

THIS INSTRUMENT PREPARED BY:  
James J. Odom, Jr.  
P. O. Box 11244  
Birmingham, AL 35202-1244

SEND TAX NOTICE TO:  
Jeff Layton  
Michael S. Capps  
828 Hwy 33  
Pelham AL 35124

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT in consideration of Three Hundred Forty-Five Thousand and 00/100 Dollars (\$345,000.00) and other good and valuable consideration, to the undersigned grantors, Ray Baber a/k/a Billy R. Baber and wife, Donna M. Baber, in hand paid by Jeff Layton and Michael S. Capps, the receipt whereof is hereby acknowledged, the said Ray Baber a/k/a Billy R. Baber and wife, Donna M. Baber (referred to herein as "Grantors"), do by these presents, grant, bargain, sell and convey unto the said Jeff Layton and Michael S. Capps (herein referred to as "Grantees") the following described real estate, situated in Shelby County, Alabama, to-wit:

A parcel of land in the NW 1/4 of the SE 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the SW corner of the NE 1/4 of the SE 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama; thence South 88 deg. 36 min. 56 sec. East a distance of 174.65 feet; thence North 22 deg. 53 min. 43 sec. East a distance of 733.59 feet; thence North 64 deg. 30 min. 49 sec. West a distance of 878.69 feet to the POINT OF BEGINNING; thence continue along the last described course a distance of 273.38 feet to the easterly right-of-way of Shelby County Highway 33; thence South 28 deg. 22 min. 52 sec. West along said right-of-way a distance of 311.36 feet; thence South 77 deg. 08 min. 49 sec. East and leaving said right-of-way a distance of 282.31 feet; thence North 28 deg. 36 min. 56 sec. East a distance of 249.59 feet to the POINT OF BEGINNING, being situated in Shelby County, Alabama.

SUBJECT TO: (1) Current taxes; (2) Restrictions, covenants and conditions as set out in Instrument #1999-10299, in the Probate Office of Shelby County, Alabama; (3) Gravel drive(s) onto and/or off of the land as shown on the survey of Joseph Conn dated June 23, 1999 and survey by Rodney Shiflett dated May 17, 2001; (4) Easement for ingress and egress as set out by Instrument #1998-16259.

Grantors reserve a nonexclusive right to use for ingress and egress the area shown to be a "20' Ingress, Egress, Utility Easement" on the Survey of Rodney Shiflett dated May 17, 2001, attached as Exhibit "A."

\$292,400.00 of the purchase price recited above was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD to the Grantees, their heirs and assigns, forever,

And said Grantors do for themselves, their heirs and assigns, covenant with said Grantees, their heirs and assigns, that they are lawfully seized in fee simple of said premises;

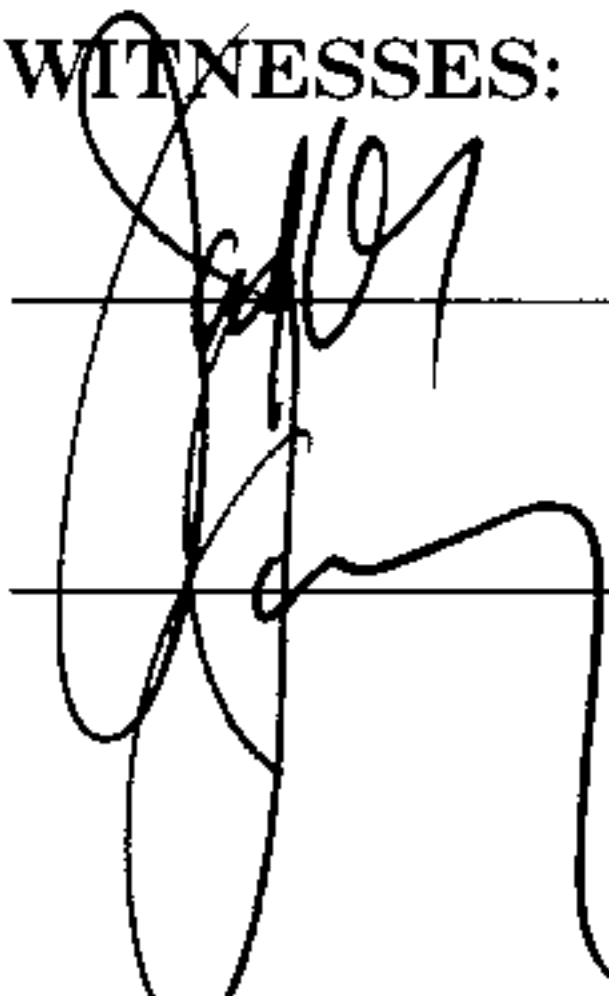
08/02/2001-32088  
11:27 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 CH 70.00

