

SEND TAX NOTICE TO:

Mr. Donald C. Smith, Jr.

3074 Highway 56
Wilsonville, Alabama 35186

THIS INSTRUMENT PREPARED BY:

Fred A. Ross, Jr.
Attorney for Cendant Mobility Financial Corporation
499 South President Street / P.O. Box 23429
Jackson, MS 39201/39225-3429
(601) 960-4550 Cendant #1590438

WARRANTY DEED AND LIMITED POWER OF ATTORNEY

State of Alabama County of Shelby

KNOW ALL MEN	BY THESE PRESENTS: Th	nat in consideration of	Two hundred th	irty-five
(\$ 235,000.00) to the undersigned Grantors	•		
more, herein, the rec	ceipt of which is hereby acknow	wledged, we, KEVIN S	SCOTT	NO/100
GILLENWATER ar	nd MEGAN E. GILLENWATE	ER, husband & wife, (h	nerein referred to a	as
Grantors) do grant, l	bargain, sell and convey unto _	Donald C. Smith a	nd wife Krista	M. Smith
	(herein refer	red to as Grantees) as i	individual owner	or as
joint tenants, with ri	ght of survivorship, if more that	an one, the following d	lescribed real esta	te,
situated in the State	of Alabama, County of Shelby	to-wit:		

See attached Exhibit A

Subject to existing easements, restrictions, set back lines, rights of ways, limitations, if any, of record.

TO HAVE AND TO HOLD unto the said Grantee(s), his/her/their heirs and assigns, forever; it being the intention of the parties to this conveyance, that if more than one Grantee, then to the Grantees as joint tenants with right of survivorship (unless the joint tenancy hereby created is severed or terminated during the joint lives of the Grantee(s) 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 we do for ourselves and for our heirs, executors, and administrators covenant with said Grantee(s), his/her/their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and my heirs, executors and administrators shall, warrant and defend the same to the said Grantee(s), his/her/their heirs, and assigns forever, against the lawful claims of all persons.

And we do by these presents make, constitute and appoint Cendant Mobility Financial Corporation, a Delaware Corporation ("Agent") and/or Mid South Title Agency, Inc., a Mississippi Corporation ("Agent") and/or its authorized and designated agents or representatives, as our true and lawful agent and attorney-in-fact to do and perform for us in our name, place and stead, and for our use and benefit, to execute a standard form lien waiver and any and all documents necessary for delivery of this deed and to complete the sale of the property herein described, including but not limited to the HUD-1 Settlement Statement, HUD-1 Certification, Affidavit of Purchaser and Seller, AHFA Bond Forms (Seller Affidavit), Lender Assumption Statements and/or Modification Agreement, Lender Compliance Agreement, and any other documents required for said sale and conveyance.

We further give and grant unto our Agent full power and authority to do and perform every act necessary and proper to be done and the exercise of any of the foregoing powers as fully as we might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that our Agent shall lawfully do or cause to be done by virtue hereof. This power of attorney shall not be affected by disability, incompetency or incapacity of Principal, and shall be governed by the laws of the State of Alabama. This power of attorney is coupled with an interest and shall remain in force and effect until delivery of this deed and the sale closed, and shall not be revoked by either of the undersigned prior to said time.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 6 day of
$\frac{-\sqrt{2}}{2}$
Zwin Scott SillenWATER
Megan E. Gollwad MEGAN E. GILLENWATER
State of Mactima County of Shelly
I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that whose name is KEVIN SCOTT GILLENWATER 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 foregoing, he executed the same voluntarily on the day the same bears date.
Given under my hand this the 6th day of Justita 2005. Notary Public Given under my hand this the 6th day of Justita 2 given Notary Public
(SEAL)
My commission expires:
State of Mahama Country of Akally
I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that whose name is MEGAN E. GILLENWATER 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 foregoing, she executed the same voluntarily on the day the same bears date.
Given under my hand this the 6th day of fifty, 2005. (SEAL)
(SEAL) Notary Public My commission expires:

<u>Instructions to Notary</u>: This form acknowledgement cannot be changed or modified. It must remain as written to comply with Alabama law. The designation of the State and the County can be changed to conform to the place of the taking of the acknowledgement.

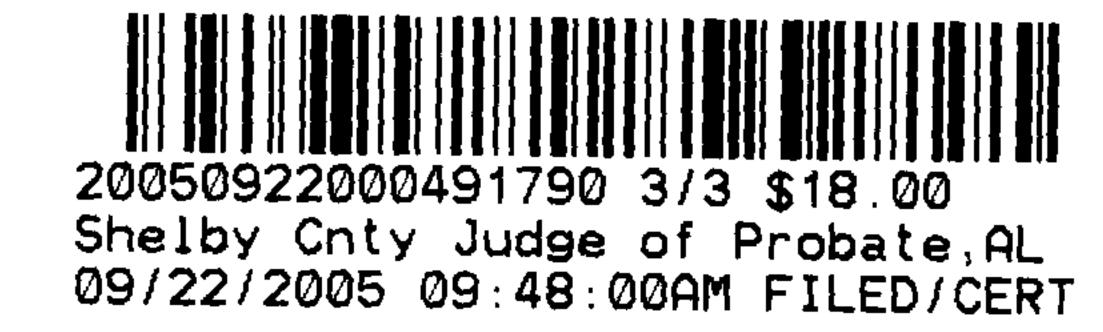


Exhibit A

A parcel of land in the Northwest ¼ of the Southeast ¼ of Section 26, Township 20 South, Range 1 East, being a part of the same land described in a Deed to William D. Edwards, recorded in Instrument # 1993-37866, of the real property records of Shelby County, Alabama. Said parcel of land being more particularly described as follows:

Beginning at the Northeast corner of the Northwest ¼ of the Southeast ¼ of said Section 26; thence South 89 degrees, 59 minutes, 35 seconds West, along the North line of said Section 26, a distance of 400.47 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502; thence South 00 degrees, 04 minutes, 44 seconds East, a distance of 956.35 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502, in the center of County Road No. 61; thence along the center of said highway the following bearings and distances:

South 86 degrees, 34 minutes, 46 seconds East, a distance of 58.76 feet, North 88 degrees, 38 minutes, 14 seconds East, a distance of 55.56 feet, North 80 degrees, 15 minutes, 09 seconds East, a distance of 59.06 feet, North 64 degrees, 31 minutes, 21 seconds East, a distance of 57.55 feet, North 44 degrees, 10 minutes, 35 seconds East, a distance of 78.23 feet, North 33 degrees, 40 minutes, 55 seconds East, a distance of 68.18 feet, North 26 degrees, 49 minutes, 12 seconds East, a distance of 56.54 feet, North 17 degrees, 24 minutes, 09 seconds East, a distance of 43.86 feet, North 09 degrees, 41 minutes, 33 seconds East, a distance of 55.00 feet, North 02 degrees, 29 minutes, 08 seconds East, a distance of 93.49 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502; thence North 89 degrees, 55 minutes, 16 seconds East, a distance of 31.20 feet to a ½ inch rebar, set with a cap stamped Wheeler CA 0502, on the East line of said Section 26; thence North 00 degrees, 04 minutes and 44 seconds West, along the East line of said Section 26, a distance of 568.62 feet to the point of beginning.

Situated in Shelby County, Alabama.