

Send tax notice to:

JOHN S. HARRY, JR.  
4301 ASHINGTON DRIVE  
BIRMINGHAM, AL, 35242

This instrument prepared by:  
CHARLES D. STEWART, JR.  
Executive Real Estate Group, LLC  
4898 Valleydale Road, Suite A-2  
Birmingham, Alabama 35242

STATE OF ALABAMA  
Shelby COUNTY

2010399

**WARRANTY DEED**

Shelby County, AL 10/05/2010  
State of Alabama  
Deed Tax : \$109.00

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Four Hundred Thirty-Four Thousand and 00/100 Dollars (\$434,000.00) in hand paid to the undersigned, JOHN WILLIAM ATCHLEY, JR. and DEBORAH S. ATCHLEY, Husband and Wife (hereinafter referred to as "Grantors") by JOHN S. HARRY, JR. and WENDY M. HARRY (hereinafter referred to as Grantees"), the receipt and sufficiency of which are hereby acknowledged, Grantor does, by these presents, grant, bargain, sell, and convey unto Grantees, as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

LOT 270, ACCORDING TO THE SURVEY OF BROOK HIGHLAND, AN EDDLEMAN COMMUNITY, 6TH SECTOR, 3RD PHASE, AS RECORDED IN MAP BOOK 15, PAGE 105, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2009 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2010.
2. MUNICIPAL IMPROVEMENTS, TAXES, ASSESSMENTS AND FIRE DISTRICT DUES AGAINST PROPERTY, IF ANY.
3. SUCH STATE OF ACTS AS RECORDED ON PLAT OF BROOK HIGHLAND, AN EDDLEMAN COMMUNITY, 6<sup>TH</sup> SECTOR, 3<sup>RD</sup> PHASE, AS RECORDED IN MAP BOOK 15, PAGE 105, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY.
4. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY AS SET FORTH IN INSTRUMENT #1992-26812.
5. SUBJECT TO COVENANTS, CONDITONS AND RESTRICTIONS AS SET FORTH IN THE DOCUMENT RECORDED IN INSTRUMENT #1998-19414; INSTRUMENT #2001-1342 AND INSTRUMENT #2001-4260.
6. 35 FOOT BUILDING SETBACK LINE.
7. DECLARATION OF PROTECTIVE COVENANTS FOR THE WATERSHED PROPERTY, WHICH PROVIDES, AMONG OTHER THINGS, FOR AN ASSOCIATION TO BE FORMED TO ASSESS AND MAINTAIN THE WATERSHED MAINTENANCE AREAS, ETC., OF THE DEVELOPMENT; ALL OF SAID COVENANTS, RESTRICTIONS AND CONDITIONS BEING SET OUT IN INST. RECORDED IN REAL 194, PAGE 54.
8. DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS, EASEMENTS, CHARGES AND LIENS FOR BROOK HIGHLAND, AS SET OUT IN INSTRUMENT RECORDED IN REAL 194, PAGE 254, IN PROBATE OFFICE ALONG WITH ARTICLES OF INCORPORATION OF BROOK HIGHLAND HOMEOWNER'S ASSOCIATION, INC., AS RECORDED IN REAL 194, PAGE 281 AND BY-LAWS OF BROOK





