

WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by the grantees herein, the receipt of which is hereby acknowledged, Gary Nichols, a married man (hereinafter referred to as "**Grantor**"), does by these presents, sell, grant, bargain and convey unto Rex A. Horton, a married man (hereinafter referred to as "**Grantee**"), the undivided 12.5% interest owned by Grantor in the following described real estate, situated in Shelby County, Alabama, to-wit:

See **EXHIBIT "A"** which is attached hereto and incorporated herein by reference.

SUBJECT TO:

1. All taxes for the year 1999 and subsequent years not yet due and payable.
2. The matters set forth on "**EXHIBIT "B"**" which is attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD, to the said Grantee, his successors and assigns, forever.

The property conveyed is not the homestead of the Grantor.

Inst # 1998-47460

12/01/1998-47460
08:25 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 CRH 16.00

CANADA Title

24th IN WITNESS WHEREOF, the said Grantor has hereto set his hand and seal, this the day of November, 1998.

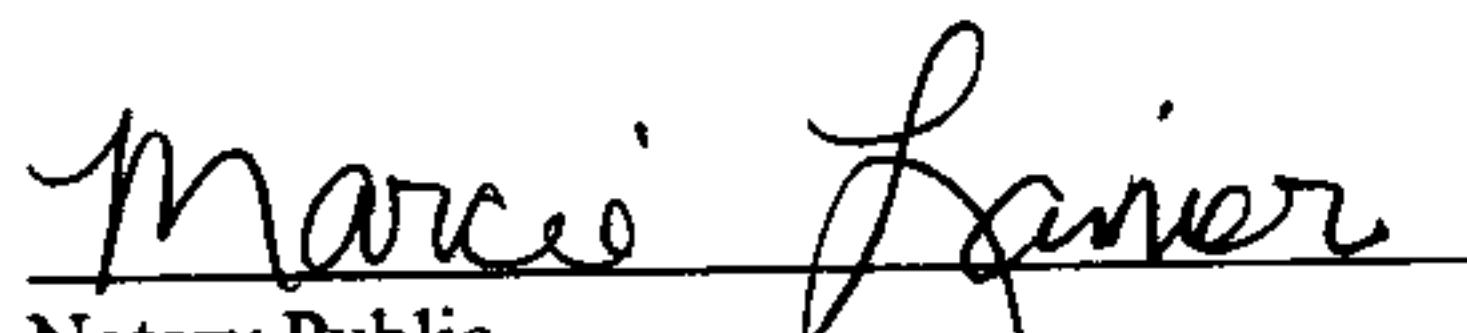

Gary Nichols

STATE OF ALABAMA)

COUNTY OF Jefferson)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gary Nichols, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 24th day of November, 1998.


Notary Public

My Commission Expires: MY COMMISSION EXPIRES NOVEMBER 5, 2001

This document was prepared by:

Phillip G. Stutts
LEITMAN, SIEGAL & PAYNE, P.C.
600 North 20th Street, Suite 400
Birmingham, AL 35203

Send Tax Notice To:

Rex A. Horton
1758 McCain Parkway
Pelham, AL 35124

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land situated in the NE 1/4 of the NE 1/4 of Section 25, Township 20 South, Range 3 West in Shelby County, Alabama and being more particularly described as follows:

Begin at the NE corner of Section 25, Township 20 South, Range 3 West and run south along the East line of said section a distance of 170.00 feet; thence turn right 91 deg. 12 min. 59 sec. a distance of 378.57 feet to a point on the northeasterly right of way line of McCain Parkway (50 foot right of way), said point being on a curve to the left having a radius of 302.04 feet and a central angle of 5 deg. 46 min. 14 sec.; thence along said right of way line and the arc of said curve a distance of 30.42 feet, said arc subtended by a chord which bears right 82 deg. 46 min. 14 sec. from the previously described course a distance of 30.41 feet, to the end of said curve; thence turn left 2 deg. 53 min. 07 sec. from the previously described chord and along said right of way line a distance of 142.31 feet; thence turn right 100 deg. 06 min. 50 sec. a distance of 403.77 feet to the Point of Beginning; being situated in Shelby County, Alabama.

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to gas, oil, sand, and gravel in, on and under subject property.
2. General and special taxes or assessments for 1999 and subsequent years not yet due and payable.
3. Transmission Line Permit to Alabama Power Company as shown by Instruments recorded in Deed Book 126, page 303 in the Probate Office of Shelby County.
4. Right-of-Way granted to the State of Alabama by instrument recorded in Deed Book 282, page 413 in the Probate Office of Shelby County.
5. 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 Deed Book 331, page 699 in the Probate Office of Shelby County.
6. Mortgage from Pelham Property, L.L.C. to National Bank of Commerce, dated September 9, 1994 in the original amount of \$203,536.30 (with a current balance of \$173,000) and recorded in Instrument No. 1994-29242.

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