

\$250,000⁰⁰

This instrument was prepared by:

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

Send Tax Notice To:

Christopher Old
7 Turnberry Place
Shoal Creek, Alabama 35242

**STATUTORY WARRANTY DEED
JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

STATE OF ALABAMA)
SHELBY COUNTY)

Inst # 2000-24051
07/18/2000-24051
09:24 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 MHS 271.00

Recitals

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. 2000-06333;

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

WHEREAS, Paragraph A of Item Four of Decedent's Will and Codicil devised all of Decedent's right, title and interest in and to the Shoal Creek Property to Decedent's wife, Ada French McWane ("Ada"), if she survived him;

WHEREAS, Ada survived Decedent, and thereupon became the lawful owner of the Shoal Creek Property, outright, in fee simple absolute;

WHEREAS, Ada died on April 27, 1999, leaving a last will and testament dated January 31, 1991 ("Ada's Will"), which was duly admitted to probate in the Probate Court of Jefferson County, Alabama, on June 14, 1999, bearing Probate Case No. 167372; and John J. McMahon, Jr., was duly appointed as executor of Ada's estate under letters testamentary issued by said Probate Court on said date;

WHEREAS, John J. McMahon, Jr., as ancillary executor of Ada's estate, has recently agreed, with the full approval of the beneficiaries of Ada's estate, to sell the Shoal Creek Property for Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) to Christopher Old and Christine D. Old (collectively, the "Grantee"), and, in accordance with the terms of the agreement to sell the Shoal Creek Property, said ancillary executor is required to convey title to the Shoal Creek Property to said Grantee.

Agreement

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 of Two Hundred Fifty Thousand and No/100 dollars (\$250,000.00), and other good and valuable consideration, to John J. McMahon, Jr., as ancillary executor of the Estate of Ada French McWane, deceased ("Grantor") in hand paid by the Grantee, as joint tenants, with the right of survivorship, 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 "Shoal Creek Property"); to-wit:

Lot 23, according to the map of Shoal Creek Subdivision, as recorded in Map Book 6, Page 150, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

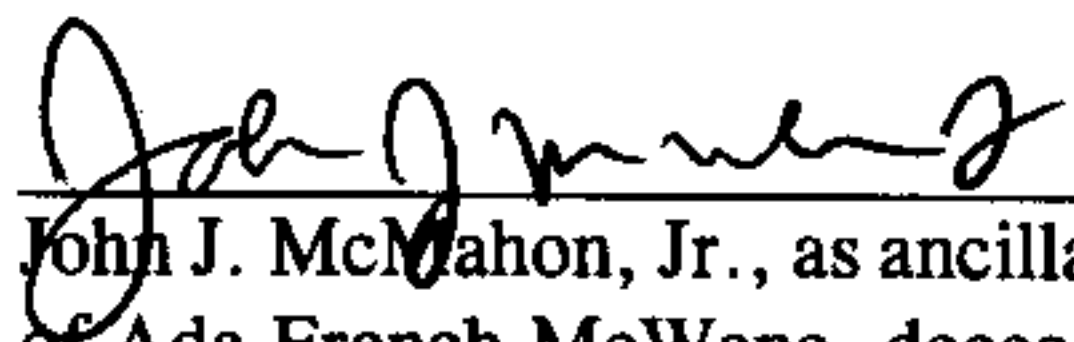
1. All taxes due in the year 2000 and thereafter.
2. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate and updated survey.
3. Restrictions appearing of record in Misc. 19, Page 861; Misc. 23, Page 564; and amended in Misc. 23, Page 567, and further amended by Book 370, Page 938.
4. Right of way, easements and rights in connection therewith granted to The Water works Board of the City of Birmingham, in Deed Volume 301, Page 298.
5. Right of way granted to South Central Bell Telephone Company recorded in Deed Volume 356, Page 420; and in Real volume 306, Page 242.
6. Right of way granted to Alabama Power Company recorded in Deed Volume 318, Page 588; Deed Volume 308, Page 651; and Real Volume 133, Page 599; Real Volume 318, Page 597; and Real Volume 318, Page 653.
7. Rights granted to Alabama Power Company recorded in Misc. Volume 21, Page 855.
8. Easements and building restriction lines as shown on the recorded map.
9. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including release of damages, as recorded in Deed Book 129, Page 395; and Deed Book 129, Page 294.
10. Right of way granted Shelby County recorded in Deed Book 196, Page 223.
11. Agreement with Alabama Power Company recorded in Real Volume 106, Page 516; Real Volume 62, Page 610; Real Volume 130, Page 588; Misc. Volume 26, Page 746; Misc. Volume 26, Page 848; and Real Volume 298, Page 918.
12. Terms, agreements and right of way to Alabama Power Company recorded in Real 298, Page 889.

