


27,000.00

This instrument was prepared by:

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20091119000430910 1/3 \$37.00
Shelby Cnty Judge of Probate, AL
11/19/2009 12:16:56 PM FILED/CERT

Shelby County, AL 11/19/2009
State of Alabama
Deed Tax : \$20.00

***NO TITLE EXAMINATION HAS BEEN PERFORMED BY THE PREPARER
OF THIS INSTRUMENT***

STATE OF ALABAMA)
COUNTY OF SHELBY)

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to the undersigned grantor, **D.R. HORTON, INC. - BIRMINGHAM**, an Alabama corporation (the "Grantor"), in hand paid by **BELVEDERE COVE HOMEOWNERS' ASSOCIATION, INC.**, an Alabama nonprofit corporation organized and existing under the Alabama Nonprofit Corporation Act, Code of Alabama 1975 §§ 10-3A-1 et seq. (the "Association"), as grantee, the receipt and sufficiency whereof are hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey unto the Association all of its right, title and interest in and to the following parcels of land situated in Shelby County, Alabama, to-wit (collectively, the "Property"):

All those Common Areas identified on the Subdivision Map of Belvedere Cove, Phase 1 as "Common Area (Lake)," "Common Area (Park)," "Common Area (Clubhouse, Pool and Parking)" and "Common Area," such Subdivision Map being recorded in Map Book 35, Page 45-A and 45-B in the Office of the Judge of Probate of Shelby County, Alabama; and

That certain Common Area identified on the Subdivision Map of Belvedere Cove, Phase 3 as "Common Area," such Subdivision Map being recorded in Map Book 36, Page 113 in the Office of the Judge of Probate of Shelby County, Alabama.

TOGETHER WITH all the rights, tenements, hereditaments, improvements, easements and appurtenances thereto belonging or in anywise appertaining, as well as all real and/or personal property situated within the Property for the use or enjoyment of the members of the Association as provided in (A) the Declaration of Covenants, Conditions and Restrictions for Belvedere Cove, Phase I, a Residential Subdivision, dated April, 2006, recorded on June 17, 2005 as Instrument Number 20050617000298140 in the Office of the Judge of Probate of Shelby County Alabama, as supplement by First Supplemental Declaration of Protective Covenants for Belvedere Cove, a Residential Subdivision, dated March 13, 2006, recorded as Instrument Number 2006031600012290 in said Probate Office, and as amended by Amendment One to Declaration dated April 11, 2006, recorded as Instrument Number 20060614000281640 in said Probate Office, and as further amended by Second Amendment to Declaration of Covenants, and Condition, and Restrictions for Belvedere Cove, a Residential Subdivision, recorded as Instrument Number 20061013000509710 in said Probate Office, and (B) the Declaration of Covenants, Conditions and Restrictions for Belvedere Cove, Phase III, a Residential Subdivision, dated March 24, 2005, recorded on March 24, 2005 as Instrument Number 20060324000138060 in the Office of the Judge of Probate of Shelby County Alabama (as amended and supplemented, collectively, the "Declarations").

TO HAVE AND TO HOLD the unto the Grantee and the Grantee's successors and assigns, forever.

THIS CONVEYANCE is made in accordance with the provisions of Section 5.9 of the Declarations to which the Association shall, from and after the date of this conveyance, take control of the Property, shall assess the Property in the name of the Association for tax purposes, shall improve and maintain the Property and shall obtain and maintain liability insurance coverage on the Property in the name of the Association, all as is more particularly set forth in the Declaration.


PROVIDED HOWEVER, that this conveyance is made subject to those matters which are set forth on Exhibit "A" attached hereto and incorporated herein by this reference (the "Permitted Encumbrances").

AND THE GRANTOR does hereby covenant with and warrant to the Association that the Association is lawfully seized of the Property in fee simple, subject, however, to the Permitted Encumbrances; that the Grantor has good right and lawful authority to sell and convey the Property and will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of Grantor and all others claiming by or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer this 30th day of October, 2009.

GRANTOR:

D.R. HORTON, INC. - BIRMINGHAM,
an Alabama corporation

BY: 
Andrew J. Hancock
Its Division Vice President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Andrew J. Hancock, whose name as Division Vice President of D.R. Horton, Inc. - Birmingham, an Alabama corporation, 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 as such officer, he executed the same voluntarily and with full authority for and as the act of said corporation.

Given under my hand and official seal this 30 day of October, 2009.




NOTARY PUBLIC Notary Public, State At Large, Alabama
My Commission expires: My Commission Expires February 11, 2012

EXHIBIT A

PERMITTED ENCUMBRANCES


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1. Ad valorem taxes for 2009 and subsequent years.
2. All easements, rights-of-way, set backs, and restrictions shown on recorded the subdivision maps, including, without limitation, 15' Storm Easements and 20' Sanitary Sewer Easements as shown on Subdivision Map of Belvedere Cove, Phase 1, recorded in Map Book 35, Page 45-A and 45-B in the Office of the Judge of Probate of Shelby County, Alabama.
3. All easements, rights-of-way, set backs, and restrictions of record.
4. Declaration of Covenants, Conditions and Restrictions for Belvedere Cove, Phase I, a Residential Subdivision, dated April, 2006, recorded on June 17, 2005 as Instrument Number 20050617000298140 in the Office of the Judge of Probate of Shelby County Alabama, as supplement by First Supplemental Declaration of Protective Covenants for Belvedere Cove, a Residential Subdivision, dated March 13, 2006, recorded as Instrument Number 2006031600012290 in said Probate Office, and as amended by Amendment One to Declaration dated April 11, 2006, recorded as Instrument Number 20060614000281640 in said Probate Office, and as further amended by Second Amendment to Declaration of Covenants, and Condition, and Restrictions for Belvedere Cove, a Residential Subdivision, recorded as Instrument Number 20061013000509710 in said Probate Office,
5. Declaration of Covenants, Conditions and Restrictions for Belvedere Cove, Phase III, a Residential Subdivision, dated March 24, 2005, recorded on March 24, 2005 as Instrument Number 20060324000138060 in the Office of the Judge of Probate of Shelby County Alabama.
6. Less and except all "Minerals and Resources and Groundwater" now or in the future that are located in whole or in part, in, on, and under, and/or that may be produced from the Property as conveyed by Grantor to DRH Energy, Inc. by that certain Corrective Deed - Minerals, Resources, and Groundwater (With Rights of Ingress and Egress) dated on or about the date of this Statutory Warranty Deed and recorded contemporaneously herewith in said Probate Office.