

This instrument was prepared by:

SEND TAX NOTICE TO:

Walter Fletcher
Dominick, Fletcher, Yeilding,
Wood & Lloyd, P.A.
2121 Highland Avenue South
Birmingham, Alabama 35205

Toby R. Hardy
Susan T. Hardy
1650 Markham Woods Road
Longwood, Florida 32779

STATUTORY WARRANTY DEED
JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

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

That in consideration of the sum of \$156,500.00 to the undersigned Birmingham Southern College, a corporation ("Grantor"), in hand paid by Toby R. Hardy and Susan T. Hardy ("Grantee"), the receipt whereof is acknowledged, Grantor does grant, bargain, sell and convey unto Grantee, joint tenants with right of survivorship, the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 9, according to the Survey of The Crest at Greystone, First Addition, as recorded in Map Book 19 Page 52 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Subject to:

- (1) Taxes due in the year 2004, a lien, but not yet payable;
- (2) Restrictions as shown on recorded map; and Note: Map Book 19, Page 52 shows the following reservation:

Sink Hole Prone Areas - The Subdivision shown hereon including lots and street, lies in an area where natural lime sinks may occur. Shelby County, the Shelby County Engineer, the Shelby County Planning Commissioner and the individual members thereof and all other agents, servants or employees of Shelby County, Alabama, make no representations that the subdivision lots and streets are safe or suitable for residential construction, or for any other purpose whatsoever. "Area underlain by limestone and thus may be subject to lime skin activities."

- (3) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto;
- (4) Underground transmission granted to Alabama Power Company by instrument recorded in Volume 305, Page 637;
- (5) Restrictions and covenants appearing of record in Real 265, Page 96; Inst. No. 1995-941 and Shelby Volume 317, Page 260;
- (6) Agreement between Daniel Oak Mountain, Ltd. And Shelby Cable recorded in Real 350, Page 545;
- (7) Right-of-way and easement to Water Works and Sewer Board recorded in Inst. No. 1994-26400;
- (8) Rights to others to use Hugh Daniel Drive as recorded in Volume 301, Page 799;
- (9) Building setback as set forth in the Declaration recorded in Inst. No. 1992-22103; 1st Amendment recorded in Inst. No. 1994-3752 and 2nd Amendment to be recorded in the Probate Office of Jefferson County, Alabama, also as shown by Inst. No. 1995-941;
- (10) Release of damages as recorded in Inst. No. 1992-22103, 1st Amendment recorded in Inst. No. 1994-3752 and 2nd Amendment to be recorded in the Probate Office of Shelby County, Alabama and also shown by Inst. No. 1995-941;
- (11) The Crest at Greystone Declaration of covenants, conditions, and restrictions or covenants recorded in Inst. No. 1992-22103, 1st Amendment recorded Inst. No. 1994-3752, 2nd Amendment to be recorded in the Probate Office of Shelby County, Alabama;
- (12) Any mining and mineral rights not owned by Grantor.

TO HAVE AND TO HOLD to the said Grantee, as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one Grantee herein survives the other, the entire interest in fee simple shall pass to the surviving Grantee, and if one does not survive the other, then the heirs and assigns of the grantee herein shall take as tenants in common.

IN WITNESS WHEREOF, the said Grantor, by D. Jay Wulf, its Investment Manager, who is authorized to execute this conveyance, has hereto set its signature and seal, this _____ day of April, 2004.


BIRMINGHAM SOUTHERN COLLEGE

By: 
D. Jay Wulf
Investment Manager

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that D. Jay Wulf, whose name as Investment Manager of Birmingham Southern College, a corporation, 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, he as such officer and with full authority executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 20th day of April, 2004.


Notary Public
My Commission Expires: 5/25/05

[SEAL]