

This Instrument Prepared By:  
James F. Burford, III  
Attorney at Law  
Suite 101, 1318 Alford Avenue  
Birmingham, Alabama 35216

Send Tax Notice To:  
Michael Donnarumma, Sr.  
182 Bayside Drive  
Atlantic Beach, NY 11509

**WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVORS**

**STATE OF ALABAMA  
SHELBY COUNTY**

**KNOW ALL MEN BY THESE PRESENTS:** That in consideration of Nine Hundred Ten Thousand and 00/100 Dollars (\$910,000.00) to the undersigned Grantor or Grantors in hand paid by Grantees herein, the receipt whereof is acknowledged, I, Mayhall Properties, Inc., (herein referred to as Grantors), grant, bargain, sell and convey an undivided 2/3 interest (the 2/3 interest) unto Michael Donnarumma, Sr. (AKA Michael Donnarumma) and Patricia Donnarumma, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and an undivided 1/3 interest (the 1/3 interest) to Michael Donnarumma, Jr (herein collectively referred to as Grantees), for and during the joint lives of the survivor of the 2/3 interest and Michael Donnarumma, Jr. and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real estate (the Property), situated in Shelby County, Alabama, to-wit:

See Exhibit A attached hereto and incorporated by reference herein for the legal description of the property conveyed.

**SUBJECT TO:** (1) Taxes due in the year 2005 and thereafter; (2) easements and rights of way of record; (3) mineral and mining rights not owned by the Grantor.

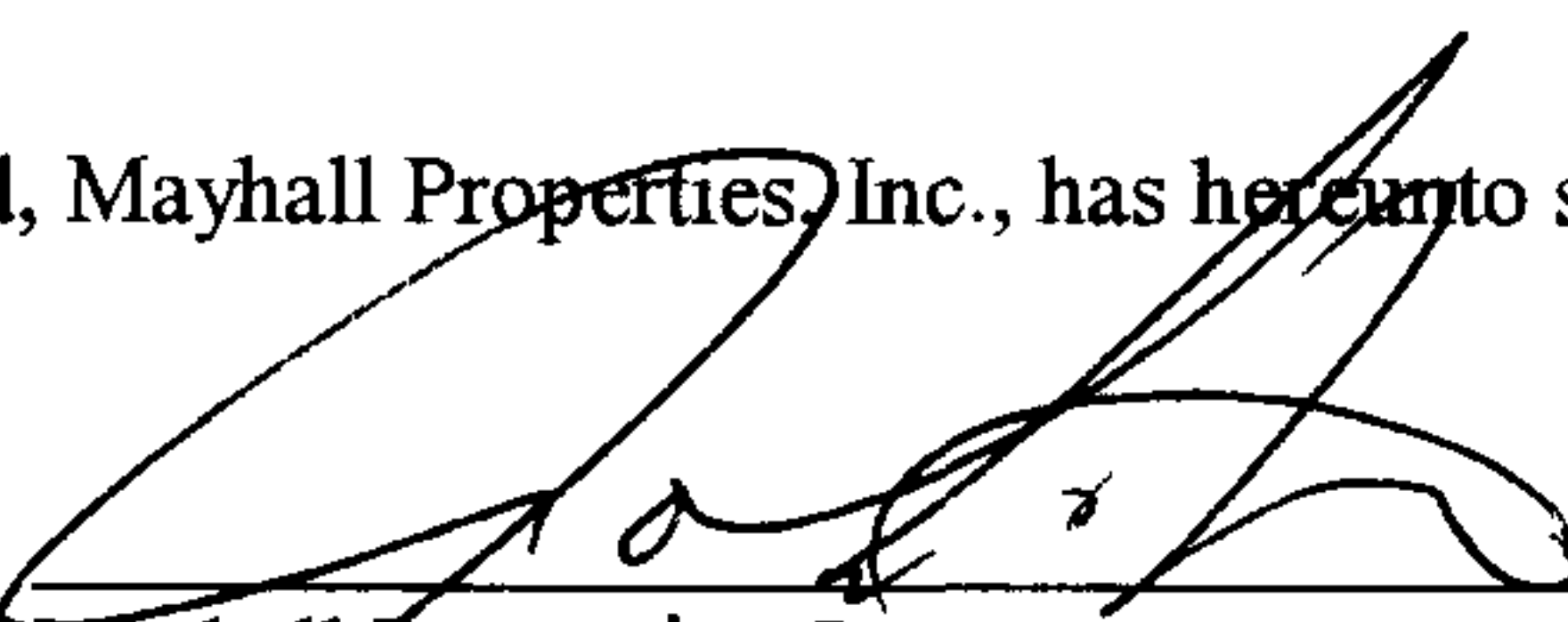
Grantor represents and warrants that there are no assessments due against the Property and that the Property is zoned B-3 under the City of Alabaster zoning ordinances and does not violate such ordinances.

\$728,000.00 of the consideration recited herein was derived from a mortgage loan closed simultaneously with the delivery of this Deed.

**TO HAVE AND TO HOLD** to the owners of the 2/3 interest for and during their joint lives and upon the death of either of them, then to the survivor of them, the 2/3 interest in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion and to Michael Donnarumma, Jr., the 1/3 interest in fee simple, for and during the joint lives of the survivor of the 2/3 interest and Michael Donnarumma, Jr. and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion.

And we do for ourselves and for our heirs, executors and administrators covenant with the said GRANTEES, their heirs 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 Grantees, their heirs and assigns forever, against the lawful claims of all persons.

**IN WITNESS WHEREOF,** the undersigned, Mayhall Properties, Inc., has hereunto set his hand and seal, this the 24<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
Mayhall Properties, Inc.  
By: John A. Mayhall  
Its: President

**STATE OF ALABAMA  
COUNTY OF SHELBY**

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John A. Mayhall whose name as President of Mayhall Properties, Inc., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and seal this 24<sup>th</sup> day of September, 2004.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 02-25-05

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## EXHIBIT "A"

### LEGAL DESCRIPTION

A parcel of land in the S ½ of the SW ¼ of Section 11, Township 21 South, Range 3 West, being more particularly described as follows:

Commence at the Southwest corner of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama and run thence North 00 deg. 12 min. 10 sec. West along the West line of said Section 11 a distance of 67.13 feet to a point on the Northerly margin of Shelby County Highway No. 26; thence run North 89 deg. 52 min. 50 sec. East along the margin of said highway a distance of 1367.93 feet to a point; thence run North 24 deg. 26 min. 23 sec. East a distance of 207.50 feet to a point; thence run South 89 deg. 52 min. 50 sec. West a distance of 54.97 feet to a steel pin corner on the North line of a future access street and the point of beginning of the property being described; thence continue along last described course a distance of 175.92 feet to a steel pin on the Easterly line of the Buck Creek Landing Subdivision; thence run North 24 deg. 26 min. 23 sec. East along said Easterly line of said subdivision a distance of 190.21 feet to a steel pin corner, thence run South 61 deg. 49 min. 36 sec. East a distance of 160.35 feet to a steel pin corner on the same Westerly line of same said access street; thence run south 24 deg. 26 min. 23 sec. West along said line of said access Street a distance of 106.66 feet to the point of beginning.

Also, a non-exclusive easement to the 50 foot wide parallel access street lying adjacent to the above described property and Highway No. 119 as shown on the survey by Joseph Conn, Jr. dated 11/20/97; being situated in Shelby County, Alabama.