

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

SEND TAX NOTICE TO:

R. Shan Paden
PADEN & PADEN
Attorneys at Law
100 Concourse Parkway, Suite 130
Birmingham, Alabama 35244

GARDNER BROTHERS
HOMEBUILDERS, INC.
193 BROOK TRACE DRIVE
BIRMINGHAM, AL 35244

Inst # 1998-26403

STATE OF ALABAMA)

COUNTY OF SHELBY)

WARRANTY DEED

Know All Men by These Presents: That in consideration of FIFTY THOUSAND and 00/100 (\$50,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, A.L. BURBIC, JR., A MARRIED PERSON DBA NINE ACRE DEVELOPMENT (herein referred to as GRANTORS) do grant, bargain, sell and convey unto GARDNER BROTHERS HOMEBUILDERS, INC., (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 3804, ACCORDING TO THE SURVEY OF BIRKSHIRE, 38TH ADDITION TO RIVERCHASE, AS RECORDED IN MAP BOOK 22 PAGE 140 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR NOR HIS RESPECTIVE SPOUSE.

SUBJECT TO:

1. Taxes for the year beginning October 1, 1997 which constitutes a lien but are not yet due and payable until October 1, 1998.
2. Building setback line of 10 feet reserved from Birkshire Lane as shown by plat.
3. Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Residential) recorded in Misc. Book 14 beginning at page 536, as amended in Misc. Book 17, beginning at page 550, Misc. Book 159 page 111, Inst. No. 1996-24956, Inst. No. 1994-9826 and Inst. No. 1997-9547 and Notice of Compliance Certificate, recorded in Misc. Book 34 page 549 in Probate Office.
4. Easements as shown by recorded plat, including a 20 foot sanitary sewer easement on the Southwesterly side of lot.
5. Right(s)-of-Way(s) granted to City of Hoover by instrument(s) recorded in Real 93 page 577 in Probate Office.
6. Easement(s) to Alabama Power Company as shown by instrument recorded in Deed Book 355 page 274 in Probate Office.
7. 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 Real 127, page 140 in Probate Office.

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8. 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. No. 1996-24956 in the Probate Office.

\$ ALL of the consideration herein was derived from a mortgage closed simultaneously herewith.

TO HAVE AND TO HOLD Unto the said GRANTEES, his, her or their heirs and assigns, forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, his, her, or 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, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTORS, A.L. BURBIC, JR. DBA NINE ACRE DEVELOPMENT, have hereunto set his, her or their signature(s) and seal(s), this the 7th day of July, 1998.


A.L. BURBIC, JR. DBA NINE ACRE DEVELOPMENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that A.L. BURBIC, JR. DBA NINE ACRE DEVELOPMENT, whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 7TH day of JULY, 1998.


Notary Public

My commission expires: 7/16/98

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