

STATUTORY WARRANTY DEED

This instrument was prepared by

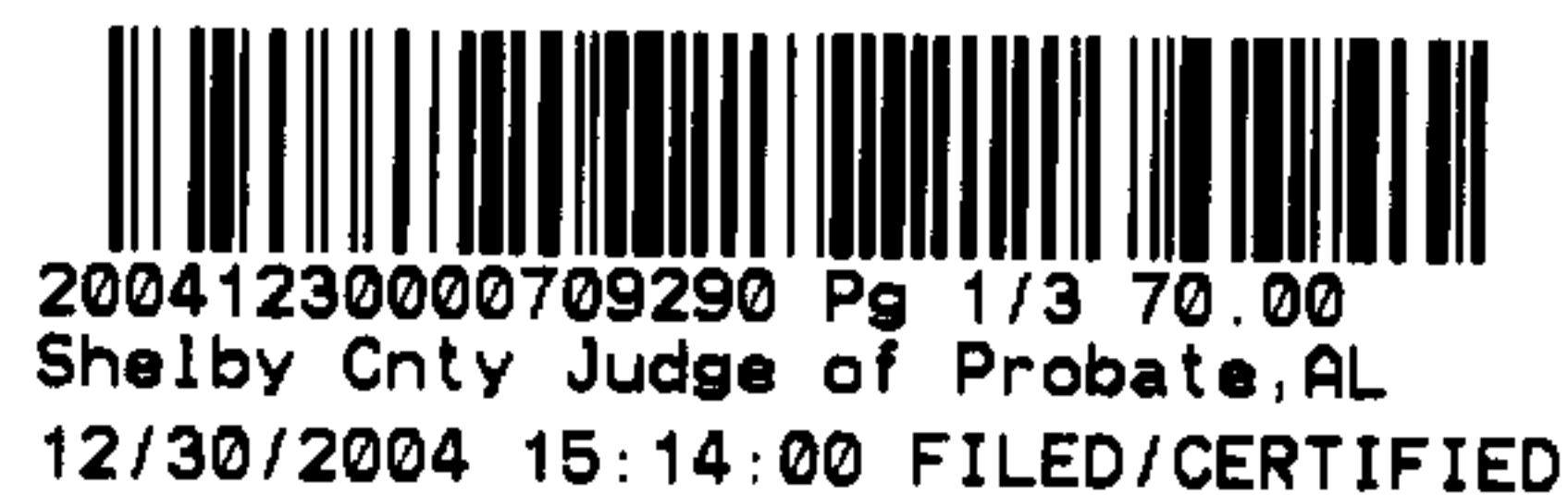
Send Tax Notice To:

Stanley M. Rapkin

(Name) Larry L. Halcomb
3512 Old Montgomery Highway
(Address) Birmingham, Alabama 35209

name
3187 Crossing Drive
address
Birmingham, AL 35242

Corporation Form Warranty Deed



STATE OF ALABAMA)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of TWO HUNDRED SIXTY THREE THOUSAND ONE HUNDRED THIRTY AND NO/100 (263,130.00) DOLLARS

to the undersigned grantor, Harbar Construction Company, Inc.

a corporation

(herein referred to as GRANTOR) in hand paid by the grantee herein, the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto Stanley M. Rapkin

(herein referred to as GRANTEE, whether one or more), the following described real estate, situated in Shelby County, Alabama to-wit:

Lot 203, according to the Map and Survey of Caldwell Crossings, 2nd Sector, Phase 5, as recorded in Map Book 32, Page 103 A&B, in the Probate Office of Shelby County, Alabama.

Minerals and mining rights, together with release of damages, excepted.

Subject to taxes for 2005.

Subject to conditions on attached Exhibit "A".

Subject to items on attached Exhibit "B".

\$ 210,500.00 of the purchase price was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD, To the said GRANTEE, his, her or their heirs and assigns forever.

IN WITNESS WHEREOF, the said GRANTOR by its Vice President, Denney Barrow, who is authorized to execute this conveyance, hereto set its signature and seal,

this the 23rd day of December, 19 2004

ATTEST:

Harbar Construction Company, Inc.

By Denney Barrow, Vice President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, Larry L. Halcomb,

a Notary Public in and for said County, in said State,

hereby certify that Denney Barrow

whose name as Vice President of Harbar Construction Company, Inc., a corporation, 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 officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 23rd day of December, 19 2004.

My Commission Expires January 23, 2006

Larry L. Halcomb Notary Public

My Commission Expires January 23, 2006

EXHIBIT "A"

This conveyance is made with the express reservation and condition that Grantees, for themselves and on behalf of their heirs, administrators, executors, successors, assigns, contractors, permittees, licensees and lessees, hereby release and forever discharge Grantor from any and all liability, claims and causes of action, whether arising at law (by contract or in tort) or in equity with respect to damage or destruction of property and injury to or death of any person located in, on, or under the surface of or over the property herein conveyed, as the case may be, which are caused by, or arise as a result of, past, present, or future soil, subsoil, or other conditions (including, without limitation, sinkholes, underground mines, subsurface waters, and limestone formations) under or on the subject property, whether contiguous or non-contiguous. Grantees acknowledge that they have made their own independent inspections and investigations of the subject property and are purchasing the subject property in reliance upon such inspections and investigations. For purposes of this paragraph, Grantor shall mean and refer to the members, managers, agents, employees, successors, assigns, members, owners, managers, partners, officers and contractors of Grantor and any successors and assigns of Grantor.

EXHIBIT "B"

Restrictions, public utility easements, and setback lines as shown on recorded map of said subdivision.

Oil, gas, and minerals and all other subsurface interests in, to or under the land herein described.

Right of Way to Shelby County as recorded in Volume 233, Page 700; Volume 216, Page 29 and Volume 282, Page 115.

Right of Way to Alabama Power Company as recorded in Real Volume 142, Page 148.

Reservation of mineral and mining rights in the instrument recorded in Instrument # 2000-14348 and Instrument # 2000-43395, together with the appurtenant rights to use the surface.

Right of Way to the City of Hoover as recorded in Instrument # 2000-40742; Instrument # 2000-40741 and Instrument # 2000-25988.

Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens (provisions, if any, based on race, color, religion, or national origin are omitted) provided in the Covenants, Conditions and Restrictions recorded in Instrument # 2002-02381 and amendments thereto.

Easement for ingress and egress in Instrument #1997-20513.

Release of damages as set forth in Instrument #1997-23467.

Easement to Alabama Power Company as recorded in Instrument #20040204000057760.