

THE PREPARER OF THIS INSTRUMENT HAS NOT REVIEWED THE STATUS OF THE TITLE TO THIS PROPERTY AND HAS ACTED SOLELY AS THE DRAFTER OF THIS INSTRUMENT

This instrument was prepared by:  
Kendall W. Maddox  
Law Offices of Kendall W. Maddox  
300 Office Park Drive, Suite 160  
Birmingham, Alabama 35223

Send Tax Notice To:  
Philip and Hazel Smith, Trustees  
1505 Ashleywood Circle  
Birmingham, Alabama 35216

Inst # 1999-36833

WARRANTY DEED

STATE OF ALABAMA )  
SHELBY COUNTY )

\$40,000

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we,

PHILIP D. SMITH AND WIFE, HAZEL T. SMITH

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

PHILIP D. SMITH AND HAZEL T. SMITH, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE PHILIP AND HAZEL SMITH LIVING TRUST, DATED AUGUST 30, 1999 AND ANY AMENDMENTS THERETO

(herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Unit 905 in The Gables, a Condominium, a condominium located in Shelby County, Alabama, as established by Declaration of Condominium and By-Laws thereto as recorded in Real Volume 10, page 177 and amended in Real Volume 27, page 733, Real Volume 50, page 327 and Real Volume 50, page 340 and re-recorded in Real 50, page 942, Real 165, page 578, and amended in Real 59, page 19 and further amended by Corporate Volume 30, page 407 and in Real 96, page 855 and Real 97, page 937 and By-Laws as shown in Real Volume 27, page 733 amended in Real Volume 50, page 325, further amended by Real 189, page 222, Real 222, page 691; Real 238, page 241, Real 269, page 270, further amended by eleventh amendment to Declaration of Condominium as recorded in Real 284, page 181, together with an undivided interest in common elements, as set forth in the aforesaid mentioned Declaration, said Unit being more particularly described in the floor plans and architectural drawings of The Gables Condominium as recorded in Map Book 9, pages 41 thru 44, and amended in Map Book 9, page 135, Map Book 10, page 49 and further amended by Map Book 12, page 50 in the Probate Office of Shelby County, Alabama.

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The above described property does not constitute any part of the homestead of the Grantors.

TO HAVE AND TO HOLD to the said grantee, his, her or their successors and assigns forever.

THE GRANTORS herein grant full power and authority by this deed to the Trustees, and either of them, and all successor trustees to protect, conserve, sell, lease, pledge, mortgage, borrow against, encumber, convey, transfer or otherwise manage and dispose of all or any portion of the property herein described, or any interest therein, without the consent or approval of any other party and without further proof of such authority; no person or entity paying money to or delivering property to any Trustee or successor trustee shall be required to see to its application; and all persons or entities relying in good faith on this deed and the powers contained herein regarding the Trustees (or successor trustees) and their powers over the property herein conveyed shall be held harmless from any resulting loss or liability from such good faith reliance.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 30th day of August, 1999.

Philip D. Smith

Hazel T. Smith

STATE OF ALABAMA )  
JEFFERSON COUNTY )

GENERAL ACKNOWLEDGEMENT:

I, Kendall W. Maddox, a Notary Public in and for said County, in said State, hereby certify that Philip D. Smith and Hazel T. Smith, whose name(s) is/are signed to the foregoing conveyance, and who is/are known to me, acknowledged before me on this date, that, being informed of the contents of the conveyance has/have executed the same voluntarily on the day the same bears date.

Given my hand and official seal this 30 day of August, 1999.

Notary Public

My Commission Expires:

2/24/2001