

1172
SC

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:
PADEN & PADEN
5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

SEND TAX NOTICE TO:
MARK E. KAPLAN
3038 HIGHLAND LAKES ROAD
BIRMINGHAM, AL 35242

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP WARRANTY DEED

Know All Men by These Presents: That in consideration of FOUR HUNDRED NINETY FIVE THOUSAND DOLLARS and 00/100 (\$495,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, STEVEN RYAN GREEN and LISA BAKER GREEN, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto MARK E. KAPLAN and SUSAN R. KAPLAN, HUSBAND AND WIFE, (herein referred to as GRANTEES, as joint tenants, with right of survivorship, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 816 ACCORDING TO THE MAP OF HIGHLAND LAKES 8TH SECTOR N EDDLEMAN COMMUNITY AS RECORDED IN MAP BOOK 23, PAGE 145 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

TOGETHER WITH NONEXCLUSIVE EASEMENT TO USE THE PRIVATE ROADWAYS COMMON AREA ALL AS MORE PARTICULARLY DESCRIBED IN THE DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS FOR HIGHLAND LAKES A RESIDENTIAL SUBDIVISION AS RECORDED IN INST. 1994-07111 AND AMENDED IN INST. 1996-17543 AND FURTHER AMENDED IN INST. 1999-31095 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA AND THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTION FOR HIGHLAND LAKES A RESIDENTIAL SUBDIVISION 8TH SECTOR RECORDED IN INST. 1998-15147 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2004 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2005.
2. 10 FOOT EASEMENT ACROSS REAR AND SOUTH PROPERTY LINE AND A 7.5 FOOT EASEMENT ALONG THE NORTH PROPERTY LINE AS SHOWN ON THE RECORDED MAP OF SAID SUBDIVISION.
3. BUILDING SETBACK LINES TO BE DETERMINED BY THE ARCHITECTURAL REVIEW COMMITTEE AND AS SET OUT ON MAP BOOK 23, PAGE 145.
4. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT RECORDED IN INSTRUMENT #1994-07111, AS AMENDED IN INSTRUMENT #1996-17543 WITH SUPPLEMENTAL AGREEMENT IN INSTRUMENT #1998-15147 AND AS SHOWN BY MAP BOOK 23, PAGE 145 IN PROBATE OFFICE AND AMENDED IN INSTRUMENT #1999-31095.
5. CABLE AGREEMENT AS SET OUT IN INSTRUMENT #1997-33476.
6. RIGHT OF WAY TO BIRMINGHAM WATER & SEWER BOARD RECORDED IN INSTRUMENT #1997-4027 AND INSTRUMENT #1995-34035.
7. RESERVATION OF MINING AND MINERAL RIGHTS IN THE INSTRUMENT RECORDED IN INSTRUMENT #1998-7776; INSTRUMENT #1998-7777; INSTRUMENT #1998-7778, TOGETHER WITH THE APPURTENANT RIGHTS TO USE THE SURFACE.

8. LAKE EASEMENT AGREEMENT EXECUTED BY HIGHLAND LAKE PROPERTIES, LTD. AND HIGHLAND LAKE DEVELOPMENT LTD., PROVIDING FOR EASEMENTS USE BY OTHERS, AND MAINTENANCE OF LAKE PROPERTY DESCRIBED WITH AN INSTRUMENT #1993-15704.
9. EASEMENT FOR INGRESS AND EGRESS TO SERVE HIGHLAND LAKES DEVELOPMENT EXECUTED BY HIGHLAND LAKES DEVELOPMENT, LTD TO HIGHLAND LAKES PROPERTIES, LTD, RECORDED IN INSTRUMENT #1993-15704.
10. RESTRICTIONS, LIMITATIONS AND CONDITIONS AS SET OUT IN MAP BOOK 23, PAGE 145.
11. RELEASE OF DAMAGES AS RECORDED IN INSTRUMENT #1998-7777.
12. RELEASE OF DAMAGES, RESTRICTIONS, MODIFICATIONS, COVENANTS, CONDITIONS, RIGHTS, PRIVILEGES, IMMUNITIES AND LIMITATIONS AS APPLICABLE AS SET OUT IN AND TAS REFERENCED IN DEED RECORDED IN INSTRUMENT #1998-29252.

\$200,000.00 of the consideration derived from a mortgage closed simultaneously herewith.

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

IN WITNESS WHEREOF, the said GRANTORS, STEVEN RYAN GREEN and LISA BAKER GREEN, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 30th day of November, 2004.


STEVEN RYAN GREEN



LISA BAKER GREEN

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that STEVEN RYAN GREEN and LISA BAKER GREEN, HUSBAND AND WIFE, whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 30th day of November, 2004.


Notary Public

My commission expires: 9.29.06