

STATE OF ALABAMA)  
SHELBY COUNTY)

**STATUTORY WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS.** That for and in consideration of TWO HUNDRED EIGHTY TWO THOUSAND NINE HUNDRED DOLLARS AND NO/100 (\$282,900.00) to the undersigned GRANTOR in hand paid by the GRANTEEES herein, the receipt whereof is acknowledged, T.L. YARBROUGH CONSTRUCTION CO., INC., a corporation, (GRANTOR) does grant, bargain, sell and convey unto ZANE P. TARENCE AND JAMIE P. TARENCE (GRANTEEES), the following described real estate situated in SHELBY COUNTY, ALABAMA to-wit:

LOT 1416, ACCORDING TO THE SURVEY OF BROOK HIGHLAND, 14TH SECTOR, AN EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 23, PAGE 2 A & B, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

**THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE EXCEPTIONS AS DESCRIBED ON EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.**

\$226,300.00 OF THE CONSIDERATION WAS PAID FROM A MORTGAGE LOAN.

**TO HAVE AND TO HOLD** unto the said GRANTEEES 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, the heirs and assigns of the grantees herein shall take as tenants in common.

GRANTEE understands that acceptance of this deed constitutes acceptance of all of the terms, conditions and obligations of the Declaration of Protective Covenants for Riverchase Country Club as set out hereinabove.

**IN WITNESS WHEREOF**, the said GRANTOR has caused this conveyance to be executed this the 26th day of March, 1999.

T.L. YARBROUGH CONSTRUCTION CO., INC.

By:

*Thomas L. Yarbrough, III*  
THOMAS L. YARBROUGH, III  
ITS PRESIDENT

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that, THOMAS L. YARBROUGH, III whose name as President of T.L. YARBROUGH CONSTRUCTION CO., INC. an Alabama Limited Partnership 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 said conveyance, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal of office this 26th day of March, 1999.

*[Signature]*  
Notary Public  
Print Name: Gene W. Gray, Jr.  
My Commission Expires: 11/09/02

THIS INSTRUMENT PREPARED BY:  
GENE W. GRAY, JR.  
2100 SOUTHBIDGE PARKWAY,  
SUITE 638  
BIRMINGHAM, AL 35209

SEND TAX NOTICE TO:  
ZANE P. TARENCE  
3028 BROOK HIGHLAND DRIVE  
BIRMINGHAM, ALABAMA 35242

Inst. # 1999-13834

04/01/1999-13834  
01:16 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MMS 68.00

**EXHIBIT "A"**

General and special taxes or assessments for 1999 and subsequent years not yet due and payable.

Building setback line of 35 feet reserved from Brook Highland Drive as shown by plat.

Easements as shown by recorded plat.

Declaration of Protective Covenants for the "Watershed Property", which provides, among other things, for an Association to be formed to assess and maintain the Watershed Maintenance Areas, etc. of the development; all of said covenants, restrictions and conditions being set out in instrument recorded in Real 194 page 54 in Probate Office.

Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Brook Highland, as set out in instrument recorded in Real 194 page 254 in Probate Office, along with Articles of Incorporation as recorded in Real 194 page 281 and By-Laws recorded in Real 194 page 287-A in Probate Office. Along with Supplemental Protective Covenants as set out in Inst. #1993-1877, Inst. #1994-37059, Inst. #1994-37060 and Inst. #1994-37061 in Probate Office.

A Deed and Bill of Sale from AmSouth as Ancillary Trustee to the Water Works and Sewer Board of the City of Birmingham conveying the sanitary sewer trunkline, pipelines, force mains, gravity flow mains, etc., located under the surface of subject land, as shown by instrument recorded in Real 194 page 43; as Inst. #1994-37059; Inst. #1994-37060 and Inst. #1994-37061, along with an easement for Sanitary Sewer Lines and Water Lines as set out in Real 194 page 1 in Probate Office.

Drainage Agreement between AmSouth Bank, N.A., as Ancillary Trustee for NCNB National Bank of North Carolina, as Trustee of the Public Employees Retirement System of Ohio and Eddleman and Associates as set out in Real 125 page 238 dated April 14, 1987 in Probate Office.

Reciprocal Easement Agreement between AmSouth Bank, N.A., as Ancillary Trustee for NCNB National Bank of North Carolina as Trustee for the Public Employees Retirement System of Ohio and Eddleman and Associates, as set out in instrument dated April 14, 1987 and recorded in Real 125 page 249 and Real 199 page 18 in Probate Office

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 121 page 294 and Deed Book 235 page 552 in Probate Office.

Restrictive covenants with regard to underground transmission installation by Alabama Power Company as recorded in Real 181 page 995 in Probate Office.

Covenant releasing predecessor in title from any liability arising from sinkholes, limestone formations, soil conditions or any other known or unknown surface or subsurface conditions that may now or hereafter exist or occur or cause damage to subject property, as shown by instrument recorded in Map Book 23 page 2 A & B in Probate Office; the policy will insure that any violation of this covenant will not result in a forfeiture or reversion of title.

Easement to Alabama Power Company as shown by instrument recorded in Real 207 page 380 and Real 220 pages 521 and 532 in Probate Office.

Agreement concerning Electric Service to NCNB/Brook Highlands and Alabama Power Company recorded in Real 306 page 119 in Probate Office.

Subdivision restrictions as shown on recorded plat as in Map Book 23 page 2 A & B including construction of single family residences only.

Restrictions, covenants and conditions as set out and contained within deeds conveyed to other parties as set out in Real 308 page 1, Real 220 page 339, and as Inst. #1992-14567 and Inst. #1997-32823 in the Probate Office.

Easement(s) for Sanitary Sewer Lines and Water Lines as shown by instrument recorded in Inst. No. 1997-18581, along with a Deed and Bill of Sale as Inst. No. 1997-18580 in Probate Office.

Restrictive Covenant & Agreement as set out in the Deed from NCNB National Bank of North Carolina to Brook Highland Limited Partnership, dated 10/12/93 and recorded as Inst. No. 1993-32511 in Probate Office.

Declaration of Covenants, Conditions and Restrictions, dated August 28, 1990, as to Brook Highland Common Property as set out in Real Book 307 page 950 in the Probate Office.

Release of damages, restrictions, modifications, covenants, conditions, rights, privileges, immunities, and limitations, as applicable, as set out in, and as referenced in deed(s) recorded in Inst. #1998-23298 and Inst. #1998-23479 in the Probate Office.

T.H.Y.

Inst # 1999-13834

04/01/1999-13834  
01:16 PM CERTIFIED  
CLERK OF PROBATE  
ALABAMA