

INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH

This instrument was prepared by

Mitchell A. Spears

Attorney at Law

P.O. Box 119

205/665-5102

Montevallo, AL 35115-0091

205/665-5076

20021105000549170 Pg 1/3 29.00
Shelby Cnty Judge of Probate, AL
11/05/2002 11:49:00 FILED/CERTIFIED

Send Tax Notice to: Sidney McGaughy and

(Name) Elizabeth McGaughy

(Address) 59 Berry Lane

Montevallo, AL 35115

***MINIMUM VALUE: \$10,000.00 ***

Warranty Deed, Jointly For Life With Remainder To Survivor

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION** to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,

JOSEPH H. MCGAUGHY (by and through his Attorney-in-Fact, EDYTHE ANN MCGAUGHY, also known as "ANN MCGAUGHY") and wife, EDYTHE ANN MCGAUGHY

(herein referred to as grantors) do grant, bargain, sell and convey unto

SIDNEY MCGAUGHY and ELIZABETH M. MCGAUGHY

(herein referred to as GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, the following described real estate situated in **SHELBY** County, Alabama to-wit:

Begin at the Northwest corner of Fractional Section 12, Township 24 North, Range 12 East and run South along the West boundary line of said Section 12, 495 feet to an iron post; thence turn an angle to the left of 79 deg. and 27 min. and run 503 feet to a point; thence turn an angle to the left of 100 deg. and 33 min. and run 267 feet to a fence; thence run in a Northwesterly direction along the said fence 593 feet to the Northwest corner of said Section 12 and the point of beginning, containing 4.54 acres, more or less, lying in the North Half of North Half of Fractional Section 12, Township 24 North, Range 12 East, Shelby County, Alabama, according to survey of Harvey A Deason, Registered Land Surveyor dated August 18, 1970, the North line of said property being a fence separating said property from the property of S. G. Maurath, the survey of Harvey A. Deason having been revised on December 4, 1971.

Subject to transmission line permits to Alabama Power Company and easement to The Water Works Board of the Town of Montevallo for water line.

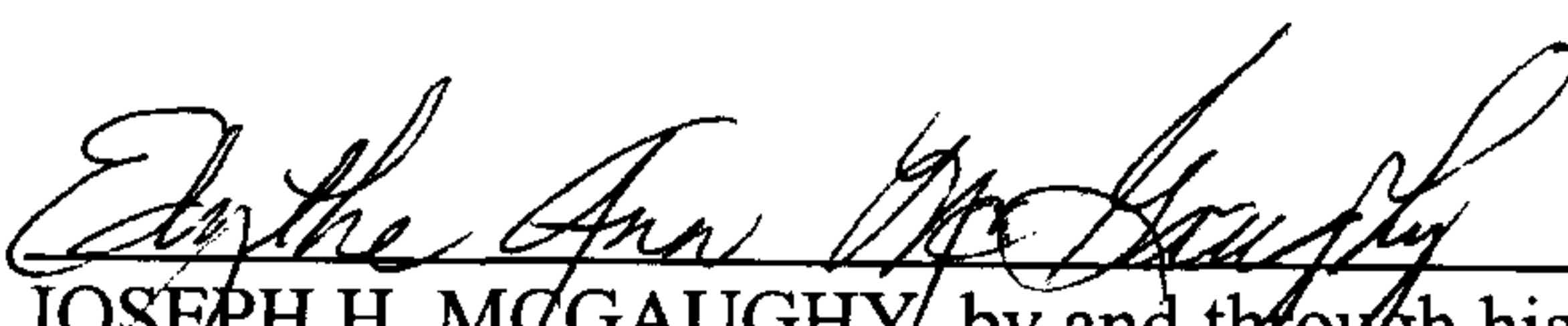
SOURCE OF TITLE: Deed of correction recorded in the Office of the Probate Judge, Shelby County, Alabama, at Book 271, Page 810.

