybrook Lake, and less Lots 9, 10 and 11 in survey of Hollybrook Lake, as recorded in the Office of the Judge of Probate of Shelby County, recorded in Map Book 4, Page 74. Said tract of land being more particularly described as follows: Commence at the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 18 South, Range 1 West and run South along the East line of said 1/4 - 1/4 for 0.73 feet to a point on the Northwest line of Lot 10, of said Hollybrook Lake Subdivision; thence turn 39°47'50" right and run Southwesterly along the Northwest line of Lots 10 and 11 of said Subdivision for 342.61 feet to a point, said point being the Northwest corner of Lot 11 of Hollybrook Lake Subdivision; thence turn 86°56'12" left and run Southeasterly 292.36 feet to a point on the shore line of Hollybrook Lake and the point of beginning of the tract of land herein described; thence turn 180°00'00" right and run Northwesterly 292.36 feet; thence turn 86°56'12" right and run Northeasterly along the Northwest line of Lot 11 and Lot 10 for 342.61 feet to a point on the East line of the Northwest 1/4 of the Northeast 1/4 of said Section 24; thence turn 39°47'50" left and run North along said 1/4 - 1/4 line for 0.73 feet to the Northeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 24; thence turn 90°00'00" left and run West along the North line of said 1/4 - 1/4 section for 1143.73 feet to a point on the Easterly right of way line of Shelby County Highway #41; thence turn 34°55'19" left and run Southwesterly along said road right of way for 17.93 feet to a point on the shore line of Hollybrook Lake; thence turn left and run along the shore line of Hollybrook Lake to the point of beginning.

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02/10/1997-04305  
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