

This instrument was prepared by:  
Clayton T. Sweeney, Attorney  
2700 Highway 280 East, Suite 160  
Birmingham, AL 35223

Send Tax Notice To:  
Miguel A. Dieguez and Bertha A. Dieguez  
Bertha Dieguez-Marino

*2629 Buttrwoods Dr  
Birmingham AL 35240*

STATE OF ALABAMA )  
  :  
COUNTY OF SHELBY )

**JOINT SURVIVORSHIP DEED**

**KNOW ALL MEN BY THESE PRESENTS:** That, for and in consideration of **One Million Four Hundred Eighty-Nine Thousand and 00/100 (\$1,489,000.00)**, and other good and valuable consideration, this day in hand paid to the undersigned **Benson Properties, L.L.C.**, an Alabama Limited Liability Company, (hereinafter referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES, **Miguel A. Dieguez and wife, Bertha A. Dieguez**, an undivided two-thirds (2/3) interest, as joint tenants with right of survivorship, for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and unto **Bertha Dieguez-Marino**, an undivided one-third (1/3) interest as tenant in common (hereinafter referred to as GRANTEES), the following described Real Estate, lying and being in the County of **Shelby**, State of Alabama, to-wit:

**Lot 1-B, according to a Resurvey of Lot 1 of The Narrows Commercial Subdivision - Sector 1, as recorded in Map Book 27, Page 107, in the Probate Office of Shelby County, Alabama.**

Subject To:

Ad valorem taxes for 2004 and subsequent years not yet due and payable until October 1, 2004. Existing covenants and restrictions, easements, building lines and limitations of record.

\$489,000.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

This instrument is executed as required by the Articles of organization and operational agreement of said limited liability company and the same have not been modified or amended.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, Miguel A. Dieguez and wife, Bertha A. Dieguez, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to their heirs, successors and assigns fo such survivor, forever and unto the said Bertha Dieguez-Marino, as tenant in common, and to her heirs, successors and assigns forever.

AND SAID GRANTOR, for said GRANTOR, GRANTOR'S successors and assigns, covenants with GRANTEES, and with GRANTEES' heirs, successors and assigns, that GRANTOR is lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that GRANTOR will, and GRANTOR'S successors and assigns shall, warrant and defend the same to said GRANTEES, and GRANTEES' heirs, successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said GRANTOR has hereunto set his hand and seal this the **9th** day of **August**, **2004**.

**Benson Properties, L.L.C.**

*Richard W. Benson*  
Richard W. Benson, Member

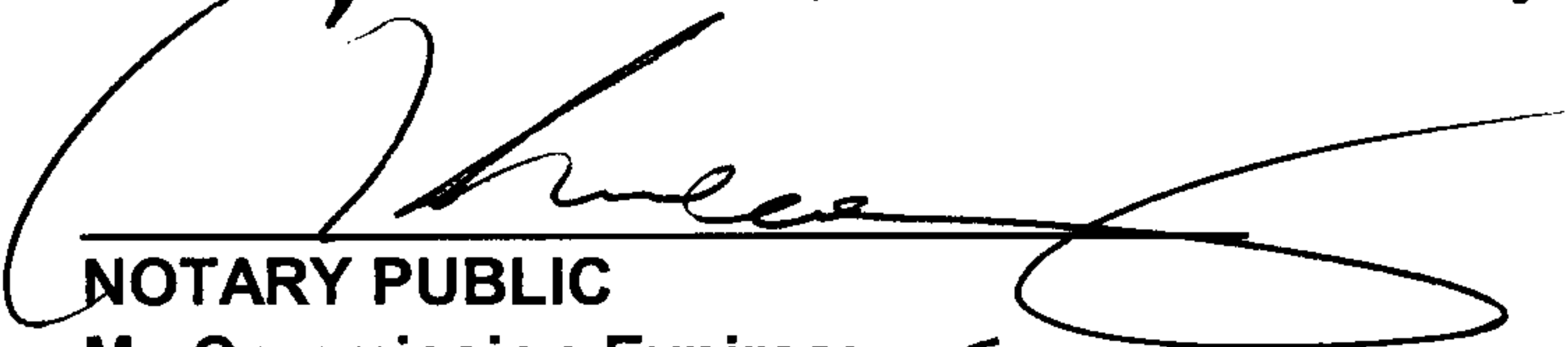
*Linda C. Benson*  
Linda C. Benson, Member

CLAYTON T. SWEENEY, ATTORNEY AT LAW

STATE OF ALABAMA                    )  
  :  
COUNTY OF JEFFERSON            )

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Richard W. Benson and Linda C. Benson, whose names as Members of Benson Properties, L.L.C., an Alabama Limited Liability Company, are signed to the foregoing Instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the Instrument, they as such Members and with full authority, signed the same voluntarily for and as the act of said Limited Liability Company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 9th day of August, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: 6-5-2007