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Shelby Cnty Judge of Probate, AL  
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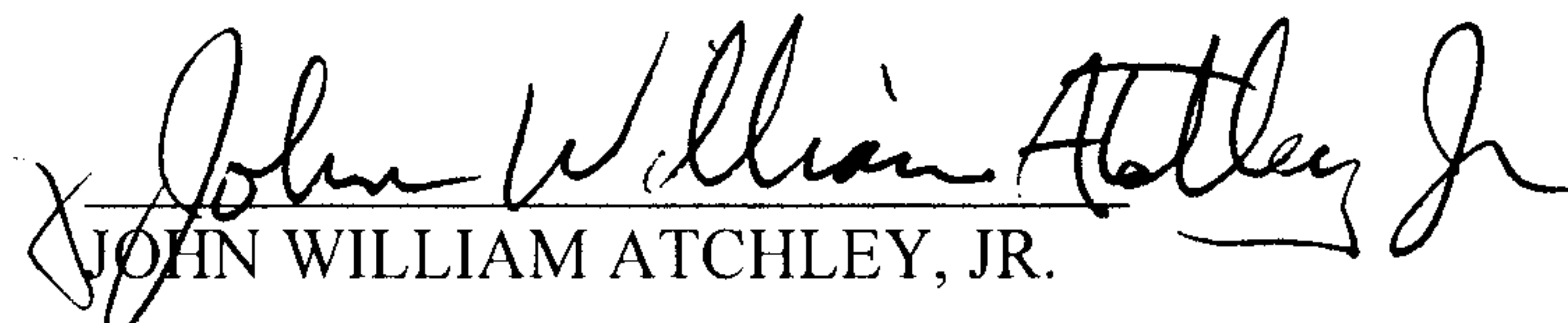

HIGHLAND HOMEOWNER'S ASSOCIATION, INC., AS RECORDED IN REAL 194, PAGE 287 IN SAID PROBATE OFFICE, ALONG WITH SUPPLEMENTAL DECLARATION OF PROTECTIVE COVENANTS FOR BROOK HIGHLAND, 6<sup>TH</sup> SECTOR, FOURTH PHASE, AS SET OUT IN REAL 380, PAGE 627.

9. A NON-EXCLUSIVE EASEMENT AND AGREEMENT BETWEEN EDDLEMAN AND ASSOCIATES AND THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGHAM DATED 7/11/88 AND RECORDED IN REAL 194, PAGE 20 AND REAL 194, PAGE 43 IN SAID PROBATE OFFICE.
10. EASEMENT AND AGREEMENTS BETWEEN AMSOUTH BANK, N.A. AS ANCILLARY TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINES, AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO AND THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGH.
11. DRAINAGE AGREEMENT BETWEEN AMSOUTH BANK, N.A. AS ANCILLARY TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINA, AS TRUSTEE FOR THE PUBOLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO AND EDDLEMAN AND ASSOCIATES.
12. RECIPROCAL EASEMENT AGREEMENT BETWEEN AMSOUTH BANK, N.A. AS SET OUT IN INSTRUMENT DATED APRIL 14, 1987 AND RECORDED IN REAL 125, PAGE 249 AND REAL 199, PAGE 18.
13. SUBDIVISION RESTRICTIONS SHOWN ON RECORDED PLAT IN MAP BOOK 15, PAGE 106 PROVIDED FOR CONSTRUCTION OF SINGLE FAMILY RESIDENCES ONLY.
14. RESTRICTIVE COVENANTS WITH REGARD TO UNDERGROUND TRANSMISSION INSTALLATION BY ALABAMA POWER COMPANY AS RECORDED IN REAL 181, PAGE 995.
15. TITLE TO ALL OIL, GAS AND MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL OIL AND MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, TOGETHER WITH ANY RELEASE OF LIABILITY FOR INJURY OR DAMAGE TO PERSONS OR PROPERTY AS A RESULT OF THE EXERCISE OF SUCH RIGHTS AS RECORDED IN DEED BOOK 32, PAGE 48, AND DEED BOOK 121, PAGE 294, IN THE PROBATE OFFICE.

\$325,000.00 OF THE CONSIDERATION AS WAS PAID FROM THE PROCEEDS OF A MORTGAGE LOAN.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns forever. The Grantor does for itself, its successors and assigns, covenant with the Grantee, its successors and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as shown above; that it has a good right to sell and convey the same as aforesaid; and that it will, and its successors and assigns shall, warrant and defend the same to the Grantees, their heirs, executors, administrators and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said Grantor, has hereunto set his/her hand and seal this the 27th day of September, 2010.

  
JOHN WILLIAM ATCHLEY, JR.  
  