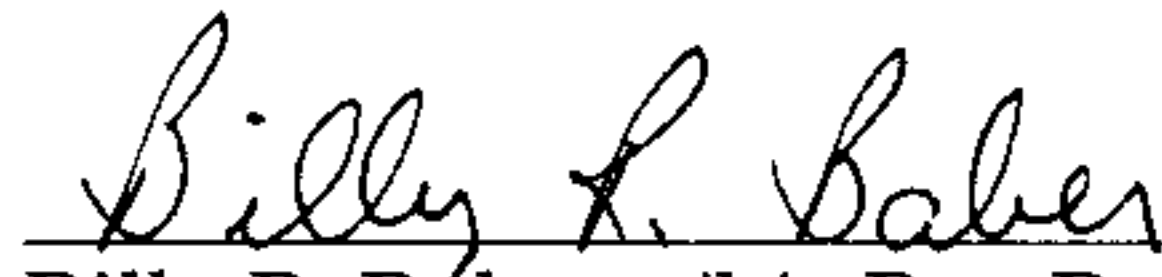
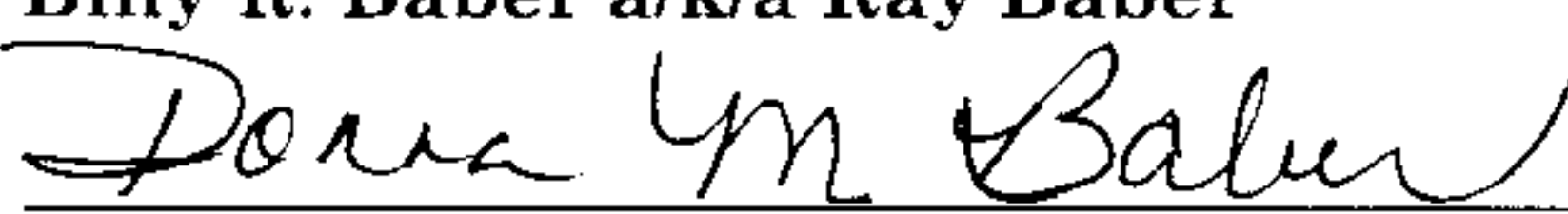
Inst # 2001-32088

that the premises are free from all encumbrances, unless otherwise noted above; that Grantors have a good right to sell and convey the same as aforesaid; that Grantors will, and their heirs and assigns shall, warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims of all persons.

27 <sup>th</sup> IN WITNESS WHEREOF, the undersigned have executed this conveyance on this the 27 day of July, 2001.

WITNESSES:

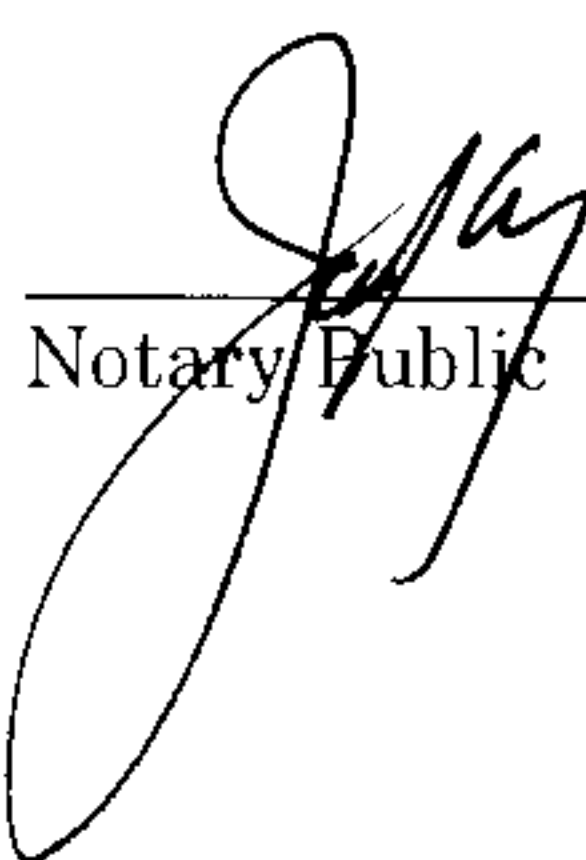
  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Billy R. Baber a/k/a Ray Baber  
  
