

This Instrument Prepared By:
Paul Kemp
Morris|Hardwick|Schneider, LLC
2718 20th Street South, Suite 210
Birmingham, AL 35209
ALQ-100200006S

Send Property Tax Notice to:

920 Alston Farm Rd
Columbiana AL
35051

Special Warranty Deed

State of Alabama
County of Shelby

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Three Hundred Twenty Four Thousand Nine Hundred and 00/100 Dollars (\$324,900.00) cash in hand paid to

M & T Bank

(hereinafter called "Grantor"), receipt whereof is acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto said

Timothy A. Payne and Frances L. Payne as Joints Tenants With Rights of Survivorship

(hereinafter called "Grantee"), all right, title, interest and claim in or to the following described real estate lying in Shelby County, Alabama, to-wit:

A parcel of land situated in the Southwest quarter of Section 17, Township 21 South, Range 1 East, Shelby County, Alabama, being more particularly described as follows:

Being at a 3/8 inch rebar found locally accepted to be the Northwest corner of the Northwest quarter of the Southwest quarter of said Section 17; thence run East along the North line of said quarter -quarter section for a distance of 1,328.66 feet to a 3/8 inch rebar found locally accepted to be the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 17; thence turn an angle to the left of 00 degrees, 24 minutes, 00 seconds and run in an Easterly direction along the North line of said quarter - quarter Section for a distance of 379.11 feet to an iron pin found; thence turn an angle to the right of 78 degrees, 32 minutes, 39 seconds and run in a Southeasterly direction for a distance of 348.82 feet to a point; thence turn an angle to the right of 09 degrees, 51 minutes, 31 seconds and run in a Southerly direction for a distance of 579.65 feet to a point; thence turn an angle to the right of 74 degrees, 51 minutes, 24 seconds and run in a Southwesterly direction for a distance of 467.66 feet to a point; thence turn an angle to the right of 14 degrees, 19 minutes, 34 seconds and run in a Westerly direction for a distance of 370.88 feet to a point; thence turn an angle to the right of 91 degrees, 43 minutes, 28 seconds and run in a Northerly direction for a distance of 200.00 feet to a point; thence turn an angle to the left of 51 degrees, 52 minutes, 17 seconds and run in a Northwesterly direction for a distance of 629.30 feet to a point; thence turn an angle to the left of 38 degrees, 07 minutes, 43 seconds and run in a Westerly direction for a distance 466.68 feet to an iron pin set on the West line of said Section 17; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Northerly direction along said East line for a distance of 504.00 feet to the point of beginning; said parcel of land containing 32.01 acres, more or less.

Shelby County, AL 10/05/2010

State of Alabama

Deed Tax : \$65.00

Covenants and Restrictions

1. Minimum building setback lines shall be no less than 100 feet from any property line.
2. There shall be no further division of lands herein described
3. It shall be the responsibility of each owner to prevent the occurrence of any unclean, unsightly refuse or garbage on the described parcels
4. No one story dwelling house of less than 2000 square feet of heated area, exclusive of porches, carports, basements and decks or terraces and no one and one -half or two story dwellings having less than 2600 square feet of heated area shall be erected on any parcel.
5. No detached outbuilding, storage building or garage shall be erected closer to the street than the front of the dwelling, except that a barn may be erected on the Alston Farm Road side of the dwelling so as not to be located between the dwelling and the lake.
6. No trailers, temporary buildings, garages or other buildings shall be built and used for residence purposes prior to the completion of a dwelling on said lots. All residences shall be site-built homes. No mobile homes, modular homes or manufactured homes are allowed.
7. No unused or inoperable vehicles or water craft shall be stored on the property unless stored in a garage or outbuilding.
8. If any person shall violate or attempt to violate any of the covenants and restrictions contained herein, it shall be lawful for any person or person owning any of the adjoining parcels to prosecute any proceedings at law or in equity, against the person or persons violating any such covenants and restrictions, and either to prevent him or them from doing or to recover damages for such violation. It being understood that this right extends not only to the present owners of said property, but also to any future property owners therein.
9. Property shall be used for residential purposes only. No commercial uses are permitted.

RESTRICTIONS ON LAKE USAGE

1. No persons other than owners of property which touches the lake, or members of their household, may use the lake.
2. No mechanically-powered devices, including but not limited to gasoline powered motors, personal watercraft, and jetskis, may be used on the lake. Canoes and johnboats are permitted. No vessels longer than 16 feet are permitted.
3. No irrigation systems or similar equipment may pump water from the lake.
4. No boathouses or other structures may be built which project into the lake, other than a pier or walk which may project no more than three (3) feet into the lake and which are no larger than 60 square feet in surface area per lot. No other above ground structure may be placed closer than 100 feet to the shore of the lake without specific written approval of the majority of the property owners entitle to use the lake.
5. Maintenance of the lake shall be shared be shared by owners of property adjoining the lake. They shall contribute ratably to the cost of any materials and labor used in the repair and maintenance of the lake and structures associated therewith.

Property Address: 920 Alston Farm Road, Columbiana, AL 35051
Parcel ID Number: 20-4-17-0-000-006.009


Source of Title: Book 2010, Page 02678

The subject property is or X is not the homestead of the grantor(s).

TO HAVE AND TO HOLD unto the said Grantee, its successor and assigns forever.

This instrument is executed without warranty or representation of any kind on the part of the undersigned, express or implied, except that there are no liens or encumbrances outstanding against the premises conveyed which were created or suffered by the undersigned and not specifically excepted herein.

ALQ-100200006S


20101005000329170 2/3 \$83.00
Shelby Cnty Judge of Probate, AL
10/05/2010 01:08:15 PM FILED/CERT

This conveyance is made subject to any right of redemption arising by virtue of the foreclosure of a mortgage as evidenced by a Foreclosure Deed recorded in Book 2010, Page 02678.

259,920.00 of the consideration was paid from the proceeds of a first mortgage and 0.00 for a second mortgage filed simultaneously herewith.

IN WITNESS WHEREOF, M & T Bank, has caused these present to be executed in its name and on its behalf as aforesaid, on this 29th day of September, 2010.

M & T Bank

BY: [Signature]

~~President~~

David R. Ligammari
Assistant Vice President

ATTEST:

[Signature]
Secretary Lucy A. Dannecker

State of New York
County of Erie

I, Jason D. Benner the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that David R. Ligammari whose name as President of M & T Bank, 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, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation, acting in their capacity as aforesaid on the day that bears the same date.

Given under my hand and official seal this 29th day of September, 2010.

[Signature]
Notary Public

My Commission Expires: _____

[Seal]

Reference:
920 Alston Farm Road
Columbiana, AL, 35051
Servicer Loan #:

JASON D. BENNER
Notary Public-State of New York
Lic. 01BE6217638
Qualified in Erie County
My Commission Expires 2/16/2014

Property Address: 920 Alston Farm Road, Columbiana, AL 35051



20101005000329170 3/3 \$83.00
Shelby Cnty Judge of Probate, AL
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