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**THIS INSTRUMENT WAS PREPARED BY:**

Stephen W. Stallcup, Esq.  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, Alabama 35203

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**SEND TAX NOTICE TO:**

H & E Wise, L.L.C.  
P.O. Box 8  
Saginaw, Alabama 35137  
Attn: Howard Wise

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**WARRANTY DEED**

STATE OF ALABAMA  
COUNTY OF SHELBY

**KNOW ALL MEN BY THESE PRESENTS**, That in consideration of Thirty Thousand Dollars---(\$30,000.00)---and other good and valuable consideration to the undersigned grantor in hand paid by the Grantee herein, the receipt whereof is acknowledged, we, **ALICE N. JONES, an unmarried woman, and CINDY J. ELLISON, a married woman** (herein referred to as **GRANTORS**), do grant, bargain, sell and convey unto **H & E WISE, L.L.C., an Alabama limited liability company** (herein referred to as **GRANTEE**), the real property situated and being in Shelby County, Alabama, as more particularly described on Exhibit A attached hereto and made a part hereof.

**SUBJECT TO:**

1. Taxes and assessments for the year 2004 and subsequent years, which are not yet due and payable.
2. Coal, oil, gas and other mineral interests in, to or under the land herein described and any mining rights incident thereto.

Note: Alice N. Jones is the surviving spouse and Cindy J. Ellison is the only child of Tollie E. Jones, deceased, and constitute all the heirs as stated in Probate Case #25-202.

Note: The subject property is not the homestead or residence of either Grantor.

**TO HAVE AND TO HOLD** Unto the 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 it is 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, we have hereunto set our hands and seals this 3<sup>rd</sup> day of June, 2004.

Alice N. Jones by  
Cindy J. Ellison  
**ALICE N. JONES by Cindy J. Ellison by**  
**Power of Attorney dated March 31, 1999**

Cindy J. Ellison  
**CINDY J. ELLISON**

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Alice N. Jones, an unmarried woman, by Cindy J. Ellison by Power of Attorney dated March 31, 1999, and Cindy J. Ellison, a married woman, 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 3<sup>rd</sup> day of June, 2004.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_  
(SEAL) My Commission Expires 1/26/07

**EXHIBIT A**

**(Legal Description)**

**Part of the SE 1/4 of the NW 1/4 of Section 20, Township 21 South, Range 2 West, Shelby County, Alabama, described as follows:**

**From the SW corner of said 1/4-1/4 section run thence North along the West line thereof a distance of 888.5 feet to the POB of the property herein described; continue thence along the last course a distance of 208.4 feet; thence East 312.8 feet; thence South 208.4 feet; thence West to the POB.**