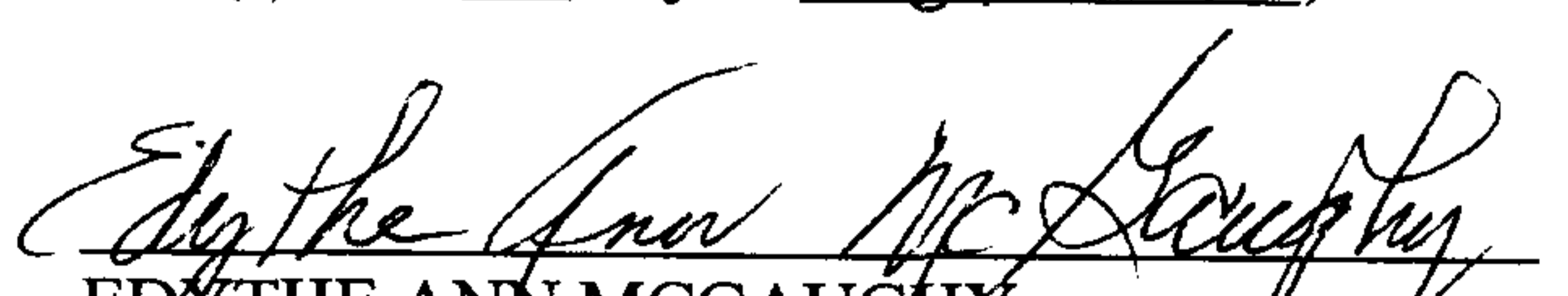
EDYTHE ANN MCGAUGHY IS ONE AND THE SAME PERSON AS "ANN MCGAUGHY", AND AT TIMES IN THE PAST, HAS USED SAID NAMES, INTERCHANGEABLY. SAID EDYTHE ANN MCGAUGHY EXECUTES THE ABOVE DESIGNATED CONVEYANCE IN HER INDIVIDUAL CAPACITY, AND IN HER CAPACITY AS ATTORNEY-IN-FACT FOR JOSEPH H. MCGAUGHY (WHO IS ALSO KNOWN AS JOSEPH HENRY MCGAUGHY) SAID POWER OF ATTORNEY BEING DATED MARCH 28, 2002, AND ATTACHED HERETO AS EXHIBIT "A", FOR THE PURPOSE OF RECORDATION.

TO HAVE AND TO HOLD to the said GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns for such survivor forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s), this 1st day of November, 2002.


JOSEPH H. MCGAUGHY, by and through his
Attorney-in-Fact, EDYTHE ANN MCGAUGHY,
also known as ANN MCGAUGHY


EDYTHE ANN MCGAUGHY

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Edythe Ann McGaughy, also known as Ann McGaughy**, whose name as **Attorney-In-Fact** for **Joseph H. McGaughy**, 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, she, as such Attorney-In-Fact and with full authority, executed the same voluntarily on the day that same bears date.

Given under my hand and official seal, this the 1st day of November, 2002 .

Samuel J. Fochtman
Notary Public
My Commission Expires: 2/25/2003

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Edythe Ann McGaughy**, whose name 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, she executed the same voluntarily on the day that same bears date.

Given under my hand and official seal this 1st day of November, 2002.

Samuel J. Fochtman
Notary Public
My commission expires: 2/25/2003

STATE OF ALABAMA)

SHELBY COUNTY)

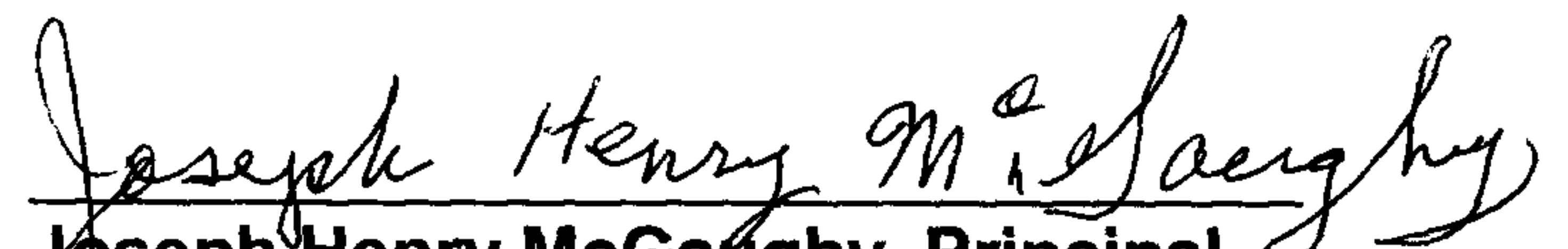
DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a Durable Power of Attorney, that I, **Joseph Henry McGaughy**, of Shelby County, State of Alabama, the undersigned, **DO HEREBY MAKE, CONSTITUTE AND APPOINT Ann McGaughy**, of Shelby County, State of Alabama, my true and lawful Attorney in Fact, for me and in my name, place and stead, and on my behalf and for my use and benefit, to do, perform and execute all and every act that I may legally do through an attorney in fact, and every proper power necessary to carry out the purposes for which this power is granted, with full power of substitution and revocation, hereby ratifying and affirming that which the said **Ann McGaughy** or her substitute shall lawfully do or cause to be done by herself or her substitute lawfully designated by virtue of the power hereby conferred upon her.

