

4829

This Instrument was prepared by:

Send Tax Notice to:

R. Shan Paden
PADEN & PADEN
5 Riverchase Ridge, Suite 100
Birmingham, AL 35244

Phoenix Investments, LLC

Inst # 1999-35794

STATE OF ALABAMA)

COUNTY OF SHELBY)

08/26/1999-35794
09:51 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
SHE CLK 20.00

WARRANTY DEED

Know All Men by These Presents: That, Whereas, THOMAS N. CLAYTON, departed this life testate; and

Whereas, the Last Will and Testament of THOMAS N. CLAYTON, named JAMES M. CLAYTON as the Executor of the Estate; and

Whereas, JAMES M. CLAYTON was appointed Executor of the Estate of THOMAS N. CLAYTON, by the Judge of Probate of Shelby County, Alabama, as shown by the records in Probate Case No. 37072, and

Now, Therefore, in consideration of the Premises, and the sum of ONE HUNDRED FIFTY EIGHT THOUSAND AND NO/100 (\$158,000.00) DOLLARS, cash in hand paid to the undersigned, namely: JAMES M. CLAYTON as Executor of the Will and Estate of THOMAS N. CLAYTON, deceased, the receipt of which is hereby acknowledged, the undersigned, in his capacity as Executor of the Estate of THOMAS N. CLAYTON, does by these presents, grant, bargain, sell and convey unto PHOENIX INVESTMENTS, LLC (GRANTEES), the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 19, ACCORDING TO THE SURVEY OF AIRPARK INDUSTRIAL COMPLEX, AS RECORDED IN MAP BOOK 19, PAGE 116, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Subject to the taxes for the year beginning October 1, 1998 which constitutes a lien but are not yet due and payable until October 1, 1999.
2. 50 foot building line on the front of lot as shown on recorded map.
3. 20 foot easement on the north and northeasterly side of lot as shown on recorded map.
4. Restrictions and covenants appearing of record in Real 265, page 628; Inst. #1998-13278; Volume 352, page 818 and Volume 352, page 805.
5. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto.
6. Grantor acquired this property from the Mead Land Services, Inc. Incident to such conveyance, I-65 Investment Properties, Inc. agreed to release and hold Mead Land Services, Inc. harmless for any incident, injury or accident relating to any past mining operations. Grantee likewise releases Grantors on the same term as recorded in Shelby County Real Volume 352, page 805.

TO HAVE AND TO HOLD unto PHOENIX INVESTMENTS, LLC, its successors and/or assigns, forever.

And we do for ourselves and for our heirs, executors, and administrators covenant with the said GRANTEES, its successors and/or assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted 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 GRANTEES, its successors and/or assigns forever, against the lawful claims of all persons.

It is understood and agreed that wherever in this instrument the singular number is used, it applies to the plural if and when necessary and that when the plural is used, the plural likewise applies to the singular if and when necessary.

In Witness Whereof, the undersigned, JAMES M. CLAYTON, in his capacity as Executor of the Estate of THOMAS N. CLAYTON, deceased, has hereunto subscribed his name and seal, on this the 19th day of August, 1999.


JAMES M. CLAYTON as Executor of the Estate
of THOMAS N. CLAYTON, deceased

STATE OF ALABAMA)

COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, THE UNDERSIGNED, a Notary Public, in and for said County, in said State, hereby certify that JAMES M. CLAYTON, whose name as Executor of the Estate of THOMAS N. CLAYTON, Deceased, 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, in his capacity as such Executor executed the same voluntarily on the day the same bears date.

Given under my hand this the 19th day of August, 1999.


Notary Public

My commission expires: 7/11/02

Inst # 1999-35794

2 08/26/1999-35794
09:51 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CMH 39.00