

This instrument was prepared by:

Robert R. Sexton
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2602
(205) 254-1000

Send Tax Notice To:

Charles Phillip McWane
2848 Southwood Road
Birmingham, Alabama 35223

STATUTORY WARRANTY DEED

NOTE: LEGAL DESCRIPTION PROVIDED BY GRANTOR. NO CERTIFICATION MADE TO TITLE.

STATE OF ALABAMA)
SHELBY COUNTY)

WITNESSETH

WHEREAS, James Ransom McWane (the "Decedent"), a resident of Jefferson County, Alabama, died on December 13, 1997, leaving a last will and testament dated September 17, 1985, and a First Codicil thereto dated January 31, 1991 (the "Decedent's Will and Codicil");

WHEREAS, the Decedent's Will and Codicil were duly admitted to probate in the Probate Court of Jefferson County, Alabama, on January 22, 1998, and the Decedent's son, Charles Phillip McWane, was duly appointed as the Executor of the Decedent's estate; and, thereafter, an exemplified copy of the Decedent's Will and Codicil were duly recorded in the Probate Court of Shelby County, Alabama, in Instrument No. 2000-06-333;

WHEREAS, at the time of the Decedent's death, the Decedent owned the Shelby County Property (as hereinafter defined);

WHEREAS, under the terms of Paragraph 1 of Item Eight of the Decedent's Will and Codicil and under Ala. Code §43-2-830, title to the Shelby County Property passed on the Decedent's death as part of the Decedent's residuary estate to AmSouth Bank, as Trustee of the Marital Trust created under the Decedent's Will and Codicil;

WHEREAS, AmSouth Bank, as Trustee of the Marital Trust created under the Decedent's Will and Codicil, has recently agreed to sell the Shelby County Property to Charles Phillip McWane for the sum of One Million Nine Hundred Fifty-Nine Thousand and NO/100 Dollars (\$1,959,000) and, in accordance with the terms of said agreement to sell the Shelby

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County Property, is required to convey title to the Shelby County Property to **Charles Phillip McWane**;

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that in consideration of the above recitals, which are incorporated herein by reference thereto, and the payment by the Grantee of One Million Nine Hundred Fifty Nine Thousand and No/100 dollars (\$1,959,000.00), and other good and valuable consideration, to the undersigned **AmSouth Bank**, as Trustee of the Marital Trust created under the Decedent's Will and Codicil (hereinafter "Grantor"), in hand paid by **Charles Phillip McWane** (hereinafter "Grantee"), the receipt whereof is hereby acknowledged, Grantor does grant, bargain, sell and convey unto Grantee, the following described property, situated in Shelby County, Alabama (collectively, the "Shelby County Property"), to-wit:

PARCEL I

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 20 South, Range 2 West, Shelby County, Alabama.

PARCEL II

Beginning at the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 19, Township 20 South, Range 1 West, Shelby County, Alabama; run thence northerly 643 feet to center line of Old Settlement Road to Point of Beginning; thence continue northerly 700 feet to an old fence at the 40 line corner; thence run west to center of Yellow Leaf Creek for 250 feet to a point; thence run southwesterly along center of Yellow Leaf Creek, running on the south side parallel with Green Tree Reservoir Dike to the fork of Yellow Leaf Creek, being approximately 2185 feet; thence turn a left fork and run in a southerly direction along Thomas Branch center to concrete slab center for 425 feet; thence run easterly along the center line of Old Settlement Road approximately 2090 feet to the point of beginning.

PARCEL III

The Southeast $\frac{1}{4}$ of Section 19, Township 20 South, Range 1 West; South $\frac{1}{2}$ of Southwest $\frac{1}{4}$ of Section 19, Township 20 South, Range 1 West; North $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Section 30, Township 20 South, Range 1 West; Northwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 29, Township 20 South, Range 1 West, and the West $\frac{1}{2}$ of West $\frac{1}{2}$ of Southwest $\frac{1}{4}$ of Section 20, Township 20 South, Range 1 West, Shelby County, Alabama.

PARCEL IV

The Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$, Section 30, Township 20 South, Range 1 West, in Shelby County, Alabama.

Subject to:

1. Right of Way in favor of South Central Bell recorded in Deed Book 325, Page 268 (Section 19).
2. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto including rights conveyed in Deed Book 331, Page 170 (Northwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Section 29) (Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ and South $\frac{1}{2}$ of Northeast $\frac{1}{4}$ of Section 30, Township 19, Range 1 West); Deed Book 33, Page 316 (Northwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$, Section 29, Township 19, Range 1 West) Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$; South $\frac{1}{2}$ of Northeast $\frac{1}{4}$, Section 30, Township 19, Range 1 West) and Real Book 106, Page 186. (Parcel II and III). Any mineral rights owned by Grantor in the premises are conveyed hereby.
3. Perpetual easement to Randall Goggans and William S. Woodridge recorded in Deed Book 326, Page 629.
4. Right of Way in favor of Alabama Power Company recorded in Book 238, Page 36. (North $\frac{1}{2}$ of Southwest $\frac{1}{4}$ Section 20).
5. Permit in favor of Alabama Power Company recorded in Real Book 237, Page 33. (Southeast $\frac{1}{4}$ Section 19 and West $\frac{1}{2}$ of West $\frac{1}{2}$ of Southwest $\frac{1}{4}$ Section 20).
6. Reservation of 60 foot right of way to the Old Settlement Road as set forth and described in Real Volume 259, Page 817. (Parcels I and II).

TO HAVE AND TO HOLD to the Grantee, his heirs and assigns forever.

This instrument is executed without warranty or representation of any kind on the part of the Grantor, express or implied, except that there are no liens or encumbrances outstanding against the premises conveyed which were created by Grantor and not specifically excepted herein.

This instrument is executed by Grantor solely in the representative capacity named herein, and neither this instrument nor anything herein contained shall be construed as creating any indebtedness or obligation on the part of said Grantor in its individual capacity, and Grantor expressly limits its liability hereunder to the property now or hereafter held by it in the representative capacity named.

IN WITNESS WHEREOF, the undersigned **AmSouth Bank**, in its capacity as Trustee of the Marital Trust created under the Decedent's Will and Codicil, has caused its name, as such

Trustee, to be subscribed hereto and its corporate seal to be affixed and attested, all by its proper corporate officers thereunto duly authorized on this 6th day of March, 2000.

AmSouth Bank, as Trustee the Marital Trust created under the Last Will and Testament and Codicil of **James Ransom McWane, Deceased**

By: W. Baker Crow IV
Its Senior Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that W. Baker Crow IV, whose name as Senior Vice President of **AmSouth Bank**, as Trustee of the Marital Trust created under the Last Will and Testament and Codicil of **James Ransom McWane, 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, (s)he, as such officer, and with full authority, executed the same voluntarily for and as the act of AmSouth Bank, acting in its capacity as Trustee of the Marital Trust created under the Last Will and Testament of **James Ransom McWane, Deceased**, as aforesaid.

GIVEN UNDER MY HAND AND SEAL this the 6th day of March, 2000.

[SEAL]

Jeanine Dodson
Notary Public

My Commission Expires: 10-12-2000

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