

THIS INSTRUMENT PREPARED BY:
Courtney Mason & Associates, P.C.
1904 Indian Lake Drive, Suite 100
Birmingham, Alabama 35244

GRANTEE'S ADDRESS:
Robert Stephen Briggs

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT SURVIVORSHIP DEED

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of Eighty-Two Thousand Five Hundred and 00/100 (\$82,500.00) DOLLARS, and other good and valuable consideration, this day in hand paid to the undersigned GRANTORS, Daniel E. McFadden and Lorene M. McFadden, husband and wife (hereinafter referred to as GRANTORS), the receipt whereof is hereby acknowledged, the GRANTORS do hereby give, grant, bargain, sell and convey unto the GRANTEES, Robert Stephen Briggs and Lynn Bryan Briggs, husband and wife, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of SHELBY, State of Alabama, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

Grantees shall have the right to make improvements, including the construction and maintenance of a road and/or street and install utilities, sewer systems, drainage systems, and cable television over and under said easement.

Grantor and Grantees agree that the other can request that any such roadway be dedicated as a roadway to the County, and upon written request, the other will cooperate and execute documents to facilitate such dedication.

It is the intention of the Grantor and the Grantees herein that each of the covenants and grants contained herein shall inure to the benefit of their heirs, successors, and assigns forever and that same shall be considered to be covenants running with the land.

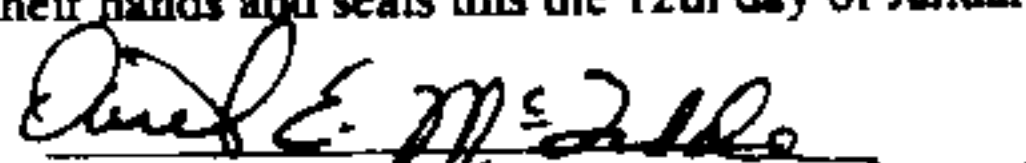
Subject to existing easements, current taxes, restrictions, set-back lines and rights of way, if any, of record.

The Protective Covenants attached hereto as Exhibit "B" shall attached to and run with the land in perpetuity.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements 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, forever.

AND SAID GRANTORS, for said GRANTORS, GRANTORS' heirs, successors, executors and administrators, covenants with GRANTEES, and with GRANTEES' heirs and assigns, that GRANTORS are lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that GRANTORS will, and GRANTORS' heirs, executors and administrators shall, warrant and defend the same to said GRANTEES, and GRANTEES' heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said GRANTORS have hereunto set their hands and seals this the 12th day of January, 1999.


Daniel E. McFadden


Lorene M. McFadden

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Daniel E. McFadden and Lorene M. McFadden, husband and wife whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the Instrument signed their names voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 12th day of January, 1999.


NOTARY PUBLIC
My Commission Expires: 3/1/99

Inst. # 1393-01620

01/13/1999-01620
08:31 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 CRN 96.00

EXHIBIT "A"

PARCEL I:

Lot No. 4, according to the Survey of McFadden Oaks, as recorded in Map Book 21, Page 132, in the Probate Office of Shelby County, Alabama.

PARCEL II:

Commence at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 7, Township 20 South, Range 1 East, Shelby County, Alabama; thence run South 00 degree, 13 minutes, 24 seconds East along the West boundary line of said Quarter-Quarter Section for 532.51 feet to the point of beginning; thence continue along last said course for a distance of 229.26 feet; thence run North 89 degrees, 42 minutes, 47 seconds East for a distance of 149.89 feet; thence North 05 degrees, 09 minutes, 41 seconds East for 228.75 feet; thence North 89 degrees, 46 minutes, 11 seconds West for 170.15 feet to the point of beginning.

