


R0409-2176 05
Shelby

This instrument was prepared by:
Richard W. Theibert
Najjar Denaburg, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203

Send Tax Notice To:
Robert P. Klingenbeck
1895 Rainbow Drive, Unit 1
Gadsden, AL 35901

SPECIAL WARRANTY DEED


20041115000623130 Pg 1/2 789.00
Shelby Cnty Judge of Probate, AL
11/15/2004 08:16:00 FILED/CERTIFIED

STATE OF ALABAMA)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of One Million Two Hundred Seventy Five Thousand and No/100 Dollars (\$1,275,000.00) in hand paid by Robert P. Klingenbeck and Jennie B. Klingenbeck, husband and wife (collectively, the "Grantee"), the sufficiency and receipt whereof is acknowledged, Compass Bank ("Grantor") does grant, bargain, sell and convey unto Grantee the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 1, according to the Survey of 2nd Addition to Lake Heather Estates, Givianpour's Addition to Inverness, as recorded in Map Book 21, Page 129, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. Taxes for the year 2004 and subsequent years.
2. Easements and building line as shown on recorded map.
3. Less and except any part lying within Lake Heather.
4. Restrictions and covenants appearing of record in Inst. No. 1999-49614.
5. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto as recorded in Deed Book 5, Page 355; Deed Book 4, Page 442 and Deed Book 48, Page 427.
6. Rights of others to use the easement as set out in deed recorded in Inst. No. 1992-18226.
7. Covenants and provisions regarding Road Improvements as set out in the deed from Metropolitan Life Insurance Company to Lake Heather Development Co., Inc. recorded as Inst. No. 1992-18226 and Inst. No. 1992-26078.
8. Restrictions, limitations and conditions as set out in Map Book 21, Page 129.
9. Rights of others to the use of Lake Heather.
10. Any and all easements, restrictions, encumbrances or other interests of record.

\$500,000.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

TO HAVE AND TO HOLD unto to the Grantee, its successors and assigns forever.

And the Grantor does for itself, its successors and assigns, covenant with the Grantee and the Grantee's successors and assigns that it 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.

TO HAVE AND TO HOLD the above described property together with all rights and privileges incident or appurtenant thereto, unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Ken T. Goedeke, as Vice President of Compass Bank, has hereunto set his hand and seal, this 21st day of September, 2004.

WITNESS:

Roseanne Snyder

COMPASS BANK

By: *Ken T. Goedeke* (SEAL)
Ken T. Goedeke, Vice President

STATE OF TEXAS)
HARRIS COUNTY)

CORPORATE ACKNOWLEDGMENT

I, the undersigned Notary Public, in and for said County and State hereby certify that Ken T. Goedeke, and whose name as Vice President of Compass Bank, 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said bank and in my presence.

Given under my hand and official seal this 21st day of September 2004.

(Notary Seal)

Julie Herbert
Notary Public
My Commission Expires: 10-29-06

