

STATE OF ALABAMA)
SHELBY COUNTY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$400,000.00) to the undersigned GRANTOR in hand paid by the GRANTEEES herein, the receipt whereof is acknowledged, CRYSTAL HOMES, INC., a corporation, (GRANTOR) does grant, bargain, sell and convey unto HAROLD R. ROSE and NANCIE L. ROSE (GRANTEE), the following described real estate situated in SHELBY COUNTY, ALABAMA to-wit:

Lot 1186, according to the Survey of Brook Highland, 11th Sector, Phase II, an Eddleman Community, as recorded in Map Book 22 Page 36 A & B, in the Probate Office of Shelby County, Alabama. Minerals and mining rights not owned by Grantor excepted.

Subject to:
THOSE ITEMS SET OUT ON EXHIBIT "A" ATTACHED HERETO, MADE A PART HEREOF AND INCORPORATED HEREIN FOR ALL PURPOSES

\$265,000.00 OF THE CONSIDERATION WAS PAID FROM A MORTGAGE LOAN.

TO HAVE AND TO HOLD unto the said GRANTEEES 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, the heirs and assigns of the grantees herein shall take as tenants in common.

GRANTEE understands that acceptance of this deed constitutes acceptance of all of the terms, conditions and obligations of the Declaration of Protective Covenants for Riverchase Country Club as set out hereinabove.

IN WITNESS WHEREOF, the said GRANTOR has caused this conveyance to be executed this the 2nd day of APRIL, 1998.

CRYSTAL HOMES, INC.

By: J. B. Wagnon, Jr.
J. B. WAGNON, JR.
ITS PRESIDENT

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, GENE W. GRAY, JR., a Notary Public, in and for said County in said State, hereby certify that, J. B. WAGNON, JR. whose name as President of CRYSTAL HOMES, INC. an Alabama Corporation 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 said conveyance, 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 official seal of office this 2nd day of APRIL, 1998.

[Signature]
Notary Public
Print Name: Gene W. Gray, Jr.
My Commission Expires: 11/09/98

THIS INSTRUMENT PREPARED BY:
GENE W. GRAY, JR.
2100 SOUTHBRIDGE PARKWAY,
SUITE 638
BIRMINGHAM, AL 35209

SEND TAX NOTICE TO:
HAROLD R. ROSE
NANCIE L. ROSE
4040 SOMERSET RIDGE
BIRMINGHAM, AL 35242

Inst # 1998-12830

04/10/1998-12830
09:06 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCD 146.00

Inst # 1998-12830

EXHIBIT "A"

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

Building setback line of 30 feet reserved from Somerset Ridge as shown by plat.

Easements as shown by recorded plat, including a 10 foot easement on the Northwesterly 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 with Supplemental Protective Covenants in Inst. No. 1997-34700 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; 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 238 dated April 14, 1987 in Probate Office.

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

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.

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.

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

Covenants 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 22 page 36 A & B in Probate Office; the policy will insure that any violation of this covenant will not result in a forfeiture or reversion of title.

Subdivision restrictions as shown on recorded plat as Map Book 22 page 36 A & B, including construction of single family residences only.

Easement to Water Works Board of Birmingham as shown by instrument(s) to be recorded.

Brook Highland Common Property Declaration of Covenants, Conditions and Restrictions recorded in Real 307 page 950 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. #1997-28693 in the Probate Office.

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SHELBY COUNTY JUDGE OF PROBATE
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002 MCB