

SEND TAX NOTICES TO:

SMITH MTN., INC.
2695 Dadeville Road,
Alex City, Alabama, 35010-3051

WARRANTY DEED

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of here Hundred Forty Thousand and 00/100 Dollars (\$340,000.00) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, **MAYHALL PROPERTIES, INC.** (herein referred to as "Grantor"), hereby grants bargains, sells, and conveys unto **SMITH MTN., INC.** (herein referred to as "Grantee") the real estate described on Exhibit "A" attached hereto and situated in Shelby County, Alabama.

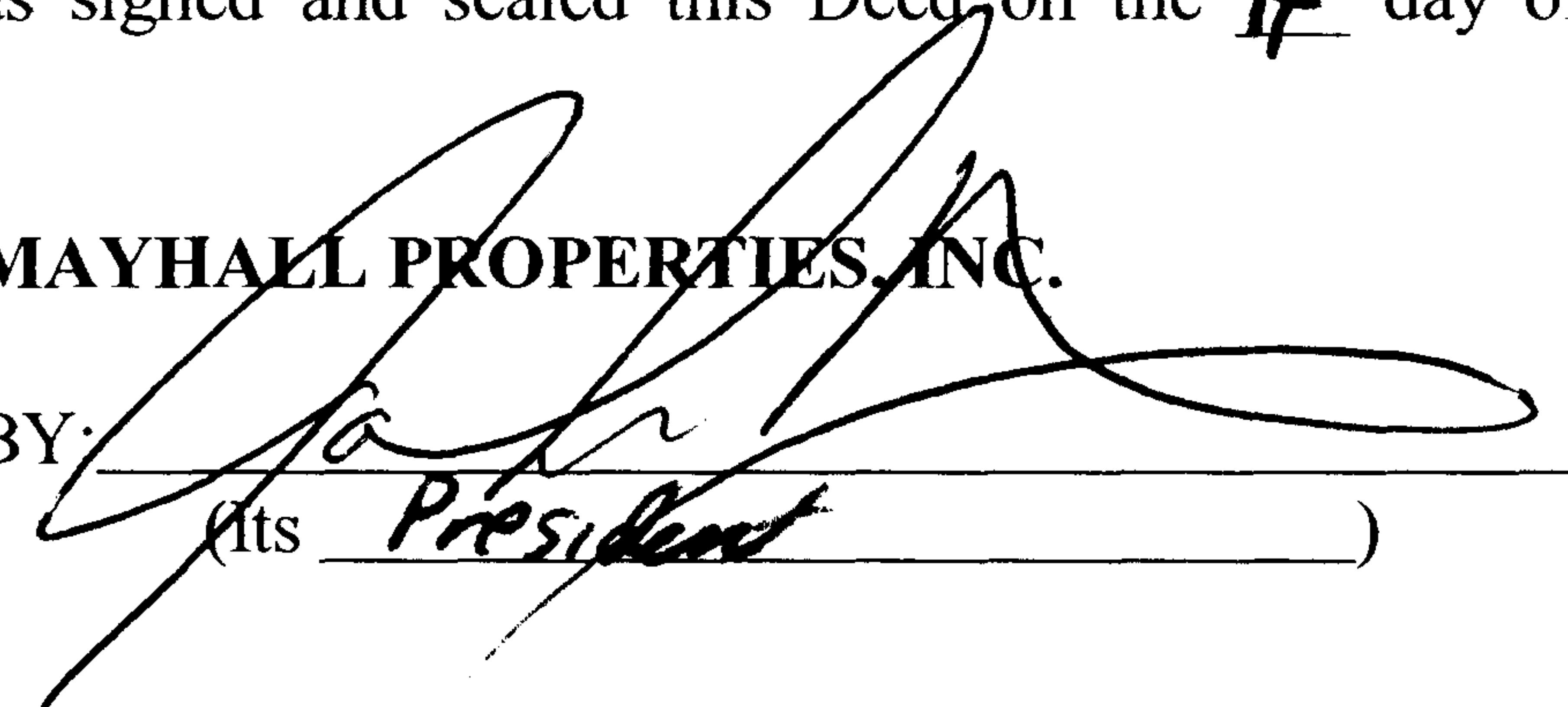
[A portion of the purchase price recited above was paid from a mortgage loan closed simultaneously herewith.]

TO HAVE AND TO HOLD the described premises to Grantee, its successors and assigns forever.

AND THE GRANTOR does for itself, and its successors and assigns, covenant with said Grantee, its successors and assigns, that Grantor is lawfully seized in fee simple of the premises, that they are free from all encumbrances, unless otherwise noted on Exhibit "A", that Grantor has good right to sell and convey the same as aforesaid, and that Grantor will and its successors and assigns shall warrant and defend same to said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the 17 day of October, 2005.

MAYHALL PROPERTIES, INC.

BY: 

(Its President)

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John Mayhall, whose name as President of **MAYHALL PROPERTIES, INC.**, a corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she, as such officer, and with full authority, executed the same voluntarily, as an act of said corporation, acting in its capacity as aforesaid.

Given under my hand and official seal, this the 17 day of October, 2005.


NOTARY PUBLIC

My Commission Expires: 6/7/07

EXHIBIT "A"

A parcel of land situated in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama; being more particularly described as follows:

Commence at the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, thence South 58 degrees 50 minutes 25 seconds West a distance of 417.59 feet deed; thence South 65 degrees 45 minutes 55 seconds West a distance of 100.79 feet deed, to a point lying on the Northerly right of way of County Highway #91 point also being the Point of Beginning; thence North 24 degrees 29 minutes 35 seconds West and leaving said ROW a distance of 500.0 feet; thence South 76 degrees 33 minutes 09 seconds West a distance of 193.58 feet meas. (192.49 feet deed); thence South 24 degrees 29 minutes 35 seconds East a distance of 506.17 feet meas. (500.00 deed) to a point lying on the Northerly ROW of above said County Highway; thence North 74 degrees 44 minutes 55 seconds East a distance of 192.49 feet to the Point of Beginning.

Less and except any part of subject property lying within a road right of way.

SUBJECT TO: i) taxes and assessments for the year 2006, a lien but not yet payable; ii) permits to Alabama Power Company recorded in Deed Book 130, page 166, Deed Book 133, page 55, and Deed Book 138, page 217; iii) right of way to Shelby County, recorded in Deed Book 155, page 122; and iv) coal, oil, gas and mineral and mining rights which are not owned by Grantor/Mortgagor.

THIS INSTRUMENT PREPARED BY AND AFTER
RECORDATION SHOULD BE RETURNED TO:

William B. Hairston III
Engel, Hairston, & Johanson P.C.
P.O. Box 11405
Birmingham, AL 35202
(205) 328-4600