

THIS INSTRUMENT WAS PREPARED BY:
Richard W. Theibert, Attorney
NAJJAR DENABURG, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203

SEND TAX NOTICE TO:
Gardner Builders, Inc.
193 Brook Trace Drive
Birmingham, AL 35244

Inst # 2002-00609
01/03/2002-00609
03:35 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CH 15.00

WARRANTY DEED

THE STATE OF ALABAMA)
COUNTY OF SHELBY) : NOW ALL MEN BY THESE PRESENTS:

That in consideration of FIFTY-FIVE THOUSAND AND NO/100, (\$55,000.00), DOLLARS, in hand paid to the undersigned, Gardner Brothers Homebuilders, Inc., a corporation, (hereinafter referred to as "GRANTOR"), by Gardner Builders, Inc., a corporation, (hereinafter referred to as "GRANTEE"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEE the following described real estate, located and situated in Shelby County, Alabama, to wit:

Lot 3818-A, according to a Resurvey of Lots 3818 and 3819 of Birkshire 38th Addition to Riverchase, as recorded in Map Book 26, Page 69, in the Office of the Judge of Probate of Shelby County, Alabama.

SUBJECT TO:

1. Ad valorem taxes for the year, 2002.
2. Easement along the rear of subject property and building line as shown by record plat.
3. Mineral and mining rights recorded in Volume 127, Page 140.
4. Right of way granted to Alabama Power Company recorded in Volume 355, Page 274.
5. Right of way granted to the City of Hoover recorded in Real 93, Page 577.
6. Restrictions as shown by record plat.
7. Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Residential) recorded in Instrument 1996-24956 and in Misc. Volume 14, Page 536; Misc. Volume 17, Page 550; Misc. Volume 34, Page 549 and Real Volume 159, Page 111; Instrument #1994-09826 and Instrument #1997-19547.
8. Release of damages as set forth in Instrument #1996-24956.

ALL of the purchase price recited above was paid from the proceeds of a purchase money mortgage executed simultaneously with delivery of this deed.

TO HAVE AND TO HOLD to the said GRANTEE, its successor and assigns forever.

And said Gardner Brothers Homebuilders, Inc., a corporation does for itself, its successors and assigns, covenant with the said GRANTEE, its successors and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid; that it will and its successors and assigns shall, warrant and defend the same to the said GRANTEE, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Gardner Brothers Homebuilders, Inc., a corporation, by its President, Garry Gardner, who is authorized to execute this conveyance, has hereto set his signature and seal, this 19th day of December, 2001.

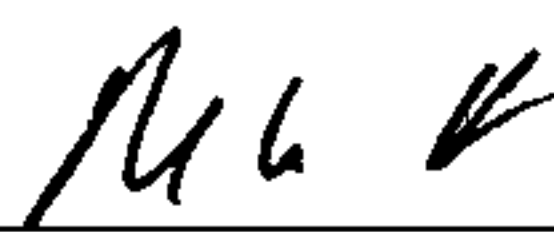
Gardner Brothers Homebuilders, Inc.

 (SEAL)
BY: Garry Gardner
ITS: President

THE STATE OF ALABAMA)
:
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Garry Gardner whose name as President, of Gardner Brothers Homebuilders, Inc., a corporation, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 19th day of December, 2001.



NOTARY PUBLIC
My commission expires: My Commission Expires: May 21, 2004

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