TO HAVE AND TO HOLD Unto the said GRANTEE 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, then the heirs and assigns of the grantees herein shall take as tenants in common.

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 deed is executed by Grantor solely in the representative capacity named herein, and neither this deed nor anything herein contained shall be construed as creating any indebtedness or obligation on the part of John J. McMahon, Jr. in his individual capacity, and Grantor expressly limits his liability hereunder to the property now or hereafter held by him in the representative capacity named.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written, in the capacity aforesaid.

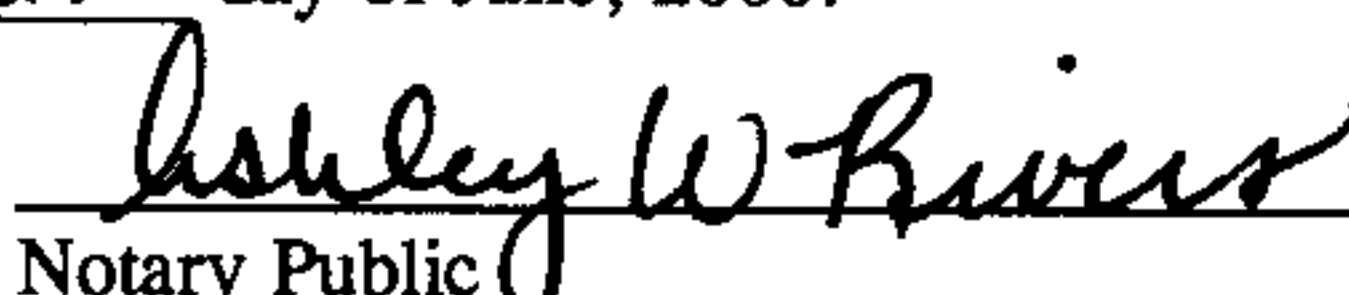
 (SEAL)
John J. McMahon, Jr., as ancillary executor of the Estate
of Ada French McWane, deceased

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John J. McMahon, Jr., as ancillary executor of the Estate of Ada French 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, he executed the same voluntarily, acting in his capacity as ancillary executor of the Estate of Ada French McWane, Deceased, as aforesaid.

Given under my hand and seal this the 22 day of June, 2000.

[SEAL]


Notary Public

My Commission Expires: March 31, 2001

The undersigned, as beneficiaries of the Estate of Ada French McWane, deceased, hereby execute this deed for the purpose of consenting to the terms of the conveyance evidenced hereby.

Charles Phillip McWane
Charles Phillip McWane

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Charles Phillip McWane, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22 day of June, 2000.

Ashley W Bivens
Notary Public

AFFIX SEAL

My commission expires: March 31, 2001

Anna McLester McWane
Anna McLester McWane

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

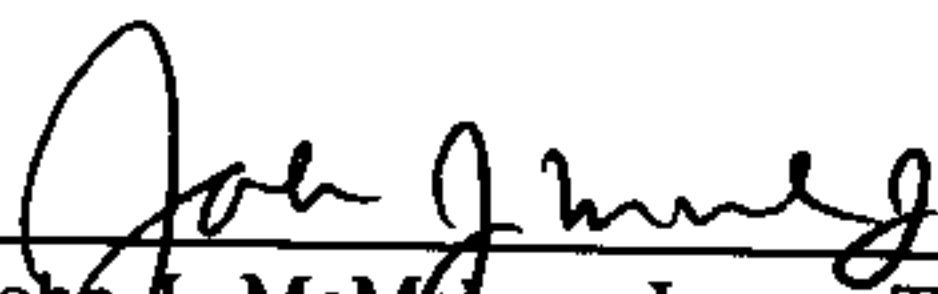
I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Anna McLester McWane, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22 day of June, 2000.

Ashley W Rivers
Notary Public

AFFIX SEAL


My commission expires: March 31, 2001


John J. McMahon, Jr., as Trustee of that certain Inter
Vivos Trust created for the benefit of Anna McLester
McWane under an Indenture of Trust dated April 25,
1983

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John J. McMahon, Jr., as Trustee of that certain Inter Vivos Trust created for the benefit of Anna McLester McWane under an Indenture of Trust dated April 25, 1983 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 executed the same voluntarily, acting in his capacity as said trustee as aforesaid.

Given under my hand and seal this the 22 day of June, 2000.


Notary Public

AFFIX SEAL

My Commission Expires: March 31, 2001

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