

This instrument was prepared by  
(Name) GENE W. GRAY, JR.  
(Address) 2100 SOUTHERIDGE PARKWAY, #638  
BIRMINGHAM, ALABAMA 35209

Send Tax Notice To: SCOTT A. HONNOLD  
name  
1030 STAFFORD COURT  
address  
BIRMINGHAM, ALABAMA 35242

**WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

STATE OF ALABAMA }  
Jefferson COUNTY } KNOW ALL MEN BY THESE PRESENTS,

That in consideration of THREE HUNDRED TWELVE THOUSAND AND NO/100-----  
----- DOLLARS (\$312,000.00)  
to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,  
SANDRA E. UPTON AND HUSBAND, RAYMOND M. UPTON

(herein referred to as grantors) do grant, bargain, sell and convey unto SCOTT A. HONNOLD and LAURA A. HONNOLD

(herein referred to as GRANTEES) as joint tenants with right of survivorship, the following described real estate situated in

SHELBY County, Alabama to-wit:

LOT 1136, ACCORDING TO THE SURVEY OF BROOK HIGHLAND, 11TH SECTOR, PHASE I, AN  
EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 19 PAGE 68 IN THE PROBATE OFFICE  
OF SHELBY COUNTY, ALABAMA.  
MINERAL AND MINING RIGHTS EXCEPTED.

THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE EXCEPTIONS AS DESCRIBED ON  
EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

\$280,800.00 OF THE CONSIDERATION WAS PAID FROM THE PROCEEDS OF TWO MORTGAGE  
LOANS.

Inst # 1997-41786

12/24/1997-41786  
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SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 42.50

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 (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 said 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 10th  
day of December, 19 97.

\_\_\_\_\_  
(Seal) Sandra E. Upton (Seal)  
SANDRA E. UPTON  
\_\_\_\_\_  
(Seal) Raymond M. Upton (Seal)  
RAYMOND M. UPTON  
\_\_\_\_\_  
(Seal) \_\_\_\_\_ (Seal)

STATE OF ALABAMA  
Jefferson COUNTY  
General Acknowledgment

I, GENE W. GRAY, JR., a Notary Public in and for said County, in said State, hereby certify that  
SANDRA E. UPTON AND HUSBAND, RAYMOND M. UPTON  
whose name(s) 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 executed the same voluntarily  
on the day the same bears date.

Given under my hand and official seal this 10th day of December A.D., 1997

Gene W. Gray, Jr.  
Notary Public

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General and special taxes or assessments for 1998 and subsequent years not yet due and payable.

Building setback line of 35 feet reserved from Stafford Court as shown by plat.

Easements as shown by recorded plat, including 7.5 feet on the Westerly side and 10 feet on the Northerly side of lot.

Declaration of Protective Covenants for the "Watershed Property", which provides, among other things, for an Association to be formed to assess and maintain the Watershed Maintenance Areas, etc. of the development; all of said covenants, restrictions and conditions being set out in instrument recorded in Real 194 page 54 in Probate Office.

Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Brook highland, as set out in instrument recorded in Real 194 page 254 in Probate Office, along with Articles of Incorporation as recorded in Real 194 page 281 and By-Laws recorded in Real 194 page 287-A in Probate Office. Along with Supplemental Protective Covenants as set out in Inst. #1993-1877 in Probate Office.

A Deed and Bill of Sale from AmSouth as Ancillary Trustee to the Water Works and Sewer Board of the City of Birmingham conveying the sanitary sewer trunkline, pipelines, force mains, gravity flow mains, etc., located under the surface of subject land, as shown by instrument recorded in Real 194 page 43; as Inst. #1994-37059; Inst. #1994-37060 and Inst. #1994-37061, along with an easement for Sanitary Sewer Lines and Water Lines as set out in Real 194 page 1 in Probate Office.

Drainage Agreement between AmSouth Bank, N.A., as Ancillary Trustee for NCNB National Bank of North Carolina, as Trustee of the Public Employees Retirement System of Ohio and Eddleman and Associates as set out in Real 125 page 218 dated April 14, 1987 in Probate Office.

Reciprocal Easement Agreement between AmSouth Bank, N.A., as Ancillary Trustee for NCNB National Bank of North Carolina as Trustee for the Public Employees Retirement System of Ohio and Eddleman and Associates, as set out in instrument dated April 14, 1987 and recorded in Real 125 page 249 and Real 199 page 18 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 32 page 48 in Probate Office.

Restrictive covenants with regard to underground transmission installation by Alabama Power Company as recorded in Real 181 page 995 in Probate Office.

Covenant releasing predecessor in title from any liability arising from sinkholes, limestone formations, soil conditions or any other known or unknown surface or subsurface conditions that may now or hereafter exist or occur or cause damage to subject property, as shown by instrument recorded in Map Book 19 page 68 in Probate Office; the policy will insure that any violation of this covenant will not result in a forfeiture or reversion of title.

Easement to Alabama Power Company as shown by instrument recorded in Real 207 page 380 and Real 220 pages 521 and 532 in Probate Office.

Agreement concerning Electric Service to NCNB/Brook Highlands and Alabama Power Company recorded in Real 306 page 119 in Probate Office.

Subdivision restrictions as shown on recorded plat as Map Book 19 page 68, including construction of single family residences only.

Restrictions, covenants and conditions as set out and contained within deeds conveyed to other parties as set out in Real 308 page 1, Real 220 page 339, as Inst. #1992-14567, and Inst. #1993-32511 in the Probate Office.

Brook Highland Common Property Declaration of Covenants, Conditions and Restrictions recorded in Real 307 page 950 in Probate Office.

Sewer line easement to D & D Water Renovates, Inc. recorded in Real 107 page 976 in Probate Office.

Emergency Vehicle Easement and Eagle Ridge, Ltd. Recorded in Real 107 page 965 in Probate Office.

Restrictions, limitations and conditions as set out by Map Book 19 page 68 in Probate Office.

Easement to Water Works Board of Birmingham as shown by instruments recorded as Inst. #1994-37062; Inst. #1994-37063 and Inst. #1994-37064 in Probate Office.

Transmission line permits to Alabama Power Company as shown by instruments recorded in Deed Book 112 page 132 and 133 in Probate Office.

Release of damages, restrictions, modifications, covenants, conditions, rights, privileges, immunities, and limitations, as applicable, as set out in, and as referenced in deed(s) recorded in Inst. #1996-13705 and Inst. #1996-11755 in the Probate Office.

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*SLH*  
*RMU*