


THIS INSTRUMENT WAS PREPARED BY:
Richard W. Theibert, Attorney
NAJJAR DENABURG, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203


20041102000603350 Pg 1/2 15.00
Shelby Cnty Judge of Probate, AL
11/02/2004 13:53:00 FILED/CERTIFIED

SEND TAX NOTICE TO:
Evan James Midgette, Jr.
Patricia Midgette
130 Cedar Cove Drive
Pelham, Alabama 35124

WARRANTY DEED
JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

THE STATE OF ALABAMA)

COUNTY OF SHELBY)

That in consideration of One Hundred Thirty-two Thousand Three Hundred Thirty and no/100 Dollars (\$132,330.00), in hand paid to the undersigned, Foothills Partners, LLC, a limited liability company, (hereinafter referred to as "GRANTOR"), by Evan James Midgette, Jr. and Patricia Midgette, (hereinafter referred to as "GRANTEES"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEES the following described real estate, located and situated in Shelby County, Alabama, to wit:

Lot 11, according to the survey of Foothills of Chelsea, 3rd Sector, as recorded in Map Book 33 Page 82 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

SUBJECT TO:

1. Ad valorem taxes for the current year, 2005.
2. Public utility easements as shown by plat, including 20 foot on westerly and 15 foot on Easterly sides.
3. Declaration of Protective Covenants of The Foothills of Chelsea Commercial recorded in Inst. No. 2001-524231 as set out in said Probate Office.
4. Transmission Line Permit to Alabama Power Company recorded in Deed Book 127 Page 317 in Probate Office.
5. Easement to South Central Bell recorded in Deed Book 320 Page 931 and Deed Book 336 Page 230 in Probate Office.
6. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Deed Book 69 Page 177 in Probate Office.
7. Restrictions, limitations and conditions as set out in Map Book 33 Page 82 in said Probate Office.

ALL of the purchase price recited above was paid from the proceeds of a purchase money mortgage executed simultaneously with delivery of this deed.

TO HAVE AND TO HOLD UNTO the said GRANTEES 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 GRANTEES herein shall take as tenants in common.

And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEES, their heirs and assigns, that is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, that it will and its successors and assigns shall, warrant and defend the same to the said GRANTEES, their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, by its Managing Member, whose name is David Acton, who is authorized to execute this conveyance, has hereto set their signatures and seals, this 28th day of October, 2004.

Foothills Partners, LLC


By: David Acton
Its: Managing Member

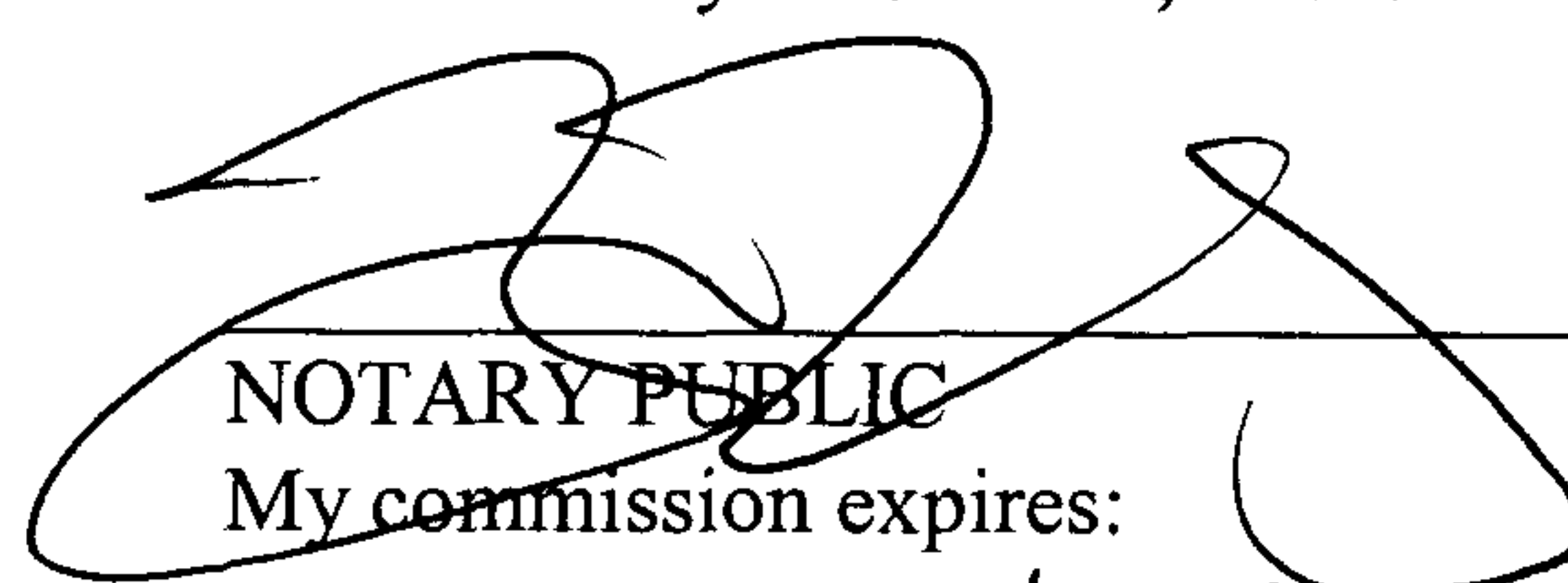
THE STATE OF ALABAMA)

COUNTY OF JEFFERSON)

20041102000603350 Pg 2/2 15.00
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I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that David Acton, whose name as Managing Member of Foothills Partners, LLC, a limited liability company, 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 managing member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 28th day of October, 2004.


NOTARY PUBLIC
My commission expires:
04/23/08