

This instrument prepared by:
Mary Thornton Taylor, Esquire
421 Office Park Drive
Birmingham, Alabama 35223

Send tax notice to:
Foothills Homes, Inc.
421 Office Park Drive
Birmingham, Alabama 35223

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
) **KNOW ALL PERSONS BY THESE PRESENTS:**
SHELBY COUNTY)

That for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned **FOOTHILLS PARTNERS, L.L.C.**, an Alabama limited liability company ("Grantor"), does by these presents grant, bargain, sell and convey unto **FOOTHILLS HOMES, INC.**, an Alabama corporation ("Grantee"), the following described real estate (the "Property") situated in Shelby County, Alabama, to-wit:

Lots 53, 54, 55, 56, 58 and 59, according to the subdivision plat of Foothills Point, Second Sector, as recorded in Map Book 32, Page 69 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama; and

The 1.25 acre Common Area and Easement situated between Lots 12 and 13 as shown on the subdivision plat of Foothills Point recorded in Map Book 32, Page 33 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

The Property is conveyed subject to the following:

- (1) Ad valorem taxes and municipal assessments due and payable October 1, 2004 and all subsequent years thereafter;
- (2) Fire district and library district assessments for 2004 and subsequent years not yet due and payable, if any;
- (3) Mineral and mining rights not owned by Grantor;
- (4) Right of ways to Alabama Power Company recorded in Real 44, page 78 in said Probate Office;
- (5) Transmission Line Permit to Alabama Power Company recorded in Deed Book 127, page 317 in said Probate Office;
- (6) Right of way to South Central Bell recorded in Deed Book 320, page 931 and Deed Book 336, page 230 in said Probate Office;

Pro Forma

- (7) Restrictions, covenants and conditions as set out in Map Book 32, page 69 in said Probate Office; and
- (8) Public utility easements as shown by recorded plat, including a 15 foot easement running through Lots 55, 56 and 57 and a 7.5 foot easement along Easterly side of Lot 58 and a 7.5 foot easement along Westerly side of Lot 59.

The entire purchase price for the Property was paid from the proceeds of a mortgage loan closed contemporaneously herewith.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor **FOOTHILLS PARTNERS, L.L.C.**, by its Manager who is authorized to execute this Statutory Warranty Deed as provided in Grantor's Articles of Organization which as of this date have not been modified or amended, has hereto set its signature and seal this the 19th day of December, 2003.

FOOTHILLS PARTNERS, L.L.C.

By: William D. Acton
William D. Acton
Its Manager

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **William D. Acton**, whose name as Manager of **FOOTHILLS PARTNERS, L.L.C.**, an Alabama limited liability company, 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 such instrument, he executed the same voluntarily for and as the act of said Manager of said limited liability company.

Given under my hand and seal, this 19th day of December, 2003.

(SEAL)

Mary Thornton Taylor
Notary Public
My commission expires: 5/27/07