

This Instrument was prepared by:
Acres & Ramsey, L.L.C.
Attorneys at Law
300 Office Park Drive, Suite 309
Birmingham, Alabama 35223

Send Tax Notice To:
Michael K. Fagin & Carol C. Fagin
2048 Brook Highland Ridge
Birmingham, Alabama 35242

Warranty Deed, Joint Tenants with Right of Survivorship

STATE OF ALABAMA)
) KNOW ALL MEN BY THESE PRESENTS,
JEFFERSON COUNTY)

That in consideration of Five Hundred Thirty Thousand & 00/100, (\$530,000.00) Dollars to the undersigned grantors in hand paid by the grantees herein, the receipt whereof is acknowledged, I/we, TRACEY VINTON THOMSON & DEBBRA A. THOMSON, (herein referred to as GRANTORS) do grant, bargain, sell and convey unto MICHAEL K. FAGIN & CAROL C. FAGIN (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 2013, according to Brook Highland, an Eddleman Community, 20th Sector, as recorded in Map Book 16, page 148, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

SUBJECT TO:

1. \$200,000 of the consideration stated hereinabove was paid from the proceeds of a mortgage loan of even date and closed simultaneous herewith.
2. Ad Valorem taxes for 1998 and subsequent years, said taxes being a lien but not due and payable until October 1, 1998.
3. Easement over the rear 10 feet of said parcel for public utilities, sanitary sewers, storm sewers, storm ditches as shown on recorded map.
4. 35 foot building restriction line from Brook Highland Ridge as shown on recorded map.
5. Notice is hereby given that the recorded Subdivision Map, as recorded in Map Book 16, page 148, contains on the face of same a statement pertaining to natural lime sinks, NO LIABILITY IS ASSUMED HEREUNDER FOR SAME.
6. Conditions and restrictions as set out on recorded map.
7. Release of damages recorded under Instrument No. 1993-18334 and Instrument No. 1993-18335.
8. Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Brook Highland, as set out under Instrument recorded in Real Volume 1994, page 254 in said Probate Office, along with Articles of Incorporation of Brook Highland Homeowner's Association, Inc., as recorded in Real Volume 194, page 281 and By-Laws of Brook Highland Homeowner's Association, Inc. as recorded in Real Volume 194, page 287, in said Probate Office, along with Supplemental Protective Covenants for Brook Highland, 20th Sector, as recorded under Instrument No. 1993-01877 in said Probate Office.
9. Drainage easement as recorded in Book 125, page 238.
10. Reciprocal Easement Agreement as recorded in Book 125, page 249 and Book 199, page 18.
11. Non-exclusive easement agreement as set forth in Book 194, page 20.
12. Terms, agreements and right of way to Alabama Power Company, as recorded in Book 181, page 995.
13. Restrictive Covenants regarding watershed property as recorded in Book 194, page 54.

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14. Easement for sanitary sewer lines and water lines as conveyed to the Water Works and Sewer Board of the City of Birmingham by instrument recorded in Book 194, page 1; and under Instrument No. 1992-31642 and under Instrument No. 1992-31643.
15. Right of Way granted to Alabama Power Company by instrument recorded in Book 207, page 380.
16. Sanitary sewer system pipelines and related equipment as conveyed to the Water Works and Sewer Board of the City of Birmingham, by instrument recorded in Book 194, page 43 and Real Volume 194, page 40.
17. Title to all Minerals within and underlying the premises, together with all mining rights and other rights, privileges, immunities and release of damages relating thereto as recorded in Book 32, page 48, and Deed Book 121, page 294.
18. Supplementary Declaration of Protective Covenants for Brook Highland as recorded in Instrument No. 1997-34700.

TO HAVE AND TO HOLD to the said GRANTEES as joint tenants with right of survivorship.

And we do for ourselves and for our heirs, executors and administrators covenant with the said GRANTEES, their heirs and assigns that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 20th day of February, 1998.



TRACEY VINTON THOMSON


DEBBRA A. THOMSON

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that TRACEY VINTON THOMSON & DEBBRA A. THOMSON, whose name is/are signed to the foregoing conveyance and who is/are known to me, acknowledged before me on this date, that, being informed of the contents of the conveyance he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 20TH day of February, 1998.


NOTARY PUBLIC
My commission expires: 3-11-00

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SHELBY COUNTY JUDGE OF PROBATE
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