

THIS INSTRUMENT PREPARED BY:

James E. Roberts  
P. O. Box 430224  
Birmingham, Alabama 35234

Send Tax Notice To:

John C. Sawyer  
2688 Alta Glen Drive  
Birmingham, AL 35243

WARRANTY DEED (Without Survivorship)

STATE OF ALABAMA )  
SHELBY COUNTY ) **KNOWN ALL MEN BY THESE PRESENTS:**

That in consideration of Sixty Thousand and no/100 Dollars (\$60,000.00), and other good and valuable consideration to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is acknowledged, I,

**James E. Roberts, a married man,**

(herein referred to as Grantor), grant, bargain, sell and convey my undivided one-half interest unto,

**John C. Sawyer and Patricia W. Sawyer, husband and wife,**

(herein referred to as Grantee), in the following described real estate, situated in Shelby County, Alabama, to-wit:

See Legal Attached as Exhibit A.

SUBJECT TO:

1. Those certain easements referred to as Easements 1,2,3,4, and 5 on the unrecorded survey by Larry Carver dated December 31, 1997 and labeled Timber Cove. The purpose of such easements is for ingress and egress, as well as utilities and other legal uses. Such easements are to serve the other tracts under such survey, known as Tracts 1,2,3,4,6, and 7. The granting of such easements shall be liberal and be construed to be for the benefit of the rear property owners.
2. Mining and mineral rights excepted.
3. Subject to any and all easements and restrictions of record.

The subject property is not the homestead of the Grantor or his spouse.

No mobile homes shall be allowed on the subject property. This covenant shall run with the land and shall be a specific violation of the covenant if one or more mobile homes are placed on the subject property. Any other property owner, whether an original Hidden Lake owner or assignee, may enforce such covenant in the Circuit Court of Shelby County, Alabama and the person or entity violating such covenant shall be liable for all such costs of enforcement including reasonable attorney's fees incurred by the party seeking such enforcement.

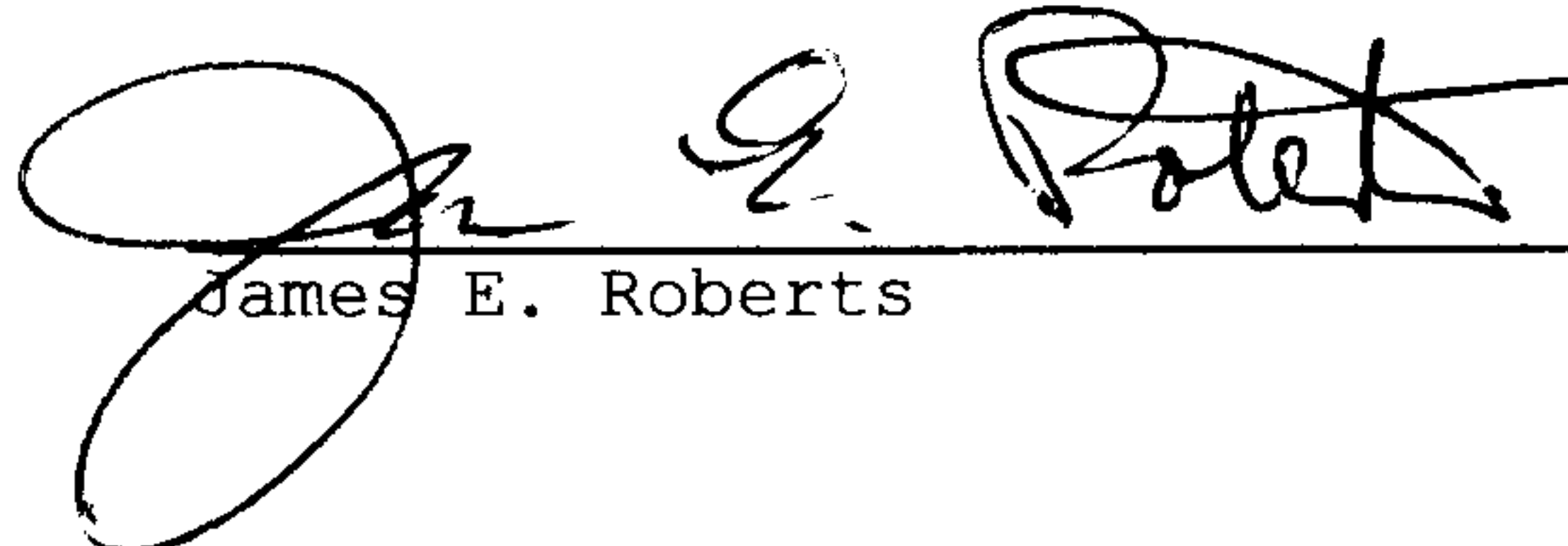
The subject property was conveyed to the Grantor by warranty deed recorded at Instrument Number 20030131000061720 in the Probate Court of Shelby County, Alabama.

Grantor acknowledges that Grantee is acquiring the subject property as replacement property pursuant to a IRS Section 1031 Exchange.

TO HAVE AND TO HOLD to the said Grantee, his heirs and assigns forever.

And I do for myself and for my heirs, executors, and administrators covenant with the said GRANTEE, his heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors and administrators shall warrant and defend the same to the said GRANTEE, his heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this the 1<sup>st</sup> day of December, 2004.

 (Seal)  
James E. Roberts

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that James E. Roberts whose name 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 executed the same voluntarily on the day the same bears date.

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

  
Notary Public

[SEAL]

My commission expires: \_\_\_\_\_



## Exhibit A

### Tract No. 5

Commence at the Northwest corner of Section 25, Township 20 South, Range 1 East, Shelby County, Alabama; thence run South 00 degrees 51 minutes 12 seconds West along the West boundary line of said section for a distance of 663.97 feet to the point of beginning; thence turn an angle of 91 degrees 53 minutes 47 seconds to the left and run a distance of 1338.51 feet; thence turn an angle of 91 degrees 54 minutes 50 seconds to the right and run a distance of 662.07 feet; thence turn an angle of 88 degrees 00 minutes 45 seconds to the right and run a distance of 1338.37; thence turn an angle of 91 degrees 58 minutes 41 seconds to the right and run a distance of 663.97 feet to the point of beginning.

### Tract No. 5A

Commence at the Northwest Corner of Section 25, Township 20 South, Range 1 East, Shelby County, Alabama; thence run South 00 degrees 51 minutes 12 seconds west for 1327.94 feet to the point of beginning; thence continue along last said course for a distance of 34.71 feet to the Northerly right of way line of Shelby County Road No. 61; thence turn an angle of 48 degrees 41 minutes 24 seconds left and run along said county road for 489.63 feet; thence turn an angle of 01 degrees 22 minutes 58 seconds right and run along said county road for 518.34 feet; thence turn an angle of 00 degrees 07 minutes 18 seconds right and run along said county road for 246.39 feet; thence turn an angle of 00 degrees 30 minutes 27 seconds right and run along said county paved road for 122.96 feet; thence turn an angle of 45 degrees 41 minutes 43 seconds left and run a distance of 318.72 feet; thence turn an angle of 87 degrees 37 minutes 02 seconds left and run a distance of 994.21 feet; thence turn an angle of 91 degrees 59 minutes 14 seconds left and run a distance of 1338.37 feet to the point of beginning.