

This instrument was prepared by:

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SouthTrust Tower, Suite 2500  
420-20th Street North  
Birmingham, Alabama 35203

Inst # 1998-18734

**WARRANTY DEED**

STATE OF ALABAMA )  
SHELBY COUNTY )

05/21/1998-18734  
01:24 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 141.00

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One Hundred Twenty Five Thousand and 00/100 Dollars (\$125,000.00) in cash paid by Frank B. LaRussa and Lee Hines (hererin referred to as GRANTEES) to David E. Foley, Bishop of Birmingham in Alabama, a corporation sole (herein referred to as "Grantor"), the receipt and sufficiency of which said sum is hereby acknowledged by the GRANTOR, the said GRANTOR does by these presents, grant, bargain, sell and convey unto the said GRANTEES that certain parcel of real estate, situated in Alabaster, Shelby County, Alabama, as is more particularly described in the attached Exhibit A (hereinafter referred to as the "Premises").

The Premises being the same land that was conveyed by Homer L. Brandenburg and wife, Bessie W. Brandenburg, by deed dated May 31, 1989 to Raymond J. Boland, Bishop of Birmingham in Alabama, a corporation sole, and recorded in Book 241 at page 902, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD to said GRANTEES, their heirs, personal representatives, and assigns forever.

And said GRANTOR does for himself, as corporation sole, and for his successors and assigns, covenant with said GRANTEES, their heirs, personal representatives and assigns, that the GRANTOR is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as stated on said Exhibit A); that the GRANTOR has a good right to sell and convey the same as aforesaid; and that GRANTOR, as corporation sole will, and his successors and assigns shall, warrant and defend the same to the said GRANTEES, their heirs, personal representatives and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, David E. Foley, Bishop of Birmingham in Alabama, a corporation sole, has hereunto set his signature and seal, on this the 12<sup>th</sup> day of May, 1998.

David E. Foley (L.S.)  
David E. Foley, Bishop of Birmingham in Alabama, a  
corporation sole

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that David E. Foley, whose name as Bishop of Birmingham in Alabama, a corporation sole, 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 said Bishop, and with full authority, executed the same voluntarily on the day the same bears date for and as the act of said corporation sole.

Given under my hand and official seal this 12<sup>th</sup> day of May, 1998.

  
Notary Public  
My Commission Expires: 6-1-98

( S E A L )

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## EXHIBIT "A"

PART OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 3 WEST:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 3 WEST, THENCE RUN IN AN EASTERLY DIRECTION ALONG THE NORTH LINE OF SAID ¼-¼ SECTION A DISTANCE OF 136.87 FEET TO A POINT ON A TRAVERSE LINE SAID POINT BEING 30 FEET MORE OR LESS WEST OF THE CENTERLINE OF BUCK CREEK, ( CENTERLINE OF BUCK CREEK BEING THE PROPERTY LINE), THENCE TURN AN ANGLE OF 54 DEGREES 27' 16" TO THE RIGHT AND RUN IN A SOUTHEASTERLY DIRECTION ALONG A TRAVERSE LINE FOR A DISTANCE OF 217.65 FEET TO A POINT BEING 30 FEET MORE OR LESS WEST OF THE CENTERLINE OF SAID BUCK CREEK; THENCE TURN AN ANGLE OF 23 DEGREES 53' 23" TO THE LEFT AND RUN IN A SOUTHEASTERLY DIRECTION ALONG A TRAVERSE LINE FOR A DISTANCE OF 166.14 FEET TO A POINT ON THE SOUTHERLY LINE OF THE PROPERTY HEREIN DESCRIBED, SAID POINT BEING 25 FEET MORE OR LESS WEST OF THE CENTERLINE OF BUCK CREEK; THENCE TURN AN ANGLE OF 126 DEGREES 50' 45" TO THE RIGHT FROM SAID TRAVERSE LINE AND RUN IN A WESTERLY DIRECTION FOR A DISTANCE OF 1140.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF 10TH STREET SOUTHWEST; THENCE TURN AN ANGLE OF 111 DEGREES 36' 35" TO THE RIGHT AND RUN IN A NORTHERLY DIRECTION ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 599.94 FEET; THENCE TURN AN ANGLE OF 91 DEGREES 01' 15" TO THE RIGHT AND RUN IN A EASTERLY DIRECTION A DISTANCE OF 441.86 FEET; THENCE TURN AN ANGLE OF 89 DEGREES 41' 22" TO THE LEFT AND RUN IN A NORTHERLY DIRECTION FOR A DISTANCE OF 99.94 FEET TO THE NORTH LINE OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 3 WEST; THENCE TURN AN ANGLE OF 89 DEGREES 38' 55" TO THE RIGHT AND RUN IN AN EASTERLY DIRECTION FOR A DISTANCE OF 213.89 FEET TO THE POINT OF BEGINNING.

THERE IS RESERVED A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS & UTILITIES DESCRIBED AS FOLLOWS: SAID EASEMENT BEING 50 FEET WIDE, 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCE AT THE NORTHEAST CORNER OF THE NW ¼ OF THE SW ¼ OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN WEST ALONG SAID NORTH ¼-¼ LINE 189.05 FEET TO THE CENTER OF NINTH STREET SOUTHWEST AND THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE TURN LEFT 89 DEGREES 41' AND SOUTH 100.0 FEET TO THE END OF SAID EASEMENT CENTERLINE.

### SUBJECT TO:

1. Transmission line permit to Alabama Power Company as recorded in Deed Book 113, page 229 and Deed Book 130, page 299 in the Probate Office of Shelby County, Alabama.

2. Right of Way granted to South Central Bell by instrument recorded in Real 156, page 985, in the Probate Office of Shelby County, Alabama.
3. Easement to Plantation Pipe Line recorded in Deed Book 112, page 280, in the Probate Office of Shelby County, Alabama.
4. 50 foot Easement on north line, as shown by survey of Amos Cory, P.L.S. #10550, dated May 30, 1989.
5. Any flooding of Buck Creek that may occur.
6. The rights of upstream and downstream riparian owners with respect to Buck Creek.
7. Right of Way granted to south Central Bell by instrument recorded in Real 135, page 942, in the Probate Office of Shelby County, Alabama.
8. Coal, oil, gas and other mineral interest in, to or under the land herein described are not insured. (Parcels I & II)

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