

CORRECTED DEED

This Instrument Prepared By:  
Christopher R. Smitherman, Attorney at Law  
Law Offices of Christopher R. Smitherman  
Post Office Box 261  
Montevallo, Alabama 35115  
(205) 665-4357

Send Tax Notice:  
S & M Development, L.L.C.  
1205 Ashville Road, Suite 200  
Montevallo, AL 35115

20061206000591360 1/2 \$15.00  
Shelby Cnty Judge of Probate, AL  
12/06/2006 12:16:31PM FILED/CERT

STATE OF ALABAMA )  
SHELBY COUNTY )  
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Three Hundred and Five Thousand and 00/100 Dollars (\$305,000.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Roger Massey as Personal Representative and Trustee U/M/O Frances W. Phillips, deceased, hereinafter called "Grantor," does hereby GRANT, BARGAIN, SELL AND CONVEY unto S & M Development, L.L.C., Inc., an Alabama Limited Liability Company, hereinafter called "Grantee" in fee simple, together with every contingent remainder and right of reversion, the following described real estate, situated in Shelby County, Alabama, to-wit:

See attached Exhibit "A".

Subject all items of record.

THIS DEED IS BEING RERECORDED TO CORRECT  
THE NAME OF THE GRANTEE FROM:  
S & M DEVELOPMENT, L.L.C., INC. TO:  
S & M DEVELOPMENT, L.L.C. AND TO REPLACE  
THE LEGAL DESCRIPTION

Note: PURCHASE MONEY FIRST MORTGAGE EXECUTED BY GRANTEE(S), ON EVEN DATE HEREWITH, IN FAVOR OF CENTRAL STATE BANK, IN THE SUM OF \$200,000.00.

TO HAVE AND TO HOLD to the said Grantee in fee simple forever, together with every contingent remainder and right of reversion.

The Grantor, does individually and for the heirs, executors, and administrators of the Grantor covenant with said Grantee and the heirs and assigns of the Grantee, that the Grantor is lawfully seized in fee simple of said premises; that said premises are free from all encumbrances, unless otherwise noted above; that the Grantor has a good right to sell and convey the said premises; that the Grantor and the heirs, executors, administrators of the Grantor shall warrant and defend the said premises to the Grantee and the heirs and assigns of the Grantee forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor has executed this Deed and set the seal of the Grantor thereto on this date the 14<sup>th</sup> day of March, 2006.

GRANTOR

Roger Massey PR & Trustee (L.S.)  
By: Roger Massey, as Personal Representative and Trustee U/M/O Frances W. Phillips, deceased

STATE OF ALABAMA )  
SHELBY COUNTY )  
ACKNOWLEDGMENT

I, Chris Smitherman, a Notary Public for the State at Large, hereby certify that the above posted name, Roger Massey, as Personal Representatives and Trustee U/M/O Frances W. Phillips, deceased, which is signed to the foregoing Deed, who is known to me, acknowledged before me on this day that, being informed of the contents of the Deed, he, in his capacity as Personal Representative and Trustee, executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE on this the 14<sup>th</sup> day of March, 2004.

NOTARY PUBLIC  
My Commission Expires: 5/13/08

Duell Law Firm

CORRECTED LEGAL DESCRIPTION

EXHIBIT "A"

**PARCEL III:**

A parcel of land situated in the South 1/2 of Fractional Section 1, Township 24 North, Range 12 East, described as follows:

Commence at a 2 1/2" pipe in place accepted as the Southeast corner of Fractional Section 1, Township 24 North, Range 12 East, Shelby County, Alabama, said point being the point of beginning; from this beginning point proceed North 02°13'28" West for a distance of 1264.44 feet to a 2 1/2" pipe in place; thence proceed North 65°29'33" West along a fence for a distance of 904.71 feet to a 2 1/2" pipe in place being located on the Easterly right of way of Shelby County Highway No. 19; thence proceed Southeasterly along the Easterly right of way of said highway and along the curvature of a concave curve right having a delta angle of 27°06'03" and a radius of 714.01 feet for a chord bearing and distance of South 26°51'59" East, 334.59 feet to the P.T. of said curve; thence proceed South 13°19'16" East along the Easterly right of way of said road for a distance of 1009.16 feet to a 1/2" capped rebar in place, said point being the P.C. of a concave curve right having a delta angle of 10°02'12" and a radius of 1522.61 feet; thence proceed Southeasterly along the Easterly right of way of said road and along the curvature of said curve for a chord bearing and distance of South 18°21'12" East, 266.38 feet to a 1/2" capped rebar in place; thence proceed South 75°23'32" East for a distance of 418.20 feet to the point of beginning.

**PARCEL IV:**

A parcel of land in the South 1/2 of Fractional Section 1, and part of the SE 1/4 of the SE 1/4 of Section 2, Township 24 North, Range 12 East, described as follows:

Commence at a 2 1/2" open top pipe in place accepted as the Southwest corner of Fractional Section 1, Township 24 North, Range 12 East, Shelby County, Alabama, said point being the point of beginning; from this beginning point, proceed North 88°02'46" West for a distance of 443.36 feet to a 1" open top pipe in place; thence proceed North 88°44'43" West for a distance of 554.57 feet (set 1/2" rebar); thence proceed North 01°34'51" East for a distance of 513.51 feet to a 2 1/2" open top pipe in place; thence proceed North 84°11'20" East along a fence for a distance of 283.63 feet to a 2 1/2" open top pipe in place; thence proceed North 45°09'22" East along a fence for a distance of 202.15 feet to a 2 1/2" open top pipe in place; thence proceed North 63°23'33" East for a distance of 578.51 feet; thence proceed North 01°32'49" West for a distance of 320.50 feet to a 2 1/2" open top pipe in place; thence proceed South 65°33'28" East for a distance of 476.35 feet to a 1/2" capped rebar in place, said point being located on the Westerly right of way of Shelby County Highway No. 19; thence proceed South 45°17'14" East along the Westerly right of way of said highway for a distance of 150.34 feet to a 1/2" capped rebar in place, said point being the P.C. of a concave curve right having a delta angle of 31°57'33" and a radius of 634.07 feet; thence proceed Southwesterly along the Westerly right of way of said road and along the curvature of said curve for a chord bearing and distance of South 29°17'55" East, 349.11 feet to the P.T. of said curve being a 1/2" capped rebar in place; thence proceed South 13°19'34" East along the Westerly right of way of said road for a distance of 1009.23 feet to a 1/2" capped rebar in place, said point being the P.C. of a concave curve right having a delta angle of 07°24'15" and a radius of 1602.61 feet; thence proceed Southeasterly along the Westerly right of way of said road and along the curvature of said curve for a chord bearing and distance of South 16°56'01" East, 206.96 feet to a 3/4" rebar in place; thence proceed North 65°03'54" West along a fence for a distance of 342.36 feet; thence proceed North 68°38'21" West along a fence for a distance of 101.64 feet; thence proceed North 69°37'11" West along a fence for a distance of 42.57 feet; thence proceed North 65°24'33" West along a fence for a distance of 34.33 feet; thence proceed North 61°22'12" West along a fence for a distance of 45.10 feet; thence proceed North 59°30'10" West along a fence for a distance of 225.11 feet to a 1/2" rebar in place; thence proceed North 58°38'57" West along a fence for a distance of 286.79 feet to the point of beginning.

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