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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:  
R. Shan Paden  
PADEN & PADEN  
Attorneys at Law  
5 Riverchase Ridge, Suite 100  
Birmingham, Alabama 35244

SEND TAX NOTICE TO:  
JAY HUTCHISON D/B/A  
HUTCH CONSTRUCTION  
PO BOX 226  
MAYLENE, AL 35114

STATE OF ALABAMA)  
COUNTY OF SHELBY)

**WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of FIFTY FIVE THOUSAND DOLLARS and 00/100 (\$55,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, WALTER B. BEARD and BERTHA BEARD, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JAY HUTCHISON D/B/A HUTCH CONSTRUCTION, (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 5, ACCORDING TO THE SURVEY OF SMOKEY RIDGE ESTATES, AS RECORDED IN MAP BOOK 32, PAGE 78, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

**SUBJECT TO:**

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2003 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. 75 FOOT BUILDING LINE ON FRONT AND REAR, AS SHOWN BY RECORDED MAP.
3. EASEMENT FOR ALABAMA POWER COMPANY AS RECORDED, IN INSTRUMENT 2001-9982, IN THE PROBATE OFFICE SHELBY COUNTY, ALABAMA.
4. TRANSMISSION LINE PERMIT TO ALABAMA POWER COMPANY, AS RECORDED IN DEED BOOK 124, PAGE 543, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
5. RIGHT OF WAY TO SHELBY COUNTY, RECORDED IN DEED BOOK 211, PAGE 607, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. EASEMENT TO SOUTHERN NATURAL GAS RECORDED IN DEED BOOK 211, PAGE 47, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
7. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO RECORDED IN REAL 262 PAGE 289 AND 580 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
8. COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED IN SHELBY COUNTY JUDGE OF PROBATE AS INSTRUMENT NUMBER 20031218000815650.

\$202,000.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

**TO HAVE AND TO HOLD** Unto the said GRANTEES, his, her or their heirs and assigns, forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, his, her, or 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 said GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTORS, WALTER B. BEARD and BERTHA BEARD, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 18th day of December, 2003.

*Walter B Beard by and through  
his attorney in fact, Bertha Beard*

WALTER B. BEARD, BY AND THROUGH  
HIS ATTORNEY IN FACT, BERTHA BEARD

*Bertha Beard*  
BERTHA BEARD

ACKNOWLEDGMENT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said State of Alabama at Large, hereby certify that, BERTHA BEARD whose name as Attorney in Fact for WALTER B. BEARD is signed to the foregoing instrument and who is known to me, acknowledged before me on this date that, being informed of the instrument, she, in her capacity as such Attorney in Fact, and with full authority executed the same voluntarily on the date the same bears date.



Given under my hand and seal on this the 18<sup>TH</sup> DAY OF DECEMBER, 2003.

*John M. Varl*

NOTARY PUBLIC

MY COMMISSION EXPIRES: 9.29.06

STATE OF ALABAMA)  
COUNTY OF SHELBY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that BERTHA BEARD whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 18th day of December, 2003.

*John M. Varl*

Notary Public

My commission expires: 9.29.06