

This instrument prepared by:  
Jeff G. Underwood, Attorney  
Sirote & Permutt P.C.  
2311 Highland Avenue South  
Birmingham, Alabama 35205

Send Tax Notice to:  
John F. Conner, III  
Barbara D. Conner  
2028 Lake Heather Drive  
Birmingham, AL 35242

**SPECIAL WARRANTY DEED**

STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS,

SHELBY COUNTY

That in consideration of Six hundred ninety-five thousand and 00/100 Dollars (\$695,000.00) to the undersigned Grantor, Bank of New York, as Trustee, a corporation, by Countrywide Home Loans Inc., Servicing LP, as Attorney in Fact, (herein referred to as Grantor) in hand paid by the Grantees herein, the receipt whereof is acknowledged, the said Grantor does by these presents, grant, bargain, sell and convey unto John F. Conner, III, and Barbara D. Conner, (herein referred to as Grantees), the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 34, according to the Survey of Lake Heather Estates (Givianpour's Addition to Inverness) as recorded in Map Book 16, Page 121 A/B/C, in the Probate Office of Shelby County, Alabama.

Subject to:

1. Any item disclosed on that certain policy of title insurance obtained in connection with this transaction.
2. Ad valorem Taxes for the current tax year, which Grantees herein assume and agree to pay.
3. Mineral and mining rights as recorded in Book 5 Page 355, Book 4, Page 442 and Book 48, Page 427.
4. Declaration of Protective Covenants recorded in Instrument # 1992-26078 and Map Book 16, Page 121.
5. Covenants and provisions recorded in Instrument # 1992-18226, Book 314, Page 561, Book 328, Page 64 and Book 365, Page 876.
6. Amendment to restrictive covenants recorded in Instrument # 1999-1346.
7. Release of damages recorded in Instrument # 1994-2996.
8. A non-exclusive easement recorded in Instrument # 1992-18226 and amended in Instrument # 1992-26078.
9. Private Subdivision Agreement recorded in Instrument # 1992-26077.
10. Restrictions as shown on recorded plat.
11. All outstanding rights of redemption in favor of all persons entitled to redeem the property from that certain mortgage foreclosure sale evidenced by mortgage foreclosure deed recorded in Instrument No. 20040310000122860, in the Probate Office of Shelby County, Alabama.

\$ 333,700 of the above consideration was paid from the proceeds of a 1<sup>ST</sup> mortgage loan closed simultaneously herewith.

\$291,000 of the above consideration was paid from the proceeds of a 2nd mortgage loan closed simultaneously herewith.

This property is sold as is and grantor only warrants title from the time grantor obtained title until the date grantor conveys its interest in the aforesaid property to the grantee.

TO HAVE AND TO HOLD Unto the said Grantees, their heirs and assigns, forever.

IN WITNESS WHEREOF, the said Grantor, has hereto set its signature and seal, this the 1<sup>ST</sup> day of July, 2004.

Bank of New York, as Trustee  
By, Countrywide Home Loans Inc., Servicing LP

by, MARK ARVIZU  
Its MARK ARVIZU  
As Attorney in Fact

STATE OF TEXAS

20040712000384030 Pg 2/2 84.50  
Shelby Cnty Judge of Probate, AL  
07/12/2004 13:44:00 FILED/CERTIFIED

COUNTY OF COLLIN

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MARK ARVIZU, whose name as VICE PRESIDENT of Countrywide Home Loans Inc., Servicing LP, as Attorney in Fact for Bank of New York, as Trustee, 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/she, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation, action in its capacity as Attorney in Fact as aforesaid.

Given under my hand and official seal, this the 1<sup>ST</sup> day of July, 2004.

Sylvia Bishop  
NOTARY PUBLIC  
My Commission expires: 10/1/2007  
AFFIX SEAL

2004-000287