DEBORAH S. ATCHLEY

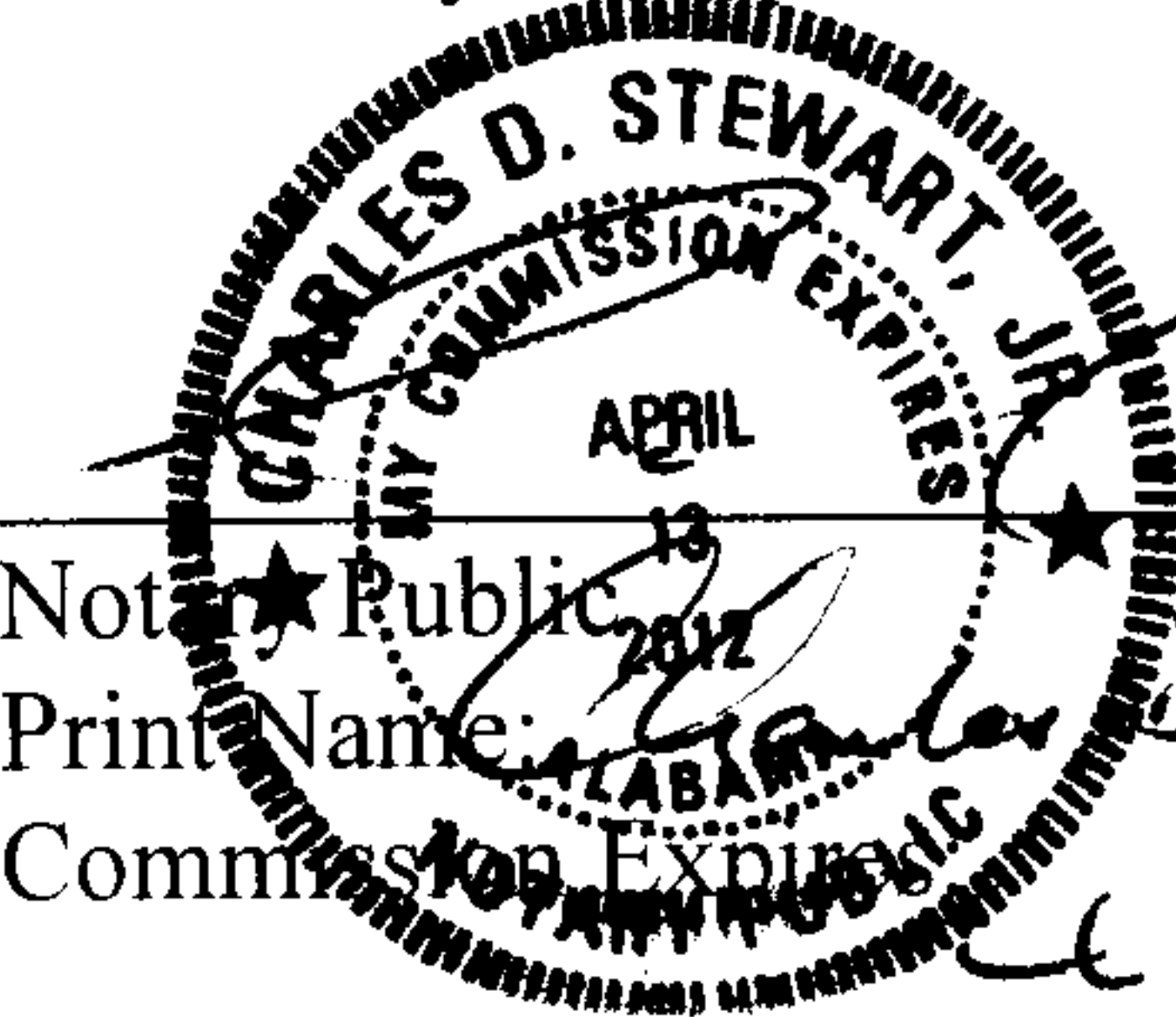


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Shelby Cnty Judge of Probate, AL  
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STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JOHN WILLIAM ATCHLEY, JR. and DEBORAH S. ATCHLEY, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 27th day of September, 2010.

  
Notary Public  
Print Name: Charles D. Stewart Jr.  
Commission Expires 4-13-12