

20111116000346820 1/5 \$27.00
Shelby Cnty Judge of Probate, AL
11/16/2011 12:09:22 PM FILED/CERT

This Instrument Was Prepared By:

Thomas G. Amason III
Balch & Bingham LLP
P.O. Box 306
Birmingham, AL 35201

Send Tax Notice To:

Bruce Michael Benik, Sr.
and Loretta Jane Benik
5131 Valleybrook Circle
Birmingham, AL 35244

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

Shelby County, AL 11/16/2011
State of Alabama
Deed Tax: \$3.00

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten and No/100 Dollars (\$10.00) to the undersigned grantor, in hand paid by the grantee herein, the receipt whereof is acknowledged, **COMPASS BANK**, an Alabama banking corporation (herein referred to as "Grantor"), grants, bargains, sells and conveys, subject to the matters set forth below, unto **BRUCE MICHAEL BENIK, SR.**, a married man **AND LORETTA JANE BENIK**, a married woman, joint tenants with rights of survivorship (herein collectively referred to as "Grantee"), the real estate situated in Shelby County, Alabama described on **Exhibit "A"** hereto, together with all appurtenances thereto, if any (the "Property").

TO HAVE AND TO HOLD to the Grantee, its successors and assigns forever.

The Property is conveyed to the Grantee subject to the following:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levels taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings whether or not shown by the records of such agency or by the Public Records.
2. Mineral, mining, oil and gas and related rights and privileges not owned by the Grantor, if any.
3. Encroachments, overlaps, boundary line disputes and other matters that would be revealed by an accurate survey or inspection of the Property.
4. Riparian and littoral rights of third parties, if any, and any right, title or interest of the State of Alabama with respect to any stream on the Property, if any.

6. Easements, covenants, reservations, conditions and restrictions of record.
7. Any statutory right of redemption held by others under Section 6-5-248 of the Code of Alabama (1975), as the same may be amended from time to time or any successor statute.
8. Utility easements and facilities serving the Property, whether of record or not.
9. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
10. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
11. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
12. Taxes and assessments for the year 2012 and subsequent years and not yet due and payable.
13. Easements, encumbrances, restrictive covenants and all other matters of record shown in the Probate Office of Shelby County, Alabama.
14. Building line(s) as shown by recorded map.
15. Easement(s) as shown by recorded map.
16. Restrictions as shown by recorded map.
17. Right of Way grant to Alabama Power Company by instrument recorded in Shelby Volume 217, Page 90 and Shelby Volume 232, Page 709 in the Probate Office of Shelby County, Alabama.
18. Right of way to Shelby County, recorded in Instrument 1999-34876, in the Probate Office of Shelby County, Alabama.
19. Restrictive Covenants and Grant of Land Easement to Alabama Power Company appearing of recorded in Instrument 2004020600061930, in the Probate Office of Shelby County, Alabama.
20. Restrictions or Covenants appearing of record in Instrument 20050510000224130, in the Probate Office of Shelby County, Alabama.

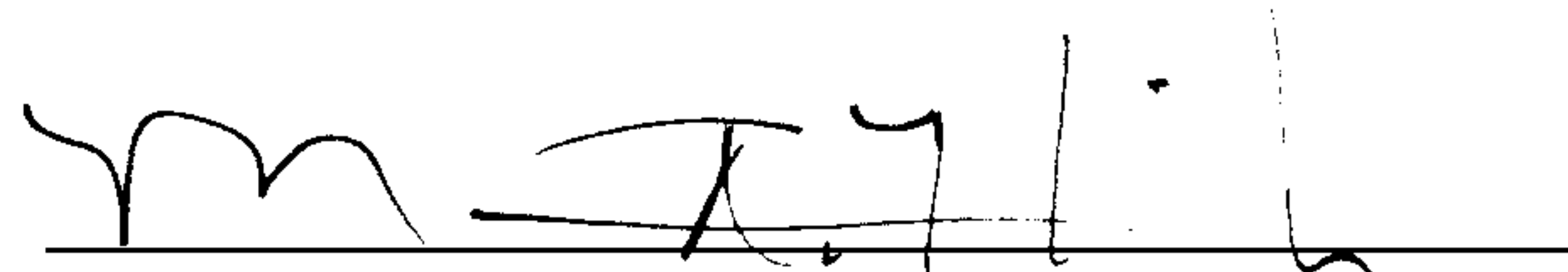
21. Covenant regarding Cluster Sewer System recorded in Instrument 20040908000501180, in the Probate Office of Shelby County, Alabama.
22. Terms and conditions recorded in Instrument 20040908000501190 in the Probate Office of Shelby County, Alabama.
23. Covenants recorded in Instrument 20040908000501170 in the Probate Office of Shelby County, Alabama.

[Signature appears on following page.]

IN WITNESS WHEREOF, Grantor has hereunto caused this conveyance to be executed effective as of November 15, 2011.

COMPASS BANK

By:

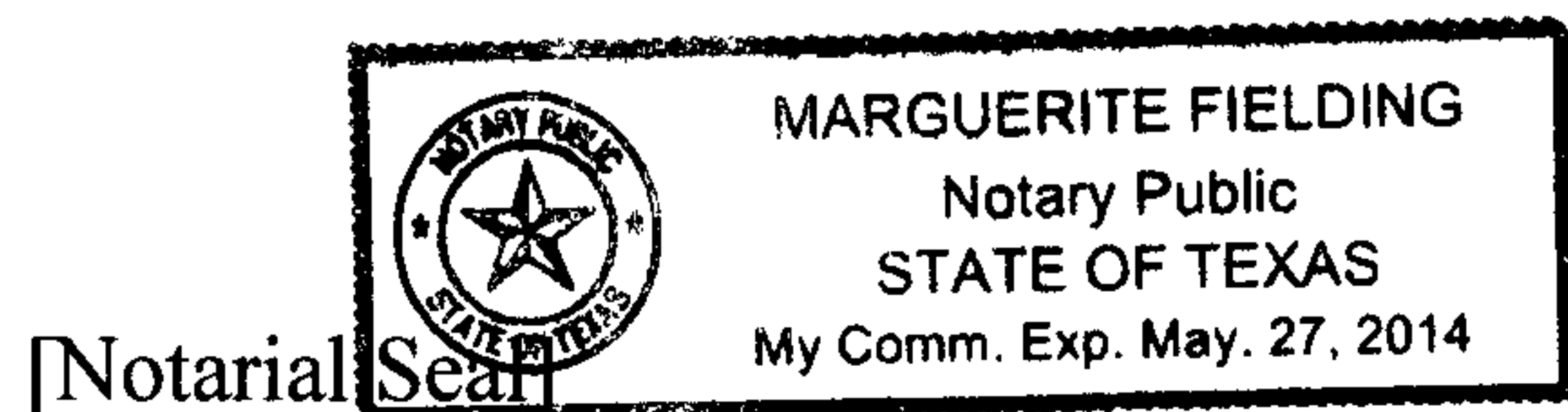

Its: VICE PRESIDENT

STATE OF TEXAS)

COUNTY OF DALLAS)

I, the undersigned Notary Public in and for said County in said State, hereby certify that MATTHEW HICKEY, whose name as Vice President of **COMPASS BANK**, an Alabama banking corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 14 day of November, 2011.




Notary Public

My Commission expires: _____



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EXHIBIT A TO DEED

Description of Property

Lot 5, according to the Survey of Mountain Lake, as recorded in Map Book 31, page 129, in the Probate Office of Shelby County, Alabama.