

This instrument was prepared by:
Perryn G. Carroll, Attorney at Law
P.O. Box 530543
Birmingham, Alabama 35253

WHEN RECORDED RETURN TO:
Perryn G. Carroll, Attorney at Law
P.O. Box 530543
Birmingham, Alabama 35253

SEND TAX NOTICE TO:
James R. Phelan and Bonnie G. Phelan
376 Woodward Court
Hoover, Alabama 35242

Form 1-1-27 Rev 1-66

WARRANTY DEED JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

**STATE OF ALABAMA
SHELBY COUNTY**


20050908000462580 1/3 \$529.00
Shelby Cnty Judge of Probate, AL
09/08/2005 08:01:04AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Six Hundred Twenty Two Thousand Dollars and No 00/100 (\$622,000.00), paid by **Mortgage in the amount of One Hundred Ten Thousand Dollars and No 00/100 (\$110,000.00)** filed at the same time as this deed to the undersigned grantor, William W. Conwell, Jr. and Elizabeth Conwell, a married couple, as husband and wife, (herein referred to as GRANTORS), in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged the said GRANTORS does by these presents, grant bargain, sell and convey unto James R. Phelan and Bonnie G. Phelan, a married couple, (herein referred to as GRANTEES) for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real estate in Shelby County.

Lot 8, according to the Survey of Legacy Place of Greystone, as recorded in Map Book 27, Page 36 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Situated in Shelby County, Alabama.

Shelby County, AL 09/08/2005
State of Alabama

Deed Tax: \$512.00

Subject To:

1. Greystone Legacy Declaration of Covenants, Conditions and Restrictions as set forth in Instrument No. 1999-50995 and Amendment No. 1 recorded in Instrument No. 2000-12771, Amendment No. 2 recorded in Instrument No. 2000-34390, Amendment No. 3 recorded in Instrument No. 2000-40197, Amendment No. 4 recorded in Instrument No. 2001-16407, Amendment No. 5 recorded in Instrument No. 2001-481193, together with a Reciprocal Easement Agreement as set forth in Instrument No. 2001-38396, Supplemental Covenants for Legacy Place of Greystone as set forth in Instrument No. 2000-25238 and assignment of Developer Rights as set forth in Document No. 200209190000452220, as recorded in the Probate Office of Shelby County, Alabama.
2. Declaration of Use Restrictions between Greystone Development Company, LLC, Stillmeadow Farm, Ltd. And Walter Dixon, as recorded in Instrument No. 1999-

- 12252 and amended in Instrument No. 2000-12771, as recorded in the Probate Office of Shelby County, Alabama.
3. Declaration of Watershed Protective Covenants for Greystone Development as set forth in Instrument No. 2000-17644 together with Assignment and Assumption Agreement as set forth in Instrument No. 2000-20625, as recorded in the Probate Office of Shelby County, Alabama.
 4. Easement Agreement between the City of Birmingham and Greystone Development Company, LLC. as set forth in Instrument No. 2000-17642, as recorded in the Probate Office of Shelby County, Alabama.
 5. Access Easement Agreement as set forth in Instrument No. 1999-12253, as recorded in the Probate Office of Shelby County, Alabama. (affects entrance road)
 6. Easement Agreement as set forth in Instrument No. 1999-12254, as recorded in the Probate Office of Shelby County, Alabama. (affects entrance road)
 7. Access Easement Agreement and Right of First Refusal Agreement as set forth in Instrument No. 1999-7167, as recorded in the Probate Office of Shelby County, Alabama.
 8. Consent Agreement by and between Charles Steven Daughtry and Greystone Development Co., LLC., as set for in Instrument No. 2000-19405, as recorded in the Probate Office of Shelby County, Alabama. (affects access)
 9. Articles of Incorporation of Legacy Place Homeowners' Association, Inc. as set forth in Instrument No. 2000-25236, as recorded in the Probate Office of Shelby County.
 10. Easement of Alabama Power Company as recorded in Real 133, Page 551 and Real 142, Page 188, in the Probate Office of Shelby County, Alabama.
 11. Easement to Alabama Power Company as recorded in Deed Book 351, Page 1, in the Probate Office of Shelby County, Alabama.
 12. Right of way to South Central Bell as recorded in Real 21, page 312, in the Office of the Judge of Probate of Shelby County, Alabama. (affects entrance road)
 13. Covenants releasing predecessor in title from any liability arising from sinkholes, limestone formations, soil conditions or any other known or unknown surface or subsurface conditions that may now or hereafter exist or occur or cause damage to subject property, as shown by instruments recorded in Map Book 27, page 36 in the Probate Office; the policy will insure that any violation of this covenant will not result in a forfeiture or reversion of title.
 14. Title to all oil, gas and minerals within and underlying the premises, together with all oil and mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Book 243, Page 828, in the Probate Office of Shelby County, Alabama.
 15. Release of damages from Greystone Development Co., LLC. to Daniel Legacy, LLC. as recorded in Instrument No. 2000-05921, as recorded in the Probate Office of Shelby County, Alabama.

And said Grantors do for themselves, their heirs, successors and assigns covenant with the said Grantees, their heirs, successors and assigns, that they are lawfully seized in fee simple of said premises, it is free from all encumbrances, unless otherwise noted above, that they have a good right to sell and convey same as aforesaid: that they will and their successors and assigns shall warrant and defend the same to the said Grantees, their heirs, successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantors have hereunto set their signatures and seals,
this 1st day of September, 2005.

Witness

William W. Conwell Jr.
William W. Conwell, Jr.

Witness

Elizabeth Conwell
Elizabeth Conwell

STATE OF ALABAMA
JEFFERSON COUNTY


20050908000462580 3/3 \$529.00
Shelby Cnty Judge of Probate, AL
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I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that William W. Conwell, Jr., and Elizabeth Conwell, a married couple, as husband and wife, individually whose name is signed to the foregoing conveyance, and who is know to me, acknowledge before me on this day, that, being informed of the contents of the conveyance, she executed the same voluntarily as her act on the day the same bears date.

Given under my hand and official seal the 1st day of September, 2005.

My Commission Expires

3-21-2006

YACESTA FLORENCE HICHO
Notary Public