\_\_\_\_\_  
Donna M. Baber

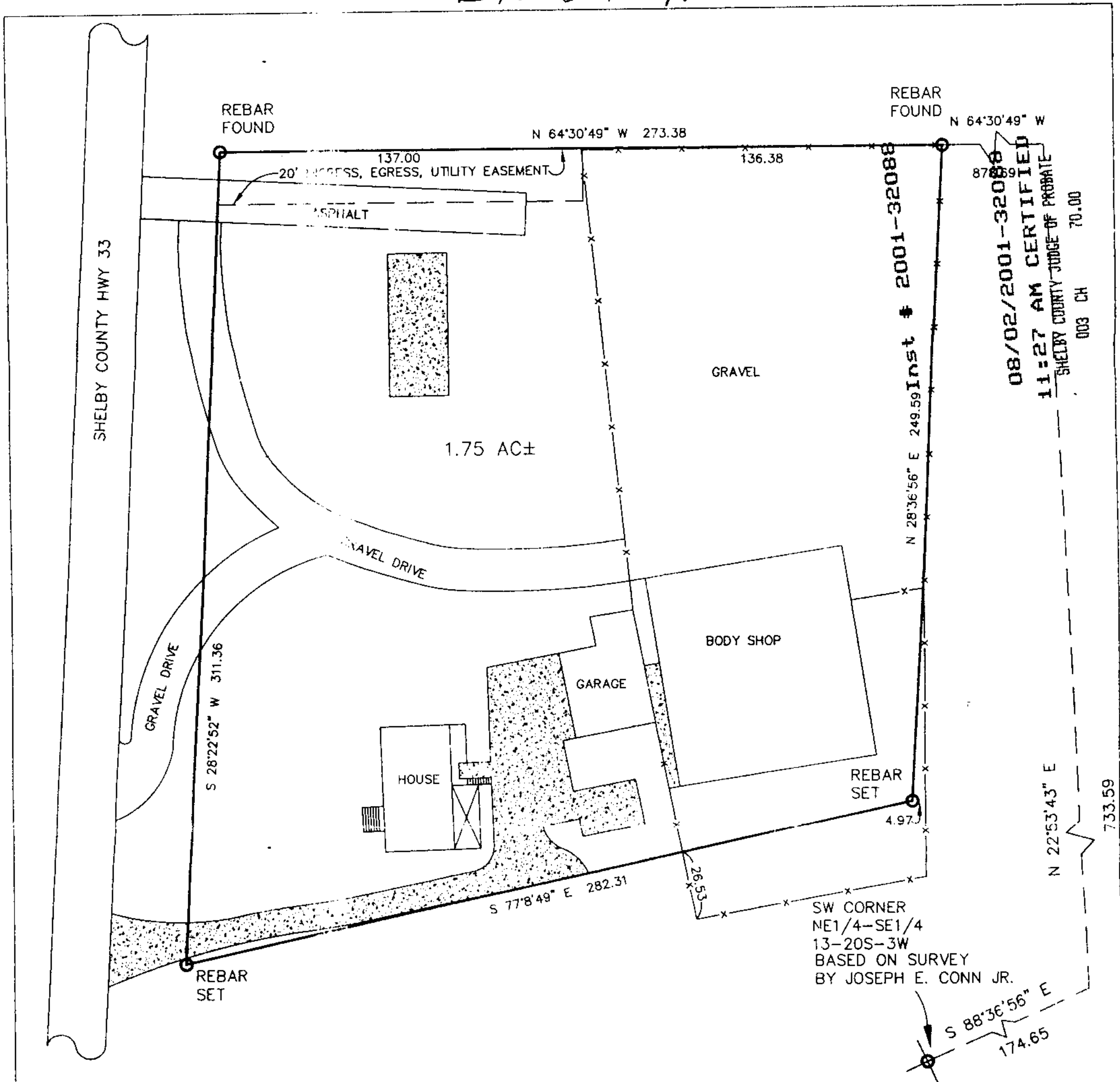
STATE OF ALABAMA                    )  
COUNTY OF SHELBY                )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Billy R. Baber a/k/a Ray Baber, and wife, Donna M. Baber, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 27 day of July, 2001.

