

This instrument was prepared by

Mitchell A. Spears

Attorney at Law

P.O. Box 119

Montevallo, AL 35115-0091

205/665-5102

205/665-5076

Send Tax Notice to:

(Name) Scott E. Rowe

(Address) 79 Ivy Court

Brandenburg, KY 40108

Warranty Deed

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **SEVENTY THOUSAND AND 00/100 (\$70,000.00) DOLLARS** to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is acknowledged, I or we, **GARY A. JOHNSON, a married man, RICKARD DALE JOHNSON (aka RICHARD DALE JOHNSON), a married man and TYLER L. MITCHUM, an unmarried man** (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto **SCOTT E. ROWE** (herein referred to as Grantee, whether one or more), the following described real estate, situated in **SHELBY** County, Alabama, to-wit:

Lots 2, according to the survey of Rowe Subdivision, as recorded in Map Book 40, Page 63, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

- **Taxes for 2009 and subsequent years.**
- **Transmission line permits to Alabama Power Company as recorded in Deed Book 181, Page 431.**

REFERENCE IS HEREBY MADE TO THE HEIRSHIP AFFIDAVIT, HERETO ATTACHED AS EXHIBIT "A", AND FULLY INCORPORATED HERewith, AND THE DISINTERESTED PARTY AFFIDAVIT, HERETO ATTACHED AS EXHIBIT "B", AND FULLY INCORPORATED HERewith.


RICKARD DALE JOHNSON IS ONE AND THE SAME PERSON AS "RICHARD DALE JOHNSON", AS REFERENCED WITHIN THOSE CERTAIN DEEDS HERETOFORE RECORDED IN THE OFFICE OF THE PROBATE JUDGE, SHELBY COUNTY, ALABAMA, AS REFERENCED IN PARAGRAPH 4 OF EXHIBIT "A", HERETO ATTACHED.

THE PROPERTY HEREIN CONVEYED DOES NOT CONSTITUTE THE HOMESTEAD OF THE MARRIED GRANTORS, NOR THAT OF THEIR RESPECTIVE SPOUSES, NEITHER IS IT CONTIGUOUS THERETO.

TO HAVE AND TO HOLD, to the said GRANTEE, his, her or their heirs and assigns forever.

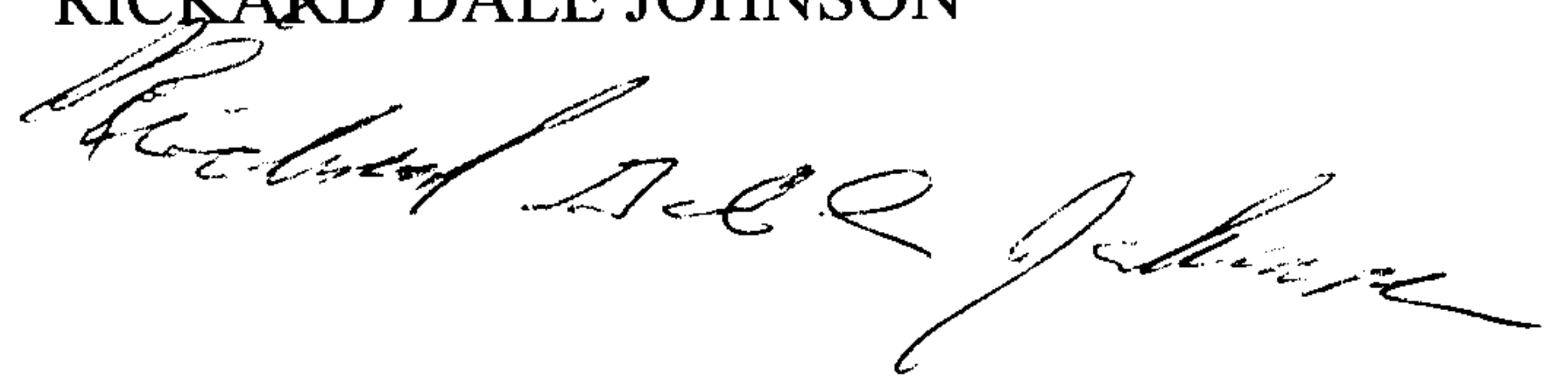
And I (we) do, for myself (ourselves) and for my (our) heirs, executors and administrators covenant with the said grantee, his, her or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal(s), this 16th day of October, 2008.


