14364

20060518000234800 1/2 $83.00
Shelby Cnty Judge of Probate,AL
05/18/2006 03:36:37AM FILED/CERT

Shelby County, AL 05/18/2006
State of Alabama

Deed Tax:$69.00

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This instrument was prepared by:

R. Shan Paden
PADEN & PADEN
Five Riverchase Ridge
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

FERN ELLEN TOMISEK
2392 ARBOR GLENN
BIRMINGHAM, AL 35244

STATE OF ALABAMA
COUNTY OF Shelby

# STATUTORY WARRANTY DEED

**Know All Men by These Presents**: That in consideration of **THREE HUNDRED FORTY FOUR THOUSAND NINE HUNDRED DOLLARS 00/100 ($344,900.00) DOLLARS** to the undersigned grantor, **HPH PROPERTIES, LLC, Alabama Limited Liability Co.**, in hand paid by the GRANTEE herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto **FERN ELLEN TOMISEK**, (herein referred to as GRANTEE, the following described real estate, situated in **Shelby** County, Alabama, to-wit:

**LOT 120, ACCORDING TO THE FINAL PLAT OF ARBOR HILL PHASE IV, AS RECORDED IN MAP BOOK 35, PAGE 52, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.**

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2005 WHICH CONSTITUTES A LIEN BUT ARE NOT DUE AND PAYABLE UNTIL OCTOBER 1, 2006.

2. EASEMENT(S), BUILDING LINE(S) AND RESTRICTION(S) AS SHOWN ON RECORDED MAP

3. ASSIGNMENT OF DEVELOPERS RIGHTS AS RECORDED IN INST. NO. 2002-30821.

4. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN REAL 65, PAGE 1 AND DEED BOOK 332, PAGE 554.

5. AGREEMENT WITH ALABAMA POWER COMPANY AS TO UNDERGROUND CABLES AS RECORDED IN REAL 69, PAGE 455 AND COVENANTS PERTAINING THERETO AS RECORDED IN REAL 69, PAGE 458.

6. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RIGHTS SET OUT IN DEED BOOK 121, PAGE 294; DEED BOOK 127, PAGE 140; DEED BOOK 9, PAGE 302; DEED BOOK 255, PAGE 168; DEED BOOK 6, PAGE 16; AND DEED BOOK 111, PAGE 625.

7. TRANSMISSION LINE PERMITS TO ALABAMA POWER COMPANY AS RECORDED IN DEED BOOK 136, PAGE 34; DEED BOOK 151, PAGE 449; DEED BOOK 136, PAGE 28 AND DEED BOOK 108, PAGE 363.

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8. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN DEED BOOK 332, PAGE 554.

9. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RELEASE OF DAMAGES, INCLUDING RIGHTS SET OUT IN DEED BOOK 121, PAGE 294; DEED BOOK 127, PAGE 140; DEED BOOK 9, PAGE 302; DEED BOOK 255, PAGE 188; DEED BOOK 6, PAGE 16; DEED BOOK 111, PAGE 625 AND DEED BOOK 268, PAGE 344.

10. RESTRICTIONS AND COVENANTS APPEARING OF RECORD IN INST. NO. 2003-59578.

11. **RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN INST. NO. 2004-12713.**

$275,920.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

**TO HAVE AND TO HOLD** unto the said GRANTEE, her/his heirs and assigns, forever.

IN WITNESS WHEREOF, the said **DAVID BONAMY, JR.** as **CLOSING MANAGER** of **HPH PROPERTIES, LLC** , has hereunto subscribed his/her name on this the 11th day of May, 2006.

**HPH PROPERTIES, LLC**

**DAVID BONAMY, JR.**
**CLOSING 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 **DAVID BONAMY, JR.**, whose name as **CLOSING MANAGER** of **HPH PROPERTIES, LLC, Alabama Limited Liability Co.**, 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 Alabama Limited Liability Co..

Given under my hand this the 11th day of May, 2006.

Bethany Amidgrau David
Notary Public

My commission expires: February 8, 2010