

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

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Attorneys at Law
100 Concourse Parkway, Suite 130
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

ROBERT E. HOLMES
2300 TWELVE OAKS DRIVE
BIRMINGHAM, ALABAMA 35244
Inst # 1998-28247

11/20/1998-46157
08:20 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CSM 251.00

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of SIX HUNDRED NINETY THOUSAND and 00/100 (\$690,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, GARDNER BROTHERS HOMEBUILDERS, INC. (herein referred to as GRANTORS) do grant, bargain, sell and convey unto ROBERT E. HOLMES and DIANE M. HOLMES, HUSBAND AND WIFE, (herein referred to as GRANTEES, as joint tenants, with right of survivorship, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 3612, ACCORDING TO THE SURVEY OF RIVERCHASE COUNTRY CLUB, 36TH ADDITION, AS RECORDED IN MAP BOOK 21, PAGE 37, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1998 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 1999.
2. A 35 FOOT BUILDING SET BACK LINE AS SHOWN BY RECORDED PLAT.
3. A TEN FOOT EASEMENT ON NORTHERLY SIDE OF SUBJECT PROPERTY EXTENDING TO VARIABLE WIDTH AS SHOWN BY RECORDED PLAT.
4. TRANSMISSION LINE PERMITS TO ALABAMA POWER COMPANY AS RECORDED IN DEED BOOK 311, PAGE 801.
5. TITLE TO OIL, GAS PETROLEUM AND SULFUR UNDERLYING CAPTION LANDS AS SHOWN IN DEED BOOK 127, PAGE 140.
6. RESTRICTIONS, CONDITIONS, LIMITATIONS AND EASEMENTS AS SET FORTH IN DEED FROM HARBERT EQUITABLE JOINT VENTURE AS RECORDED IN INSTRUMENT #1996-20437.
7. MINERAL AND MINING RIGHTS, RIGHTS INCIDENT THERETO, INCLUDING RELEASE OF DAMAGES RECORDED IN INSTRUMENT #1996-20437.
8. RESTRICTIONS AS RECORDED IN INSTRUMENT #1996-20437.

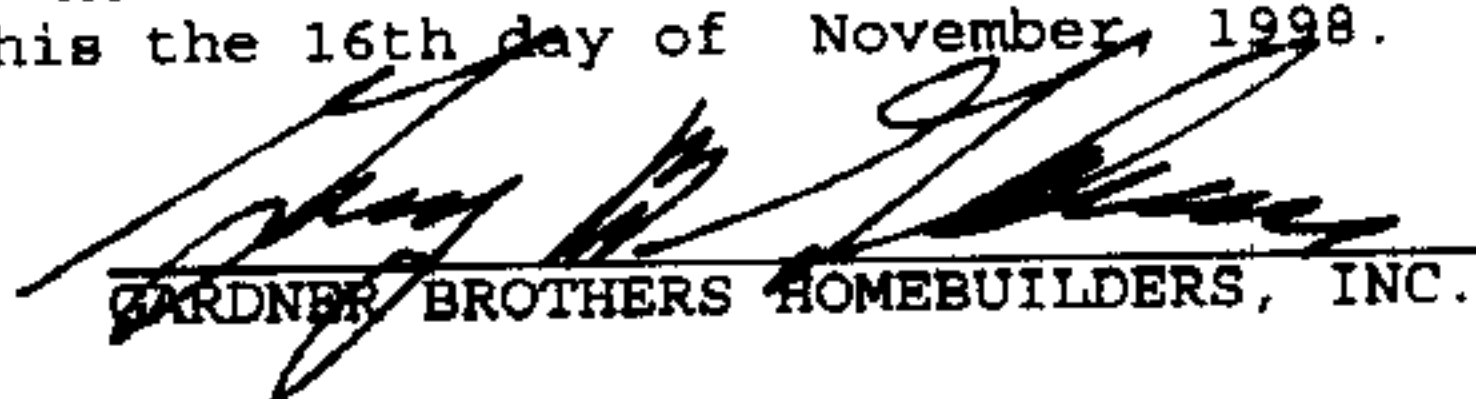
\$450,000.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

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, 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, GARDNER BROTHERS HOMEBUILDERS, INC., have hereunto set his, her or their signature(s) and seal(s), this the 16th day of November, 1998.


GARDNER BROTHERS HOMEBUILDERS, INC.

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that GARDNER BROTHERS HOMEBUILDERS, INC., 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 16th day of November, 1998.


Notary Public

My commission expires: 7/1/02

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