GARY A. JOHNSON


RICKARD DALE JOHNSON


TYLER L. MITCHUM




STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **GARY A. JOHNSON, RICKARD DALE JOHNSON and TYLER L. MITCHUM**, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16th day of Oct., 2008.

Shelby County, AL 10/29/2008
State of Alabama

Deed Tax: \$70.00


Notary Public
My commission expires: 8/13/09

STATE OF ALABAMA
COUNTY OF SHELBY

HEIRSHIP AFFIDAVIT
(EXHIBIT "A")

COME NOW Gary A. Johnson, Rickard Dale Johnson (also known as Richard Dale Johnson) and Tyler L. Mitchum, as "Affiants" herein, and after first having been duly sworn, said Affiants do hereby depose and say, as follows:

1. Affiants have personal knowledge of the facts stated herein, are over the age of nineteen (19) years, and are competent to execute this Affidavit.

2. Bonnie Mitchum (who was also known as Bonnie W. Mitchum), died testate on or about July 6, 1989, while seized of real property, situated in the SE ¼ of the SW ¼ of Section 2, Township 24 North, Range 12 East, Shelby County, Alabama. On or about February 20, 1991, the children of Bonnie Mitchum, Gloria June Mitchum Swenson and Otis Dale Mitchum filed a Petition with the Probate Court of Shelby County, Alabama, and were subsequently granted Letters of Administration by said Court (Case No. 29-278). The Last Will and Testament of Bonnie Mitchum, which was prepared by her, in holographic form, was submitted with said Petition, but was not given legal effect by said Probate Court. The estate was settled and closed on June 30, 1993, by Order of said Probate Court, without the conveyance of the real property of Bonnie Mitchum to any other person or entity.

3. At the time of her decease, Bonnie Mitchum's next-of-kin and heirs at law, were, as follows:

a) Otis Dale Mitchum, Son
P. O. Box 639
Geneva, AL 36340
Over the age of nineteen (19) years and of sound mind.

b) Gloria June Mitchum Swenson (the daughter of Bonnie Mitchum),
survived her mother, and died testate while residing in Autauga County, Alabama, on June 10, 1996; her Will having been probated in the Probate Court of Autauga County, Alabama on August 23, 1996, pursuant to Case Number 96-E-101; and the only

distributees under her Will were her two sons, whose names and addresses are stated, as follows:

- 1) Gary A. Johnson, Grandson of Bonnie Mitchum
3436 Vaughn Road
Montgomery, AL 36106
Over the age of nineteen (19) years and of sound mind.
- 2) Rickard Dale Johnson, Grandson of Bonnie Mitchum
(also known as Richard Dale Johnson)
2666 Laburnum Drive
Birmingham, AL 35235
Over the age of nineteen (19) years and of sound mind.

c) Although, the Last Will and Testament of Bonnie Mitchum was not enforced, Otis Dale Mitchum recognized his daughter, Elizabeth Mitchum, as the recipient of one-third of the real property owned by Bonnie Mitchum; however, said Elizabeth Mitchum died intestate on or about September 14, 2000, leaving one (1) natural child to survive her, as follows:

- 3) Tyler L. Mitchum, Grandson of Bonnie Mitchum
569 Goose Hollow Road
Geneva, AL 36340
Over the age of nineteen (19) years and of sound mind.

4. The real property of Bonnie Mitchum has heretofore been subdivided, with conveyances thereof having been made to Timothy P. Hawkins, Mark Hawkins and Paul Monroe Hawkins, same of which are recorded in the Office of the Probate Judge, Shelby County, Alabama, at Instrument Numbers 19960605000181391, 19960607000186151, and 19960607000186161, respectively.

5. The next-of-kin and heirs at law of Bonnie Mitchum have further subdivided the remaining property which was originally seized in Bonnie Mitchum, currently described as: "Lots 1 and 2, according to the survey of Rowe Subdivision, as recorded in Map Book 40, Page 63, in the Office of the Probate Judge, Shelby County, Alabama."

