

This instrument was prepared by:
Bruce L. Gordon
Gordon, Silberman, Wiggins & Childs, P.C.
1400 SouthTrust Tower
Birmingham, Alabama 35203

Send Tax Notice to:
Mr. Robert D. Kirk, III
2157 Paltridge Berry Road
Birmingham, Alabama 35242

STATUTORY WARRANTY DEED

STATE OF ALABAMA)

) KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF SHELBY)

That in consideration of Two Hundred Thousand and No/100 Dollars (\$200,000.00) to the undersigned Grantor, **CREST RIDGE ASSOCIATES, L.L.C.**, an Alabama limited liability company (hereinafter referred to as GRANTOR), in hand paid by **ROBERT D. KIRK, III** (hereinafter referred to as GRANTEE), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEE, the following described real estate, situated in Shelby County, Alabama (the "Property"), to-wit:

Lot 15, according to the survey of The Crest at Greystone, First Addition, as recorded in Map Book 19 page 52 in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

Subject to:

1. Ad valorem taxes, library district dues and fire district assessments for the year 1999 and subsequent years.
2. Building line and easements are set forth in the Declaration of Protective Covenants.
3. Mineral and mining rights and rights incident thereto recorded in Volume 60, page 260 and Volume 121, page 294, in the Probate Office of Shelby County, Alabama.
4. Underground transmission grants to Alabama Power Company recorded in Volume 305, page 637 in the Probate Office of Shelby County, Alabama.
5. Restrictions or Covenants recorded in Real 265, page 96, in the Probate Office of Shelby County, Alabama.
6. Agreement between Daniel Oak Mountain, Ltd. and Shelby Cable recorded in Real 350, page 545 in the Probate Office of Shelby County, Alabama.
7. Right of way and Easement to Water Works and Sewer Board recorded in Instrument 1994-26400 in the Probate Office of Shelby County, Alabama.
8. Rights of others to use Hugh Daniel Drive recorded in Volume 301, page 799 in the Probate Office of Shelby County, Alabama.
9. Restrictions or Covenants recorded in Instrument 1995-941, in the Probate Office of Shelby County, Alabama.
10. Building setback as set forth in the Declarations recorded in Instrument #1992-22103, 1st Amendment recorded in Instrument 1994-3752 and 2nd Amendment to be recorded in the Probate Office of Shelby County, Alabama as shown by Instrument 1995-00941.
11. Release of Damages recorded in Instrument 1992-22103; 1st Amendment recorded in Instrument 1994-3752 and 2nd Amendment recorded in Instrument 1995-941, in the Probate Office of Shelby County, Alabama and also shown by Instrument 1995-00941.
12. The Crest at Greystone Declaration of Covenants, Conditions and Restrictions recorded in Instrument 1992-22103; 1st Amendment by 1994-03752, and 2nd Amendment by Instrument 1995-941 in the Probate Office of Shelby County, Alabama.
13. Easements or rights-of-way as would be shown on an accurate Survey.

Inst # 1998-50045

1 12/16/1998-50045
09:35 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 KEL 31.00

One Hundred Eighty Thousand Dollars (\$180,000.00) of the consideration set out above is represented by a purchase money mortgage to SouthTrust Bank recorded simultaneously herewith.

By the acceptance of this Statutory Warranty Deed, GRANTEE acknowledges (i) that he has physically and personally inspected the Property prior to closing; (ii) that GRANTOR has not made any representation or warranties, either express or implied, as to the physical condition of the Property, the suitability of the Property for any intended use and/or whether there exists any toxic or hazardous waste or other substance of any kind on the Property; that GRANTEE has assumed full responsibility for the investigation and determination of the suitability of the surface and subsurface conditions of the Property; (iii) that GRANTEE waives and releases GRANTOR, its agents, employees, officers, directors, shareholders, partners, mortgagees and their respective successors and assigns from any liability of any nature on account of loss, damage or injury to buildings, improvements, personal property or to us or any occupants or other persons who enters upon any portion of the Property as a result of any past, present or future soil, surface and/or subsurface conditions, known or unknown (including, without limitation, sinkholes, underground mines, tunnels and limestone formations and deposits) under or upon the Property or any property surrounding, adjacent to or in close proximity with the Property which may be owned by GRANTOR; and (iv) that neither the GRANTOR nor the agent for the GRANTOR has made any representation or warranty of any kind as to the condition of the Property. The property is being conveyed "AS IS" and "WITH ALL FAULTS".

TO HAVE AND TO HOLD Unto the said GRANTEE his heirs and assigns, forever.

And subject to the foregoing, GRANTOR will warrant and forever defend the right and title to the said bargained premises unto GRANTEE against the claims of all persons owning, holding, or claiming by, through, or under GRANTOR, which claims are based upon matters occurring subsequent to GRANTOR'S acquisition of the bargained premises, and prior to the date of delivery of this deed.

IN WITNESS WHEREOF, the said GRANTOR, by its Managing Member, who is authorized to execute this conveyance, has hereto set its signature and seal, this the 10th day of December, 1998.

CREST RIDGE ASSOCIATES, L.L.C.

By: Charles W. Daniel
CHARLES W. DANIEL
Its Managing Member

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **CHARLES W. DANIEL**, whose name as Managing Member of Crest Ridge Associates, L.L.C., an Alabama limited liability company 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 the conveyance, he, as such Managing Member and with full authority, executed the same voluntarily for and on behalf of the limited liability company.

Given under my hand and official seal, this the 10th day of December, 1998.

Deanna K. Callaway
NOTARY PUBLIC
My Commission Expires: 1/5/99

F:\CORP\CRESTRIDGE\DOC\STATVAR.D

Inst # 1998-50045

12/16/1998-50045
09:35 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 KEL 31.00