

This instrument was prepared by:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 160
Birmingham, AL 35223

Send Tax Notice To:
Chuck Frusterio and Melanie Frusterio
5369 Greystone Way
Birmingham, AL 35242

STATE OF ALABAMA)
COUNTY OF SHELBY) **STATUTORY JOINT SURVIVORSHIP DEED**

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of **One Hundred Twenty Thousand and 00/100 (\$120,000.00)**, and other good and valuable consideration, this day in hand paid to the undersigned **HPH Properties, LLC, an Alabama limited liability comp** (hereinafter referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES, **Chuck Frusterio and Melanie Frusterio**, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of **Shelby**, State of Alabama, to-wit:

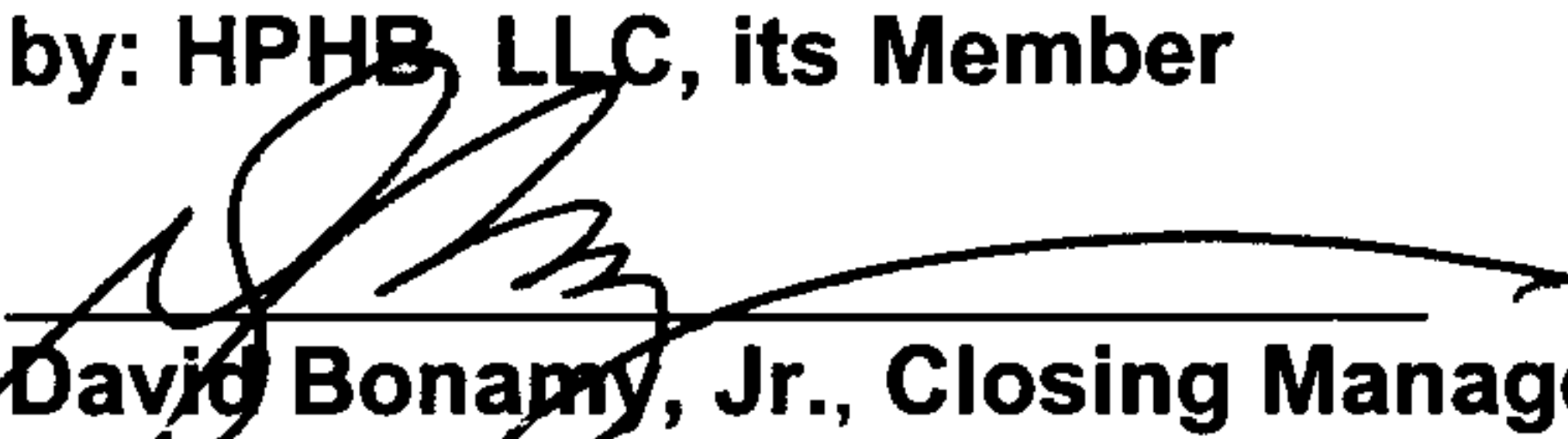
Lot 1-A, according to the Resurvey of Greystone 9th Sector Phase II and acreage, as recorded in Map Book 32, Page 9, in the Probate Office of Shelby County, Alabama.

Subject To:
Ad valorem taxes for 2003 and subsequent years not yet due and payable until October 1, 2003. Existing covenants and restrictions, easements, building lines and limitations of record.

This instrument is executed as required by the Articles of organization and operational agreement of said LLC and same have not been modified or amended.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto 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 of such survivor, forever.


IN WITNESS WHEREOF, said GRANTOR has hereunto set his hand and seal this the **25th** day of **September, 2003**.

HPH Properties, LLC
by: **HPHB, LLC**, its Member

David Bonamy, Jr., Closing Manager

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that **David Bonamy, Jr.**, whose name as Closing Manager of **HPHB, LLC**, an Alabama limited liability company, which is Member of **H.P.H. Properties, LLC**, an Alabama limited liability company, 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 the Instrument, he, as such Closing Manager and with full authority, signed the same voluntarily for and as the act of said limited liability company acting in its capacity as Member of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the **25th** day of **September, 2003**.


NOTARY PUBLIC
My Commission Expires: **6-5-2007**

CLAYTON T. SWEENEY, ATTORNEY AT LAW

By acceptance of this Statutory Deed, Grantee hereby covenants and agrees for itself and its successors, assigns, licensees, employees and agents the Grantor shall not be liable for and no action shall be asserted against Grantor for, loss or damage on account of injuries to the Property or to any buildings, improvements or structures now or hereafter or located upon the Property or to any buildings, improvements or structures now or hereafter or located upon the Property or on account of injuries to any owner, occupant, or other person in or upon said property, which are caused by or arise as a result of, past or future soil and/or subsurface conditions, known or unknown, (including without limitations, sinkholes, underground mines and limestone formations) under or on the property or any property now or thereafter owned by Grantor whether contiguous or non-contiguous to the Property. For purposes of this paragraph the term Grantor shall mean and refer to (i) the partners, agents and employees of Grantor (ii) the officers, directors, employees and agents of the Grantor (ii) the officers, directors, employees and agents of the Grantor and (iii) any successors and assigns of the Grantor's interest in the Property. This covenant and agreement shall run with the land conveyed hereby as against Grantee, and all persons, firms, trusts, partnerships, limited partnerships, corporations, or other entities holding under or through the Grantee.



Chuck Frusterio



Melanie Frusterio

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Chuck Frusterio and Melanie Frusterio, 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 official seal this 25th day of September, 2003.



NOTARY PUBLIC

My Commission expires:

6-5-2007