

This Instrument Prepared By:  
James F. Burford, III  
Attorney at Law  
1318 Alford Avenue Suite 101  
Birmingham, Alabama 35226

Send Tax Notice To:

**WARRANTY DEED**

STATE OF ALABAMA )  
SHELBY COUNTY )

**KNOW ALL MEN BY THESE PRESENTS:** That in consideration of Ten and No/ Dollars (\$ 10.00), and other good and valuable considerations to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, I, John McGeever, John G. Benner, William R. Robertson, Frank C. Ellis, Jr., and Roy Martin, all of the foregoing Grantors being married men (herein referred to as Grantors, whether one or more), grant, bargain, sell and convey unto John McGeever, John G. Benner, William R. Robertson, Frank C. Ellis, Jr., and Roy Martin (herein referred to as Grantees), as their interest appears pursuant to Tenancy in Common Operating Agreement dated December 23, 1996 which agreement is being recorded simultaneously with this deed. The following described real estate, situated in Shelby County, Alabama, to-wit:

Described on Exhibit A attached hereto and incorporated by reference herein.

**SUBJECT TO:** (1) Taxes due in the year 1999 and thereafter; (2) Rights of parties in possessions under leases; (3) Easements, restrictions and rights-of-ways of record; (4) Mineral and mining rights not owned by the Grantor.

The property conveyed herein is not the homestead of any of the Grantors or their spouses.

One of the purposes of this instrument is to specify, pursuant to the Tenancy in Common Operating Agreement referred to above, the ownership percentages of the Grantees in the property described herein.

Grantees herein expressly agree to assume and pay all sums due under the note secured by construction mortgage to Regions Bank as recorded in Instrument No. 1998-20586 Office of the Judge of Probate Shelby, Alabama, as said note currently exists or as the same may be modified, renewed or replaced in the future. Further, the undersigned, hereby expressly subordinate any rights they have with respect to the property described herein which rights emanate from the said Tenancy in Common Operating Agreement to the said mortgage to Regions Bank recorded in Instrument No. 1998-20586 together with any other mortgage to Regions Bank encumbering the property described herein or any assignment of leases given by the Grantees to Regions Bank in conjunction with the aforesaid mortgage(s) and note.

This Deed has been executed by Frank C. Ellis, III, as the Attorney-in-Fact for Frank C. Ellis, Jr., pursuant to Durable Power of Attorney dated June 18, 1999, which is attached hereto as Exhibit B. Frank C. Ellis, III, as such Attorney-in-Fact, hereby represents and warrants that the said Power of Attorney as of this date is in full force and effect and further, the principal, Frank C. Ellis, Jr., and further, the undersigned, Frank C. Ellis, III, has no actual knowledge of the termination or revocation of such Power of Attorney by revocation or by Frank C. Ellis, Jr.'s death.

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

And we do for ourselves and for our heirs, executors and administrators, covenant with said Grantees, their successors and assigns, that we are lawfully seized in fee simple of said

Inst # 1999-30578  
08/22/1999-30578  
08:32 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
17.00

premises; that they are free from all encumbrances, unless otherwise stated above; that we have a good right to sell and convey the same as aforesaid; that we will, and our heirs, executors and administrators shall warrant and defend the same to the said Grantee, his successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal, this the 1 day of July, 1999.

John McGeever  
John McGeever

John G. Benner  
John G. Benner

William R. Robertson  
William R. Robertson

Frank C. Ellis, Jr. by Frank C. Ellis, III  
his Attorney-in-Fact

Roy Martin  
Roy Martin

STATE OF ALABAMA )  
COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John McGeever, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the foregoing instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 30 day of JUNE, 1999.

[Signature]  
Notary Public

My Commission Expires: 3-1-2002

STATE OF ALABAMA )  
COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John G. Benner, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the foregoing instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 30th day of JUNE, 1999.

Judith Ann Lemsky  
Notary Public

My Commission Expires: 1-11-03

STATE OF ALABAMA )  
COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William R. Robertson, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the foregoing instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 29 day of JUN, 1999.

[Signature]  
Notary Public  
My Commission Expires: 3-1-2001

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Roy Martin, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that being informed of the contents of the foregoing instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 1st day of July, 1999.

Catherine L. Weakley  
Notary Public  
My Commission Expires: MY COMMISSION EXPIRES OCTOBER 24, 2001

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said State of Alabama at Large, hereby certify that Frank C. Ellis, III, whose name as Attorney in Fact for Frank C. Ellis, Jr., is signed to the foregoing conveyance and who is known to me, acknowledged before me this date that, being informed of the conveyance, he/she in his/her capacity as such Attorney in Fact, and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and seal on this 1st day of July, 1999.

Catherine L. Weakley  
Notary Public  
My Commission Expires: MY COMMISSION EXPIRES OCTOBER 24, 2001

# EXHIBIT A

BEGIN at the SE corner of the SW 1/4-NW 1/4 of said Section 6; thence N 0deg 15'13" E along the east line of said 1/4-1/4 section, a distance of 445.69' map and meas; thence S 55deg 08'35" W a distance of 27.52' meas, 27.49' map; thence N 60deg 47'34" W a distance of 185.43' meas, 185.63' map; thence N 27deg 46'54" W a distance of 117.00' map and meas to a point lying on the southeasterly R.O.W. line of Meadowview Lane; thence S 27deg 21'13" W and along said R.O.W. line a distance of 311.42' map, to the beginning of a curve to the right having a radius of 261.25' map, a central angle of 53deg 28'17" and subtended by a chord which bears S 54deg 21'14" W a chord distance of 235.06' map; thence along the arc of said curve and said R.O.W. line a distance of 243.81' map; thence leaving said R.O.W. line S 9deg 36'01" E a distance of 192.67' meas, 192.49' map to a point lying on the south line of said 1/4-1/4 section; thence S 87deg 49'59" E a distance of 539.36' meas, 541.14' map to the POINT OF BEGINNING. Containing 5.20 acres, more or less.

Inst # 1999-30578

07/22/1999-30578

08:32 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

004 HNS 17.00