

THIS INSTRUMENT WAS PREPARED BY:

ALAN C. KEITH, ATTORNEY AT LAW
3525 LORNA RIDGE DRIVE, SUITE 100
BIRMINGHAM, ALABAMA 35216

Send tax notice to:

Donald J. Emilian, Sr.
6425 Woodford Drive
Birmingham, AL 35242

WARRANTY DEED

STATE OF ALABAMA
JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One hundred ninety thousand and 00/100 (\$190,000.00) DOLLARS [of which amount \$105,000.00 is paid from the proceeds of two purchase money mortgages closed and recorded simultaneously herewith], to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, I, Tommy Fish, a married man (herein referred to as grantor) do grant, bargain, sell and convey unto Donald J. Emilian, Sr. (herein referred to as GRANTEE) the following described real estate situated in SHELBY County, Alabama to-wit:

A parcel of land situated in the SE 1/4 of the SE 1/4 of Section 9, Township 19 South, Range 1 West, in Shelby County, Alabama, and being more particularly described as follows:

Commence at the NE corner of the SE 1/4 of the SE 1/4 of Section 9, Township 19 South, Range 1 West, thence North 90 deg. 00 min. 00 sec. West along the Northerly boundary of said 1/4-1/4 section a distance of 388.78 feet; thence South 44 deg. 12 min. 57 sec. West a distance of 559.25 feet (Real Book 159 Page 654), 528.82 feet (Deed Book 304 Page 735), to a point on the Northwesterly right of way line of Shelby County Highway No. 41 (80 foot right of way); thence South 35 deg. 03 min. 17 sec. West along said right of way line a distance of 457.87 feet (measured), 458.00 feet (deed), to the point of beginning; thence continue along the last described course a distance of 595.83 feet; thence North 1 deg. 53 min. 17 sec. East and leaving said right of way line a distance of 269.00 feet; thence North 22 deg. 53 min. 17 sec. East a distance of 302.50 feet; thence North 60 deg. 15 min. 17 sec. East a distance of 162.00 feet; thence South 28 deg. 09 min. 59 sec. East a distance of 158.99 feet (measured), 157.34 feet (deed), to the point of beginning; being situated in Shelby County, Alabama.

The above described property is not the homestead of Tommy Fish, a married man.

Subject to:

1. Easements, restrictions, set-back lines, rights-of-way, and other limitations of record.
2. Transmission Line Permits to Alabama Power Company as shown by instruments recorded in Deed 134, Page 408; Deed 170, Page 272, and Deed 212, Page 153, in Probate Office.
3. Rights-of-way granted to Shelby County by instrument recorded in Deed 196, Page 266, in Probate Office.
4. Encroachment of dirt drive as shown on survey by Robert C. Farmer dated April 25, 1995.
5. Current year ad valorem taxes, which are not yet due and payable.

TO HAVE AND TO HOLD to the said GRANTEE.

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

IN WITNESS WHEREOF, I/we have hereunto set my/our hand(s) and seal(s), this February 3, 1999.

WITNESS:

(SEAL)


Tommy Fish

(SEAL)

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Tommy Fish, a married man, whose name(s) 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on February 3, 1999.



My commission expires:

MY COMMISSION EXPIRES MAY 21, 2000

NOTARY PUBLIC

03/04/1999-08985
09:50 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 NMS 93.50

Inst # 1999-08985