My Commission Expires: 7/14/03   
\_\_\_\_\_  
Notary Public

# EXHIBIT "A"



STATE OF ALABAMA  
COUNTY OF SHELBY

I, Rodney Y. Shiflett, a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon. That there are no visible encroachments of any kind upon the subject lot except as shown hereon excluding utility service lines, wires or pipes that serve the subject lot only that are within dedicated easements or rights of way. That steel corners have been found or installed at all lot corners. I further certify that this survey and this plat meet the minimum technical standards for the practice of land surveying in the State of Alabama, the correct legal description being as follows:

Commence at the SW corner of the NE 1/4 of the SE 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama; thence S 88deg-36'56" E a distance of 174.65'; thence N 22deg-53'43" E a distance of 733.59'; thence N 64deg-30'49" W a distance of 878.69' to the POINT OF BEGINNING; thence continue along the last described course a distance of 273.38' to the easterly right-of-way of Shelby County Hwy 33; thence S 28deg-22'52" W along said right-of-way a distance of 311.36'; thence S 77deg-08'49" E and leaving said right-of-way a distance of 282.31'; thence N 28deg-36'56" E a distance of 249.59' to the POINT OF BEGINNING. Said parcel of land contains 1.75 acres, more or less.

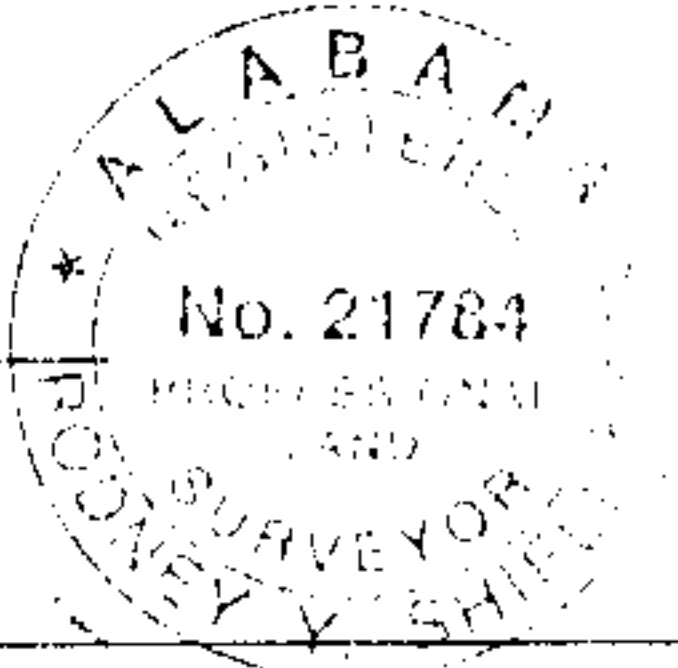
20' INGRESS, EGRESS, AND UTILITY EASEMENT

Commence at the SW corner of the NE 1/4 of the SE 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama; thence S 88deg-36'56" E a distance of 174.65'; thence N 22deg-53'43" E a distance of 733.59'; thence N 64deg-30'49" W a distance of 1015.07' to the POINT OF BEGINNING of the northerly edge of a 20' ingress, egress, and utility easement lying 20' southerly of and parallel to described line; thence continue along the last described course a distance of 137.00' to the easterly right-of-way line of Shelby County Hwy 33 and the END of said easement.

SUBJECT TO any right-of-ways and/or easements that may be found in public records.

According to my survey of May 17, 2001

*Rodney Shiflett*  
Rodney Y. Shiflett Al. Reg. No. # 21784



RODNEY SHIFLETT SURVEYOR

P.O. BOX 204  
COLUMBIANA, AL. 35051  
PHONE: 205-669-1206  
FAX: 205-669-6452

JOB#01268