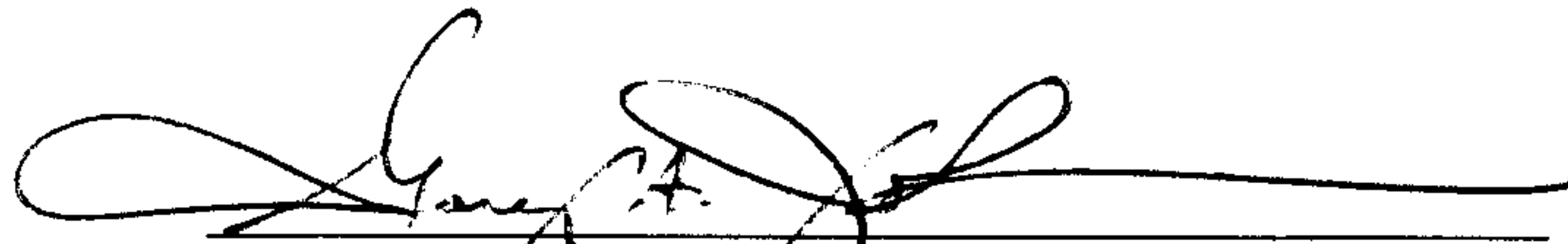
6. The only children of Bonnie Mitchum are those hereinabove referenced, and

there are no others, either natural or adopted, nor did any of her children predecease her. Furthermore, all next-of-kin and heirs at law of Bonnie Mitchum are as hereinabove referenced, there being no others.

7. Since the date of decease of Bonnie Mitchum, no persons or entities have possessed or used any of the real properties hereinabove described or referenced, except for the next-of-kin and heirs of Bonnie Mitchum and those who have used the parcels which they were conveyed as referenced in Section 4 hereof, inclusive of their successors or assigns.



8. Rickard Dale Johnson is one and the same person as "Richard Dale Johnson", as referenced in the deeds referenced in Section 4 hereof.

9. Bonnie Mitchum was one and the same person as "Bonnie W. Mitchum", the record title holder of said real property.


Gary A. Johnson, Affiant

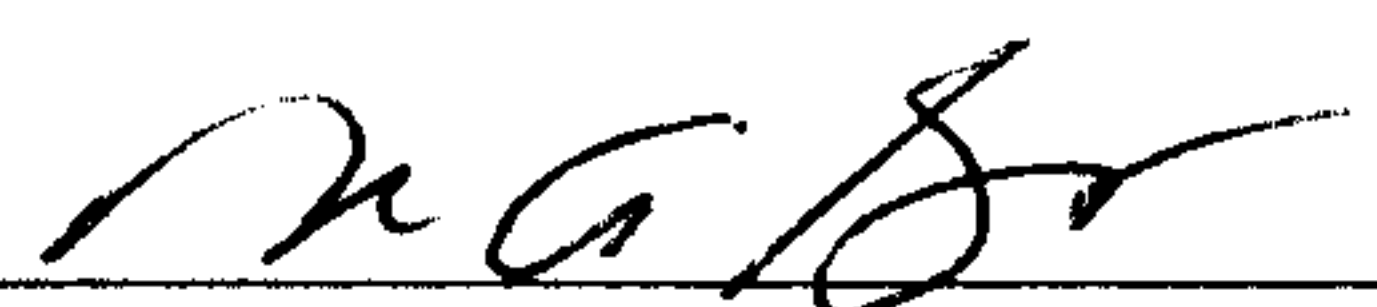
STATE OF ALABAMA)
COUNTY OF SHELBY)

Sworn to and subscribed by me before **Gary A. Johnson**, this the 16th day of October, 2008.


Notary Public
My commission expires: 8/13/09

Rickard Dale Johnson, Affiant

STATE OF ALABAMA)
COUNTY OF SHELBY)


Sworn to and subscribed by me before **Rickard Dale Johnson**, this the 16th day of Oct., 2008.


Notary Public
My commission expires: 8/13/09



Tyler L. Mitchum, Affiant

STATE OF ALABAMA)
COUNTY OF SHELBY)

Sworn to and subscribed by me before **Tyler L. Mitchum**, this the 16th day of
Oct., 2008.


Notary Public
My commission expires: 8/13/09

STATE OF ALABAMA
COUNTY OF SHELBY


20081029000421200 7/9 \$107.00
Shelby Cnty Judge of Probate, AL
10/29/2008 01:55:25PM FILED/CERT

DISINTERESTED PARTY AFFIDAVIT
(EXHIBIT "B")

COMES NOW Kenneth Hutchinson, as "Affiant" herein, and after first having been duly sworn, said Affiant does hereby depose and say, as follows:

1. Affiant has personal knowledge of the facts stated herein, is over the age of nineteen (19) years, and is competent to execute this Affidavit. I have been acquainted with Bonnie Mitchum and her family since 1965, am unrelated to Bonnie Mitchum and maintain no pecuniary or other interest in the real property hereinafter described.

