

**SEND TAX NOTICES TO:**

Allen E. Dube as Trustee of the Marital Trust  
created under the Last Will and Testament of  
Evelyn T. Dube, deceased  
15 Office Park Circle,  
Birmingham, Alabama, 35223

**WARRANTY DEED**

STATE OF ALABAMA  
COUNTY OF SHELBY

**KNOW ALL MEN BY THESE PRESENTS**, that in consideration of the sum of Six Hundred Sixty-Nine Thousand and 00/100 Dollars (\$669,000.00) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, **BENSON CUSTOM HOMES, INC.** (herein referred to as "Grantor"), hereby grants bargains, sells, and conveys unto **Allen E. Dube as Trustee of the Marital Trust created under the Last Will and Testament of Evelyn T. Dube, deceased** (herein referred to as "Grantee"), the real estate described on Exhibit "A" attached hereto and situated in Shelby County, Alabama.

[A portion of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.]

[This property does not constitute the homestead of Grantor nor of Grantor spouse.]

**TO HAVE AND TO HOLD** the described premises to Grantee, its successors and assigns forever.

**AND THE GRANTOR** does for itself and its successors and assigns, covenant with said Grantee, its successors and assigns, that Grantor is lawfully seized in fee simple of the premises, that they are free from all encumbrances, unless otherwise noted on Exhibit "A", that Grantor has good right to sell and convey the same as aforesaid, and that Grantor will and its successors and assigns shall warrant and defend same to said Grantee, its successors and assigns forever, against the lawful claims of all persons.

**IN WITNESS WHEREOF**, the Grantor has signed and sealed this Deed on the 25 day of October, 2001.

**BENSON CUSTOM HOMES, INC.**

BY:   
(Its )

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that R. W. Benson, whose name as President of BENSON CUSTOM HOMES, INC., a corporation, 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/she, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in his/her capacity as aforesaid.

Given under my hand and official seal, this the 25 day of October, 2001.

  
NOTARY PUBLIC

My Commission Expires: 01/1/03

THIS INSTRUMENT PREPARED BY AND AFTER  
RECORDATION SHOULD BE RETURNED TO:

William B. Hairston III  
Engel, Hairston, & Johanson P.C.  
P.O. Box 370027  
Birmingham, AL 35237  
(205) 328-4600

**EXHIBIT "A"**  
**TO**  
**WARRANTY DEED**  
**AFFIDAVIT AND INDEMNITY**  
**NON-FOREIGN AFFIDAVIT**

Grantor: BENSON CUSTOM HOMES, INC.  
Grantee: Allen E. Dube as Trustee of the Marital Trust created under the Last Will  
and Testament of Evelyn T. Dube, deceased

**Lot 112, according to the Survey of  
Greystone Legacy 1<sup>st</sup> Sector, as recorded in  
Map Book 26, Page 79 A and B, in the  
Probate Office of Shelby County, Alabama.**

**SUBJECT TO:** i) taxes and assessments for the year 2002, a lien but not yet payable; ii) 10 foot easement on rear of lot as shown by recorded map; iii) easements, building lines and restrictions as shown on recorded map; iv) restrictions and covenants appearing of record in Instrument No. 2000-12771, Instrument No 1999-50982, Instrument No 1999-50995, Instrument No. 1999-12252, Instrument No. 200006-5078 and Instrument No. 2000-4410; v) right of way granted to Birmingham Water Works recorded in Instrument No. 9908-6040; vi) title to all minerals within and underlying the premises, together with all mining and other rights, privileges and immunities relating thereto as recorded in Volume 243, page 828; vii) Right of way granted to Alabama Power Company recorded in Real 133, page 551, Volume 246, page 848, and Real 142, page 188; and viii) right or way as set forth in Instrument No. 1999-50996.

Inst # 2001-46689

Exa.ded 10/4/01 5:26PM

10/30/2001-46689  
12:50 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 CH 18.00