

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

Send Tax Notice to:  
John P. Darnall  
16 Pine Crest Road  
Birmingham, AL. 35223

Inst # 1997-04311

### WARRANTY DEED

State of Alabama

KNOW ALL MEN BY THESE PRESENTS, ' ' -

Shelby County

That in consideration of Five Thousand Two Hundred and 00/100 (\$5,200.00) Dollars to the undersigned grantor in hand paid by the GRANTEE 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 John P. Darnall (herein referred to as GRANTEE) the following described real estate situated in Shelby County, Alabama, to-wit:

See attached "Exhibit A" for legal description.

Together with all real estate lying between the aforesaid property, and Lot 7, Survey of Hollybrook Lake, First Sector, as recorded in Map Book 4, Page 74, in the Probate Court of Shelby County, Alabama ("Lot 7"), 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 7, so that the real estate being conveyed herein lies immediately contiguous to Lot 7, with no intervening unconveyed property.

Subject to:

1. Advalorem taxes for the current tax year which grantees herein assume and agree to pay.
2. Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 221, Page 119 and Deed Book 233, page 128.
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 the exercise 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 to Hollybrook Lake Corporation as recorded in Deed Book 326, Page 427.
6. Less and Except any portion lying within the R.O.W. of a private or public road.
7. Terms, conditions, reservations, restrictions and agreements as set out in that certain Resolution of Hollybrook lake Corporation as recorded in Real Volume 41, Page 987.
8. Restrictions appearing of record in Deed Book 222, page 175.
9. Riparian and other rights created by the fact that the subject property fronts on Hollybrook Lake.

**THIS PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR NOR HER SPOUSE.**

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 7 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.
3. The Property, together with contiguous Lot 7, is hereby subjected to those certain restrictions recorded in Book 222, page 175 in the Probate Office of Shelby County, Alabama.

Ingrid F. L. Smyer-Kelly is one and the same person as Ingrid L. Smyer.  
To have and to hold, unto the said Grantee, his heirs, successors and assigns, forever.

And I do for myself and for my heirs, executors, and administrators covenant with the said GRANTEE, his 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 GRANTEE, his heirs and assigns forever, against the lawful claims of all persons.

02/10/1997-04311  
11:03 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MEL 19.00

Inst # 1997-11694  
04/16/1997-11694  
10:25 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MEL 14.50

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16 day of February, 1997.

*Ingrid F. L. Smyer-Kelly* (Seal)  
Ingrid F. L. Smyer-Kelly

STATE OF VIRGINIA  
COUNTY OF Herbert

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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16<sup>th</sup> day of February, 1997.

x M. S. P.  
Notary Public

My Commission expires: August 31, 2000

**Affix Seal**

**"EXHIBIT A"**

**LEGAL DESCRIPTION.**

**DESCRIPTION (PARCEL 7A):**

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA, SAID CORNER ALSO BEING 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 THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24 FOR 0.73 FEET; THENCE TURN 140°12'10" LEFT AND RUN NORTHEASTERLY FOR 121.84 FEET; THENCE TURN 5°18'45" LEFT AND RUN NORTHEASTERLY FOR 223.85 FEET; THENCE TURN 00°14'59" RIGHT AND RUN NORTHEASTERLY FOR 76.15 FEET; THENCE TURN 9°41'48" LEFT AND RUN NORTHEASTERLY ALONG THE CENTERLINE OF AN EXISTING GRAVELED ROADWAY FOR 81.75 FEET; THENCE TURN 21°31'47" RIGHT AND RUN NORTHEASTERLY ALONG SAID ROADWAY FOR 179.97 FEET; THENCE TURN 3°29'21" RIGHT AND RUN NORTHEASTERLY ALONG SAID ROADWAY FOR 56.55 FEET; THENCE TURN 22°55'32" RIGHT AND RUN NORTHEASTERLY ALONG SAID ROADWAY FOR 49.20 FEET; THENCE TURN 7°32'10" RIGHT AND RUN NORTHEASTERLY ALONG SAID ROADWAY FOR 85.51 FEET TO THE POINT OF BEGINNING; THENCE TURN 21°32'37" LEFT AND RUN NORTHEASTERLY ALONG SAID ROADWAY FOR 81.74 FEET; THENCE TURN 49°16'05" RIGHT AND RUN SOUTHEASTERLY ALONG SAID ROADWAY FOR 172.14 FEET; THENCE TURN 8°49'27" RIGHT AND RUN SOUTHEASTERLY ALONG SAID ROADWAY FOR 25.91 FEET; THENCE TURN 72°13'14" RIGHT AND RUN SOUTHERLY FOR 154.78 FEET TO THE NORTHEAST CORNER OF LOT 7 ACCORDING TO THE SURVEY OF HOLLYBROOK LAKE AS RECORDED IN MAP BOOK 4, PAGE 74 SHELBY COUNTY, ALABAMA, THENCE TURN 73°14'58" RIGHT AND RUN NORTHWESTERLY ALONG THE NORTH PROPERTY LINE OF SAID LOT 7 FOR 204.38 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE TURN 94°17'10" RIGHT AND RUN NORTHERLY FOR 213.48 FEET TO THE POINT OF BEGINNING.

Inst # 1997-11694

04/16/1997-11694  
10:25 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MEL 14.50

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Inst # 1997-04311

02/10/1997-04311  
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003 MEL 19.00