

Send tax notice to:  
Michael Kelley, Manager  
105 Dogwood Drive  
Columbiana, AL 35051

This Instrument Prepared By:  
Gwen D. Skinner, Esq.  
Feld, Hyde, Wertheimer & Bryant, P.C.  
2000 SouthBridge Parkway, Suite 500  
Birmingham, Alabama 35209

**THIS INSTRUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE INFORMATION SUPPLIED BY THE PARTIES HERETO. NO TITLE EXAMINATION AND/OR OPINION WAS REQUESTED OF FELD, HYDE, WERTHEIMER & BRYANT, P.C. BY EITHER GRANTOR OR GRANTEE, AND NONE WAS CONDUCTED AND/OR RENDERED.**

**WARRANTY DEED**

STATE OF ALABAMA )

KNOW ALL MEN BY THESE PRESENTS:

SHELBY COUNTY )

That in consideration of <sup>Five thousand</sup> ~~One~~ Dollar and other good and valuable consideration, to the undersigned Grantors in hand paid by the Grantee herein, the receipt whereof is acknowledged, we, Michael Kelley and Sandra Kelley, husband and wife (hereinafter referred to as "Grantors"), do grant, bargain, sell and convey unto Kelley Properties, LLC, an Alabama limited liability company (hereinafter referred to as "Grantee"), all of the following described real estate situated in Shelby County, Alabama, to-wit:

Part of the NW 1/4 of the NE 1/4 of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Commence at the Southwest corner of said 1/4 1/4 section, thence run East along the South 1/4 1/4 line a distance of 129.94 feet to an iron pin and the point of beginning; thence continue last course a distance of 142.82 feet to an iron pin; thence turn left 85 deg. 54 min. 51 sec. and run North a distance of 179.25 feet to an iron pin; thence turn left 89 deg. 51 min. 39.5 sec. and run West a distance of 147.28 feet to the point of a curve to the right (clockwise), said curve having a Delta angle of 02 deg. 23 min. 51 sec. and a radius of 65.00 feet and a chord distance of 2.72 feet; thence run Westerly along the arc of said curve for a distance of 2.72 feet to an iron pin; thence turn left 93 deg. 36 min. 46 sec. from the chord of said curve and run South a distance of 190.00 feet to the point of beginning; being situated in Shelby County, Alabama.

SOURCE OF TITLE: Mike Kelley (being one and the same person as one of the Grantors, Michael Kelley) originally acquired the above described real estate by Warranty Deed dated February 23, 1995 and recorded as Instrument #1995-05087 in the Office of the Judge of Probate, Shelby County, Alabama. By Warranty Deed dated October 6, 1995, Mike Kelley conveyed title of the real estate to Michael Kelley and wife, Sandra Kelley as joint tenants with right of survivorship. However, this deed contained an error in the legal description of the real estate incorrectly changing a distance from 142.82 feet to 182.82 feet. Such deed is recorded as Instrument #1995-29851 in the Office of the Judge of Probate, Shelby County, Alabama. Michael Kelley and Sandra Kelley subsequently severed their survivorship ownership and conveyed title of the real estate to themselves as tenants in common by Warranty Deed dated April 3, 2002 and recorded as Instrument #2002-15456 in the Office of the Judge of Probate, Shelby County, Alabama. This deed contained the same erroneous legal description as the deed recorded as Instrument #1995-29851. The above described legal description is the correct legal description as originally acquired by Mike Kelley in the deed recorded as Instrument #1995-05087 and is the true and correct real estate owned by the Grantors and being conveyed herein to the Grantee.

This conveyance is made subject to the following:

1. The lien for ad valorem taxes due in the current year or the subsequent year but not yet payable.
2. All easements, liens, encumbrances, restrictions, rights-of-way, any reservations of mineral rights, and other matters of record in the Probate Office of Shelby County, Alabama, together with any deficiencies in quantity of land, easements, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the property conveyed herein.

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

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

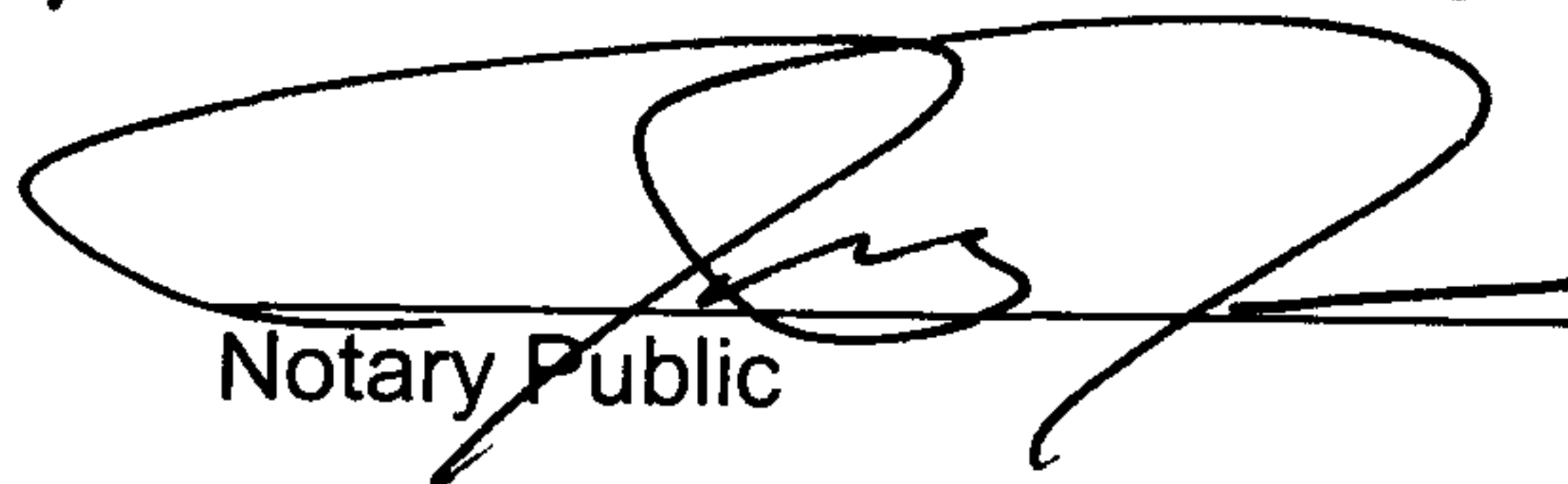
IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on March 3, 2004.

  
\_\_\_\_\_  
Michael Kelley

  
\_\_\_\_\_  
Sandra Kelley

I, the undersigned authority, a Notary Public in and for the State of Alabama at Large, hereby certify that Michael Kelley and Sandra Kelley, husband and wife, 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 on March 1<sup>st</sup>, 2004.

  
\_\_\_\_\_  
Notary Public

Josh Jones  
\_\_\_\_\_  
Printed Name

(NOTARY SEAL)

My Commission Expires: 3/12/06