

SEND TAX NOTICE TO:  
Cole Investment Realty, LLC  
1100 East Park Drive, Suite 400  
Birmingham, Alabama 35235  
Attention: Mr. Gene Cole

Inst # 2001-33134

08/07/2001-33134  
10:50 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MSB 18.00

STATE OF ALABAMA )  
SHELBY COUNTY )

**STATUTORY WARRANTY DEED**

**THIS IS A STATUTORY WARRANTY DEED** executed and delivered by **EUGENE K. COLE**, a married man (hereinafter referred to as the "Grantor"), to **COLE INVESTMENT REALTY, LLC**, an Alabama limited liability company (hereinafter referred to as the "Grantee").

**KNOW ALL MEN BY THESE PRESENTS:**

That in consideration of the sum of Ten and 00/100 Dollars (\$10.00) plus other good and valuable consideration paid by the Grantee to the Grantor, the receipt and sufficiency of which are hereby acknowledged, the Grantor does by these presents grant, bargain, sell and convey unto the Grantee, as equal tenant in common, **an undivided fifty percent (50%) interest** in and to the real estate described in Exhibit A attached hereto and located in Shelby County, Alabama (the "Property"),

**TOGETHER WITH** all improvements thereon and appurtenances thereto belonging or in anywise appertaining, and all right, title and interest of Grantor in and to any and all roads, alleys and ways bounding the Property.

This conveyance is subject to the following:

1. Taxes for the 2001 tax year and subsequent tax years (fifty percent (50%) interest);
2. Right of Way Line Permit granted to Alabama Power Company as recorded in Deed Book 126, Page 299 and Deed Book 126, Page 301 in the Probate Office of Shelby County, Alabama;
3. Easement to the City of Pelham, Alabama for sewer and water systems recorded as Instrument No. 1999-12465 in said Probate Office; and
4. Any other easements, restrictions or encumbrances or other matters of record affecting the Property.

**TO HAVE AND TO HOLD** to the Grantee, its successors and assigns, forever as equal tenant in common.

Following execution and delivery of this Statutory Warranty Deed, the Grantor will have conveyed to Grantee all of its undivided fifty percent (50%) interest in and to the Property that Grantor owned pursuant to that certain Deed recorded at Instrument No. 2000-17897 in the Probate Office of Shelby County, Alabama, and the Grantee will own the said undivided fifty percent (50%) interest in and to the Property as equal tenants in common with H. Albert Awtrey.

The Grantor does for himself, and his heirs, representatives, executors and assigns, covenant with the Grantee, its successors and assigns, that the Grantor and the Grantor's heirs, representatives, executors and assigns shall warrant and defend the same to the Grantee, its successors and assigns forever, against the lawful claims (unless otherwise noted above) of all persons claiming by, through or under the Grantor, but not further or otherwise.

The Property does not constitute, nor has it ever constituted the homestead of the undersigned or his spouse.

**IN WITNESS WHEREOF**, the Grantor has caused this Statutory Warranty Deed to be executed on the date stated below.

Eugene K Cole  
EUGENE K. COLE

Date: 7-13-01

STATE OF ALABAMA     )  
                                      )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **EUGENE K. COLE**, whose name is signed to the foregoing Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Deed, he executed the same voluntarily on the day the same bears date.

Given under my hand this 13 day of JULY, 2001.  
\* JULY

Frances A. Seale  
Notary Public  
My Commission Expires: 7/18/03

[NOTARIAL SEAL]

## **EXHIBIT A**

### **“Property Description”**

Commence at the NW corner of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama; thence North 0 deg-19'-06" W along the West line of Section 19, Township 20 South, Range 2 West, a distance of 934.11'; thence, leaving said West line, S 89 deg-26'-05" E a distance of 450.05' to the Point of Beginning; thence N 0 deg-19'-6" W a distance of 919.63' to a point lying on the South right-of-way line of Shelby County Highway # 52 East; thence, along said right-of-way line, S 60 deg-03'-21" E, a distance of 319.53'; thence, continue along said right-of-way line, S 52 deg-05'-42" E, a distance of 171.75'; thence, leaving said right-of-way line, S 0 deg-05'-23" W, a distance of 925.24'; thence, N 89 deg-54'-37" W a distance of 394.42'; thence N 2 deg-25'-16" W a distance of 270.26' to the Point of Beginning.

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