Send Tax Notice To:
D.R. Horton, Inc. – Birmingham
2090 Columbiana Road
Suite 400
Birmingham, AL 35216

20060407000163250 1/2 $958.00
Shelby Cnty Judge of Probate,AL
04/07/2006 03:51:02PM FILED/CERT

This instrument was prepared by:
Laurie Boston Sharp,
Attorney at Law, LLC
P. O. Box 567
Alabaster, AL 35007

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
) **KNOW ALL MEN BY THESE PRESENTS,**
COUNTY OF SHELBY)

THAT IN CONSIDERATION OF **Nine Hundred Forty-Three Thousand Six Hundred and 00/100 ($943,600.00) Dollars** and other good and valuable consideration to the undersigned Grantor in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, **Midnight Properties, LLC, an Alabama limited liability company,** (herein referred to as Grantor) does grant, bargain, sell and convey unto **D.R. Horton, Inc. – Birmingham, an Alabama corporation,** (herein referred to as Grantee), the following described real estate, situated in the State of Alabama, County of Shelby, to-wit:

Lots 2 to 11, inclusive and Lots 45 to 62, inclusive, according to the Survey of Heritage Trace, Phase 2, as recorded in Map Book 36, Page 71, in the Probate Office of Shelby County, Alabama.

(A) Subject to Declaration of Protective Covenants for Heritage Trace as recorded in Instrument No. 20050307000105180 and Supplementary Declaration of Protective Covenants for Heritage Trace Phase 2, as recorded in Instrument No. 20060405000158110.

(B) Restrictions, limitations, conditions, easements, set-back lines, rights of way, minimum floor elevations and other provisions as set out in Map Book 36, Page 71, in the Probate Office of Shelby County, Alabama.

(C) Restrictive Covenants and Grant of Land Easement for underground facilities in subdivision as set out in Inst. No. 20050204000057370 in the Probate Office of Shelby County, Alabama.

(D) 2006 *ad valorem* taxes, a lien not yet due and payable.

Cahaba Title, Inc.

NOTE: Grantor certifies this instrument is executed as required by the Articles or Organization and Operating Agreement and that same have not been modified or amended.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, forever.

Grantor makes no warranty or covenant respecting the nature of the quality of the title to the property hereby conveyed other than that the Grantor has neither permitted nor suffered any lien, encumbrance or adverse claim to the property described herein since the date of acquisition thereof by the Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, this 6th day of April, 2006.

MIDNIGHT PROPERTIES, LLC.

BY _____
William J. Wilkens, Jr., Closing Manager

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STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that, William J. Wilkens, Jr, whose name as Closing Manager of Midnight Properties, LLC, 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 and with full authority, he executed the same voluntarily on the date the same bears date as the act of said Closing Manager of Midnight Properties, LLC.

Given under my hand and official seal, this 6th day of April, 2006.

Gail L. Mills

Notary Public
My commission expires: 1/26/2010

Shelby County, AL 04/07/2006
State of Alabama

Deed Tax:$944.00