

This Instrument Prepared By:
James F. Burford, III
Attorney at Law
1318 Alford Avenue Suite 101
Birmingham, Alabama 35226

Send Tax Notice To:

JOHN G. BENNER
78 HAWTHORN ST.
BIRMINGHAM, AL.
35242

WARRANTY DEED

STATE OF ALABAMA)
SHELBY COUNTY)


20050207000061720 Pg 1/3 18.00
Shelby Cnty Judge of Probate, AL
02/07/2005 15:50:00 FILED/CERTIFIED

KNOW ALL MEN BY THESE PRESENTS: That in consideration of One hundred seventy-one thousand five hundred twenty-eight and 00/100 Dollars (\$171,528.00), to the undersigned Grantor (whether one or more), in hand paid by the Grantee herein, the receipt whereof is acknowledged, The Garrett Family Tree, Inc., herein referred to as Grantor, (whether one or more), grant, bargain, sell and convey unto John G. Benner, (herein referred to as Grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Described on Exhibit A attached hereto and incorporated by reference herein.

SUBJECT TO: (1) Taxes due in the year 2005 and thereafter; (2) Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed 107, Page 463 in the Probate Office; (3) Right(s) of Way(s) granted to Shelby County by Instrument(s) recorded in Deed 226, Page 33 in the Probate Office; (4) 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 34, Page 475, Deed 37, Page 394, Deed 34, Page 478, Deed 73, Page 389 and Deed 77, Page 551 in the Probate Office.

Grantor does hereby reserve unto itself and its assigns any mineral rights to the property conveyed. However, no minerals shall ever be extracted from the Property by Grantor or its assigns without the express prior written consent of Grantee, his heirs, successors or assigns.

All of the consideration recited herein was derived from a mortgage loan closed simultaneously with the delivery of this Deed.

The undersigned, individually CHARLES T. OLIVE, hereby represents to Grantee and to First American Title Insurance Company that he has full power and authority to execute this conveyance on behalf of the Grantor, and the undersigned, individually represents to Grantee and to First American Title Insurance Company that the Grantor is an active corporation under the laws of the State of Alabama and has not been dissolved either voluntarily or involuntarily.

TO HAVE AND TO HOLD to the said Grantee, the real property described on Exhibit A attached hereto and incorporated by reference herein and to its heirs, successors and assigns forever.

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

CONVEYANCE BY QUIT CLAIM. In addition to the real property described on Exhibit A attached hereto which real property described on Exhibit A is being conveyed by Grantor with all warranties of title, Grantor, for good and valuable considerations, does hereby remise, release, quit claim, grant, sell and convey unto Grantee all of Grantor's right, title and interest and claim in and to the following described property located in Shelby County, Alabama; to wit: 1. All real property located in the NE 1/4 of SW 1/4 of Section 26, T18S, R2E, Shelby County, Alabama which is west of the wooden fence as shown on the Survey (as hereinafter defined); and 2. All that portion of the SW 1/4 of the SW 1/4 of Section 26, T18S, R2E and the SE 1/4 of the SE 1/4 of Section 27, T18S, R2E, Shelby County, Alabama which is located north of the barbed wire fence as shown on the Survey. For the purpose of this provision, the Survey is defined as that Boundary Survey performed by Carr & Associates Engineers, Inc. under Project Number 04.1018 dated December 23, 2004 which Survey is hereby incorporated by reference herein.

TO HAVE AND TO HOLD unto the said Grantee, his heirs, successors and assigns the above described quit claim property forever.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal, this the 31 day of January, 2005.

The Garrett Family Tree, Inc.

By: [Signature], Pres

Its: [Signature]

STATE OF ALABAMA)

Jeff COUNTY)

CORPORATION ACKNOWLEDGMENT

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that CHARLES T. OLIVE, whose name as PRESIDENT of The Garrett Family Tree, Inc., a corporation is signed to the foregoing instrument, and who is known to me, acknowledged before me 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 the corporation.

Given under my hand and official seal this 31 day of January, 2005.

[Signature]
Notary Public

My Commission Exp. 3-1-06

Exhibit A

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The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 18 South, Range 2 East, Also that portion of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, Township 18 South, Range 2 East, sitting Southeasterly of Highway 57, being situated in Shelby County, Alabama.

More particularly described as follows:

That part of the Northeast Quarter of the Southeast Quarter, all in Section 27, Township 18 South, Range 2 East and Also, the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama, that lies Easterly of Shelby County Road No. 57; more particularly described as follows:

Commence at the Northwest Corner of Section 26, Township 18 South, Range 2 West, Shelby County, Alabama, and run Southerly along the Section Line for a distance of 2644.29 feet to the Point of Beginning along the Easterly right of way line of Shelby County Road No. 57; thence continue Southerly along the Section line 1271.66 feet to the North line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle right, clockwise of 91 degrees 54 minutes 00 seconds to the East and run along said North line 1404.68 feet to the East line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle left, counter-clockwise of 92 degrees 14 minutes 09 seconds to the South and run along said East line 1315.00 feet to the South line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle left, counter-clockwise of 87 degrees 32 minutes 36 seconds to the West and run along said South line 1413.38 feet to the West line of the Northwest Quarter of the Southwest Quarter of Section 26, Township 18 South, Range 2 East, Shelby County, Alabama; thence an interior angle left, counter-clockwise of 180 degrees 03 minutes 04 seconds to the West and run along said South line of the Northeast Quarter of the Southeast Quarter of Section 27, Township 18 South, Range 2 East, Shelby County, Alabama a distance of 1199.95 feet to the Easterly right-of-way line of Shelby County Road No. 57; thence an interior angle left, counter-clockwise of 66 degrees 18 minutes 45 seconds to the chord of a curve to the left along said right of way line, said curve having a radius of 1472.64 feet, a central angle of 31 degrees 00 minutes 07 seconds and a chord length of 787.14 feet; thence run Northeasterly, then Northerly 796.82 feet along said curve arc and right of way line to a concrete monument found at Station 57 + 56.8; thence continue Northeasterly along said right of way line, tangent to said curve 243.20 feet; thence 90 degrees 00 minutes 00 seconds left, Northwesterly 10.00 feet along said right of way; thence 90 degrees 00 minutes 00 seconds right, Northeasterly 92.50 feet along said right of way to the chord of a curve to the right along said right of way line, said curve having a radius of 2261.87 feet, a central angle of 01 degrees 27 minutes 24 seconds and a chord length of 57.50 feet; thence along the arc of said curve 57.51 feet; thence Southeasterly 10.00 feet along said right of way to a curve having a radius of 2251.87 feet, a central angle of 23 degrees 22 minutes 36 seconds and a chord length of 912.40 feet; thence run Northerly, then Northeasterly 918.76 feet along said curve arc and right of way line; thence continue Northeasterly along said right of way line, tangent to said curve 739.06 feet to the Point of Beginning.

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