2. Bonnie Mitchum (who was also known as Bonnie W. Mitchum), died testate on or about July 6, 1989, while seized of real property, situated in the SE ¼ of the SW ¼ of Section 2, Township 24 North, Range 12 East, Shelby County, Alabama. On or about February 20, 1991, the children of Bonnie Mitchum, Gloria June Mitchum Swenson and Otis Dale Mitchum filed a Petition with the Probate Court of Shelby County, Alabama, and were subsequently granted Letters of Administration by said Court (Case No. 29-278). The Last Will and Testament of Bonnie Mitchum, which was prepared by her, in holographic form, was submitted with said Petition, but was not given legal effect by said Probate Court. The estate was settled and closed on June 30, 1993, by Order of said Probate Court, without the conveyance of the real property of Bonnie Mitchum to any other person or entity.

3. At the time of her decease, Bonnie Mitchum's next-of-kin and heirs at law, were, as follows:

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b) Gloria June Mitchum Swenson (the daughter of Bonnie Mitchum),
survived her mother, and died testate while residing in Autauga County, Alabama, on June 10, 1996; her Will having been probated in the Probate Court of Autauga County,

Alabama on August 23, 1996, pursuant to Case Number 96-E-101; and the only distributees under her Will were her two sons, whose names and addresses are stated, as follows:

- 1) Gary A. Johnson, Grandson of Bonnie Mitchum
3436 Vaughn Road
Montgomery, AL 36106
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- 2) Rickard Dale Johnson, Grandson of Bonnie Mitchum
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- 3) Tyler L. Mitchum, Grandson of Bonnie Mitchum
569 Goose Hollow Road
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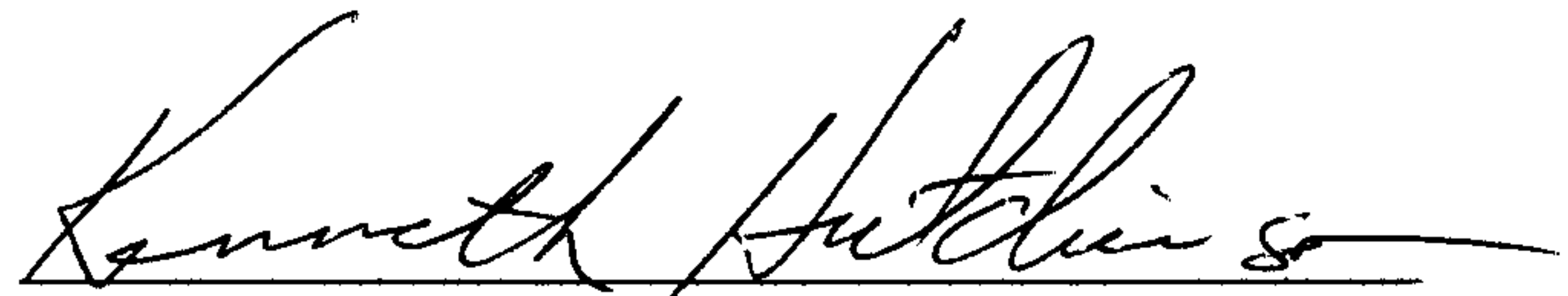
6. The only children of Bonnie Mitchum are those hereinabove referenced, and

there are no others, either natural or adopted, nor did any of her children predecease her. Furthermore, all next-of-kin and heirs at law of Bonnie Mitchum are as hereinabove referenced, there being no others.

7. Since the date of decease of Bonnie Mitchum, no persons or entities have possessed or used any of the real properties hereinabove described or referenced, except for the next-of-kin and heirs of Bonnie Mitchum and those who have used the parcels which they were conveyed as referenced in Section 4 hereof, inclusive of their successors or assigns.

8. Rickard Dale Johnson is one and the same person as "Richard Dale Johnson", as referenced in the deeds referenced in Section 4 hereof.

9. Bonnie Mitchum was one and the same person as "Bonnie W. Mitchum", the record title holder of said real property.



Kenneth Hutchinson, Affiant
3045 Dobbs Drive
Montgomery, AL 36116
(334) 612-2214

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Sworn to and subscribed by me before **Kenneth Hutchinson**, this the 30 ^{J.H.B.} day
of October, 2008.



Notary Public **My Commission Expires 09/04/2011**
My commission expires: _____