13059

20050817000424530 1/2 $15.00
Shelby Cnty Judge of Probate,AL
08/17/2005 03:45:44PM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

PADEN & PADEN
5 Riverchase Ridge
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

OVER THE MOUNTAIN CONSTRUCTION, LLC
125 OAKLYN HILLS DRIVE
CHELSEA, AL 35043

STATE OF ALABAMA)
COUNTY OF SHELBY)

WARRANTY DEED

Know All Men by These Presents: That in consideration of FORTY THOUSAND DOLLARS and 00/100 ($40,000.00) to the undersigned grantor,SECOND UNION INVESTORS, LLC an Alabama Limited Liability company, in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto OVER THE MOUNTAIN CONSTRUCTION, LLC, (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

Lot 20, according to the Survey of Final Plat of Oaklyn Hills, Phase 3, as recorded in Map Book 34, Page 52, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2004 WHICH CONSTITUTES A LIEN BUT IS NOT DUE AND PAYABLE UNTIL OCTOBER 1, 2005.

2. RIGHT OF WAY TO SHELBY COUNTY, RECORDED IN DEED BOOK 229, PAGE 492 AND DEED BOOK 39, PAGE 469, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

3. TRANSMISSION LINE PERMIT TO ALABAMA POWER COMPANY, AS RECORDED IN DEED BOOK 165, PAGE 105, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

4. RIGHT OF WAY TO RAILROAD, RECORDED IN DEED BOOK "T", PAGE 655, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

5. TIMBER SALE AGREEMENT WITH DOUBLE MOUNTAIN, LLC RECORDED IN INST. 1995/2626, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

6. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY BY INSTRUMENT RECORDED IN INST. 2002/463610, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

7. BUILDING LINE(S), EASEMENT(S) AND RESTRICTIONS, AS SHOWN BY RECORDED MAP.

8. AMENDMENT TO RESTRICTIONS RECORDED IN INST. 2002072400344060 and INST. 20020724000344050.

9. COAL, OIL, GAS, AND OTHER MINERAL INTERESTS IN, TO OR UNDER THE LAND HEREIN DESCRIBED

$211,894.50 of the consideration herein derived from a mortgage closed simultaneously herewith.

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TO HAVE AND TO HOLD Unto the said GRANTEES, their heirs and assigns, forever.

And said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, his, her, or their heirs 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, and that it will and its successors and assigns 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 GRANTOR, SECOND UNION INVESTORS, LLC, by its MANAGER, BEN L. CHENAULT who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 9th day of August, 2005.

SECOND UNION INVESTORS, LLC

By: _____
BEN L. CHENAULT, MANAGER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that BEN L. CHENAULT, whose name as MANAGER of SECOND UNION INVESTORS, LLC, an Alabama Limited Liability Company, 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 or she, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand this the 9th day of August, 2005.

_____
Notary Public

My commission expires: 9.29.06

GEORGE M. VAUGHN
NOTARY
PUBLIC
ALABAMA STATE AT LARGE