The rights, powers and authority of my said Attorney in Fact herein granted shall commence upon the execution of this instrument and shall be in full force and effect upon execution of this instrument; the authority herein conferred shall not be affected by disability, incompetency, or incapacity of said principal, **Joseph Henry McGaughy**; and such right, powers and authority shall remain in full force and effect until the death of the principal **Joseph Henry McGaughy**. Any action taken in good faith pursuant to the foregoing authority without actual knowledge of my death shall be binding upon me, my heirs, assigns, and personal representatives.

IN WITNESS WHEREOF, as Principal, I have signed this Durable Power of Attorney at 968 Main Street - Suite E, Montevallo, Alabama 35115, this the 28th day of March, 2002, and I have directed that photographic copies of this power be made which shall have the same force and effect as an original.

Witness my hand and seal, this the 28th day of March, 2002.


Joseph Henry McGaughy, Principal

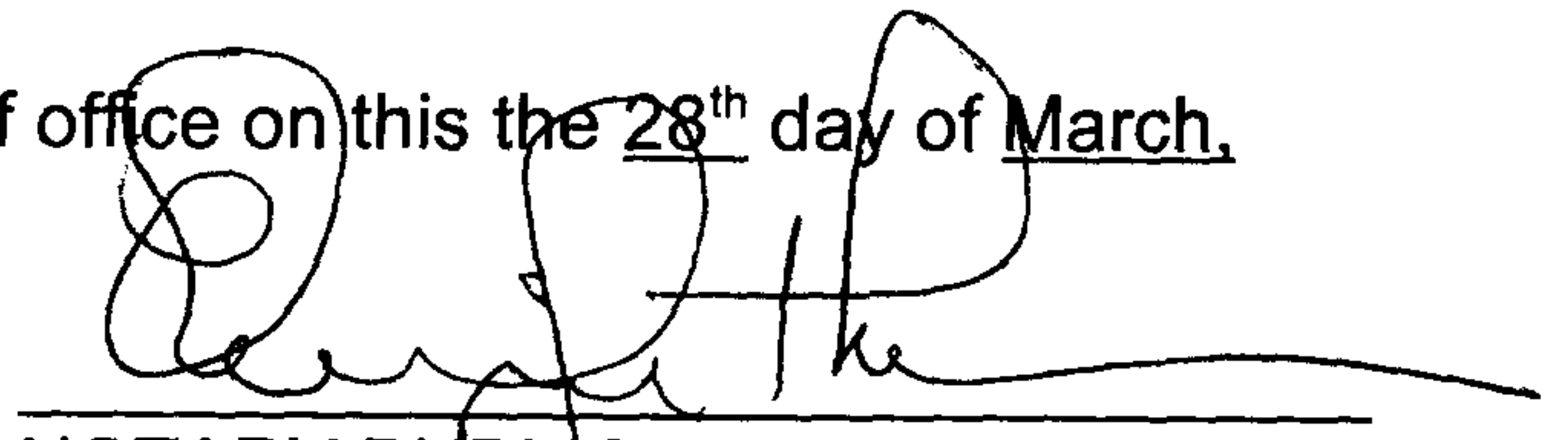
STATE OF ALABAMA)

SHELBY COUNTY)

ACKNOWLEDGMENT

I, Chris Smitherman, a Notary Public in and for said County and State, hereby certify that *Joseph Henry McGaughy*, whose name is signed to the foregoing POWER OF ATTORNEY, and who is known to me, acknowledged before me on this day, that being informed of the contents thereof, he voluntarily executed the same on the day of its date.

Given under my hand and official seal of office on this the 28th day of March, 2002.


NOTARY PUBLIC
My commission Expires: 5/13/04

THIS INSTRUMENT WAS PREPARED BY:
CHRISTOPHER R. SMITHERMAN
ATTORNEY AT LAW
POST OFFICE BOX 261
968 MAIN STREET - SUITE E
MONTEVALLO, ALABAMA 35115
(205) 665-4357

Inst # 2002-17280

04/15/2002-17280
08:50 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MSB 11.00