PARCEL III: Non exclusive easement described as follows:

Commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 7, Township 20 South, Range 1 East, Shelby County, Alabama; thence run East along the North boundary line of said Quarter-Quarter Section for a distance of 328.61 feet; thence South 8 degrees, 16 minutes, 02 seconds East, a distance of 77.42 feet; thence South 20 degrees, 31 minutes, 06 seconds West, a distance of 550.0 feet for the POINT OF BEGINNING of the Centerline of a 60 foot wide easement; thence north 20 degrees, 31 minutes, 06 seconds East, a distance of 550.0 feet; thence North 8 degrees, 30 minutes, 19 seconds West, a distance of 648.11 feet; thence North 2 degrees, 36 minutes, 34 seconds East, a distance of 492.50 feet; thence North 1 degree, 50 minutes, 32 seconds West, a distance of 158.69 feet; thence North 6 degrees, 46 minutes, 28 seconds West, a distance of 346 feet, more or less, to the South right of way line of Shelby County Road No. 32 for the Point of Ending.

PARCEL IV: Non exclusive easement described as follows:

Commence at the Northwest corner of Section 7, Township 20 South, Range 1 East, Shelby County, Alabama; thence run South 00 degree, 13 minutes, 24 seconds East for 1311.78 feet; thence run South 89 degrees, 23 minutes, 51 seconds East for 1002.16 feet; thence run South 02 degrees, 04 minutes, 15 seconds East for 360.02 feet to the Point of Beginning; thence North 89 degrees, 23 minutes, 51 seconds West for 204.22 feet; thence South 01 degree, 10 minutes, 53 seconds West for 19.69 feet; thence run South 89 degrees, 23 minutes, 51 seconds East for 570.0 feet; thence run South 10 degrees, 47 minutes, 04 seconds West for 20.0 feet; thence South 69 degrees, 32 minutes, 55 seconds East for 110.32 feet; thence run South 79 degrees, 59 minutes, 34 seconds East for 488.25 feet; thence run South 89 degrees, 29 minutes, 20 seconds East for 310.01 feet to the West right of way line of Shelby County Road No. 445; thence run North 10 degrees, 46 minutes, 30 seconds East for 80.0 feet; thence run North 89 degrees, 20 minutes, 20 seconds West for 309.99 feet; thence run North 79 degrees, 59 minutes, 34 seconds West for 600.48 feet; thence run South 02 degrees, 04 minutes, 15 seconds East for 20.0 feet; thence run North 89 degrees, 23 minutes, 51 seconds West for 369.11 feet to the Point of Beginning.

PARCEL V:

Commence at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 7 Township 20 South Range 1 East Shelby County Alabama; thence run South 00 degree 13 minutes 24 seconds East along the West boundary line of said quarter -quarter section for 761.77 feet; thence run North 89 degrees 42 minutes 47 seconds East for a distance of 776.89 feet to the Point of Beginning; thence continue along last said course for a distance of 361.0 feet; thence North 02 degrees 08 minutes 58 seconds East for 341.16 feet; thence South 89 degrees 23 minutes 51 seconds East for 200.0 feet; thence South 79 degrees 59 minutes 34 seconds East for 597.02 feet; thence South 89 degrees 29 minutes 20 seconds East for 310.01 feet to the west right of way line of Shelby County Road No. 445; thence North 10 degrees 46 minutes 30 seconds East for 20.00 feet along said road right of way line; thence North 89 degrees 29 minutes 20 seconds West for 310.01 feet; thence North 79 degrees 59 minutes 34 seconds West for 597.02 feet; thence North 89 degrees 23 minutes 51 seconds West for 570.0 feet; thence South 01 degrees 10 minutes 53 seconds West for 366.35 feet to the point of beginning.

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PROTECTIVE COVENANTS & RESTRICTIONS FOR MCFADDEN OAKS

AS RECORDED IN MAP BOOK 21. PAGE 132 SHELBY COUNTY PROBATE OFFICE

The following restrictions and covenants shall attach to and run with the land perpetually:

1. No structure of temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used at any time as a residence either temporarily or permanently.
2. No mobile home will be permitted.
3. No visible accumulation of inoperable vehicles or machinery will be permitted on this property.
4. No commercial chicken operations will be allowed nor will any other commercial activity be allowed on any lot.
5. Each lot shall be for new home construction and shall contain a minimum of 1,500 square feet excluding basements.
6. There shall be no more than one residence per lot.
7. No junked or non-operable motor vehicles or non-operative equipment or construction materials or other abandoned non-used personal property may be stored or allowed to remain on any lot.

*DEM
LMM*

Inst # 1999-01620

01/13/1999-01620

08:51 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 CRH 96.00