

THIS INSTRUMENT WAS PREPARED BY:
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue, North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203

SEND TAX NOTICE TO:
MURRAY W. SMITH
~~2801 5th Avenue, South~~ 2901 Southwood Road
Birmingham, Alabama 35233 35223

(\$825,000.00)

STATE OF ALABAMA)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that in consideration of One Hundred Dollars and other good and valuable consideration to the undersigned Ralph S. Tully, as Personal Representative of the Estate of Rodonna T. Tully, Deceased, (herein called "Grantor"), in hand paid by Murray Smith and wife, Margaret Smith (herein called "Grantees"), the receipt whereof is hereby acknowledged, Grantor does grant, bargain, sell and convey unto Grantees as joint tenants with right of survivorship, the following described real estate, situated in Jefferson County, Alabama, to-wit:

Begin at the southeast corner of Lot 1 according to the map and survey of Lake Wehapa as recorded in Map Record Book 4, Page 61 in the Probate Office of Shelby County, Alabama; thence run westerly along the southerly line of Lot 1 for 162.80 feet; thence 90° 00' right and run northeasterly for 248.0 feet to the beginning of a curve to the right, said curve having a radius of 847.15 feet and a central angle of 6° 36'; thence continue northerly along the westerly line of said Lot 1 and along the arc of said curve for 97.58 feet to the end of said curve; thence at tangent to said curve continue northerly for 192.32 feet along the westerly line of said Lot 1; thence 113° 40' 30" right and run southeasterly for 177.12 feet to a point on the edge of Lake Wehapa; thence run in a southerly direction along the meandering line of the edge of Lake Wehapa to the point of beginning.

Subject to:

1. Taxes and assessments for the year 2000, and subsequent years, which are not yet due and payable.
2. The rights of upstream and downstream riparian owners with respect to Lake Wehapa, bordering subject property.
3. Restrictions or Covenants recorded in Volume 214, Page 463 and Real 375, Page 908, in the Probate Office of Shelby County, Alabama, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin.
4. Less and except any part of subject property lying within a road right of way.

00612221.1

10/27/2000-37290
09:05 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MMB 839.00

Inst # 2000-37290

TO HAVE AND TO HOLD to the Grantees, 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 Grantee 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 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 Ralph S. Tully 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 undersigned Ralph S. Tully, as Personal Representative of the Estate of Rodonna T. Tully, Deceased, has hereunto set his hand and seal, as of this 3rd day of Oct., 2000 in his capacity aforesaid.

Ralph S. Tully (SEAL)
Ralph S. Tully, as Personal Representative of the
Estate of Rodonna T. Tully, Deceased

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Ralph S. Tully, as Personal Representative of the Estate of Rodonna T. Tully, 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 Personal Representative of the Estate of Rodonna T. Tully, Deceased, executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 3 day of Oct., 2000.

[SEAL]

Betty Lassiter
Notary Public
My Commission Expires 2001

Inst # 2000-37290

00612221.1

10/27/2000-37290
09:05 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 HMB 839.00