

011-677142

SPECIAL WARRANTY DEED

STATE OF ALABAMA
COUNTY OF Shelby
PROPERTY ADDRESS:
Kenneth E. Hester and
Kimberly D. Hester
1141 Portobello Road # 41
Birmingham, AL 35242

KNOW ALL MEN BY THESE PRESENTS, that **The United States Department of Housing and Urban Development**, also known as **Secretary of Housing and Urban Development**, for and in consideration of One Hundred Seventy Five Thousand and No/100 Dollars (\$175,000.00), the receipt whereof is hereby acknowledged, does grant, bargain, sell and convey unto **Kenneth E. Hester and Kimberly D. Hester**, in fee simple, together with every right of reversion, the following described real property situated in the County of Shelby, State of Alabama:

Unit 41, Building 11, in Edenton, a Condominium, as established by that certain Declaration of Condominium which is recorded in Instrument # 20070420000184480, in the Probate Office of Shelby County, Alabama, First Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20070508000215560, Second Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20070522000237580, Third Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20070606000263790, Fourth Amendment to Declaration of Condominium of Edenton as recorded in Instrument# 20070626000297920, 5th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 2007081700390000, Sixth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20071214000565780, Seventh Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20080131000039690, Eighth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20080411000148760, Ninth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20080514000196360, Tenth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 200808140003626660, Eleventh Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20081223000473570, Twelfth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20090107000004030; Thirteenth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20090415000138180, Fourteenth Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20090722000282160, and any amendments thereto, to which Declaration of Condominium a plan is attached as Exhibit "C" thereto, and as recorded in the Condominium Plat of Edenton, a Condominium, in Map Book 38, Page 77, First Amended condominium Plat of Edenton, a condominium as recorded in Map Book 39, Page 4 and the Second Amended Condominium Plat of Edenton, a Condominium as recorded in Map Book 39, Page 79, Third Amended condominium Plat of Edenton, a condominium as recorded in Map Book 39, Page 137, Fourth Amended condominium Plat of Edenton, a condominium as recorded in Map Book 40, Page 54 and any future amendments thereto, Articles of Incorporation of Edenton Residential Owners Association Incorporated as recorded in Instrument 20070425000639250, in the Office of the Judge of probate of Shelby County, Alabama and to which said Declaration of Condominium the By-laws of Edenton Residential Owners Association Incorporated, are attached as Exhibit "B" thereto together with an undivided interest in the Common Elements as assigned to said Unit, by said Declaration of Condominium set out in Exhibit "D". Together with rights in and to that certain Non-Exclusive Roadway Easement as set out in Instrument 20051024000550530, in the Office of the Judge of probate of Shelby County, Alabama. Subject To: Right of way granted to Alabama Power Company by Instrument recorded in Deed Book 126, Page 187, Deed Book 185, Page 120, Real 105, Page 861 and Real 167, Page 335 in the Probate Office of Shelby County Alabama.

Roadway Easement Agreement as recorded in Instrument 20051024000550530 and Instrument 20061024000523450, in the Probate Office of Shelby County, Alabama

Restrictive Use Agreement between JRC Lakeside Limited Partnership and Cahaba Beach Investments LLC as recorded in Instrument # 20051024000550540 and in the Instrument # 20061024000523460, in the Probate Office of Shelby County, Alabama

Easement for grading and sloe maintenance recorded in Instrument #20060817000404390 in the Probate Office of Shelby County, Alabama

Easement to Bellsouth as recorded in Instrument 20060920000466950 and instrument# 20070125000038780 and Instrument # 20100126000024800 in the Probate Office of Shelby County, Alabama

Easement to Alabama Power Company recorded in Instrument 20061212000601050, Instrument # 20061212000601060, Instrument # 20060828000422250, Instrument # 20061212000601460, Instrument # 20070517000230870 and Instrument # 20070517000231070, and Instrument # 20100121000020230 in the Probate Office of Shelby County, Alabama

Declaration of Condominium which is recorded in Instrument # 20070420000184480, in the Probate Office of Shelby County, Alabama, First Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20070508000215560, 2nd Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20070522000237580, 3rd Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20070606000263790, 4th Amendment to Declaration of Condominium of Edenton as recorded in Instrument# 20070626000297920, 5th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 2007081700390000, 6th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20071214000565780, 7th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20080131000039690, 8th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20080411000148760, 9th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20080514000196360, 10th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 200808140003626660, 11th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20081223000473570, 12th Amendment to Declaration of Condominium of Edenton as



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Shelby Cnty Judge of Probate, AL
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Shelby County, AL 02/23/2012
State of Alabama
Deed Tax: \$35.00

recorded in Instrument # 20090107000004030; 13th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20090415000138180, 14th Amendment to Declaration of Condominium of Edenton as recorded in Instrument # 20090722000282160, in the Probate Office of Shelby County Alabama and any further amendments thereto
Articles of Incorporation of Edenton Residential Owners Association Incorporated as Recorded in Instrument # 20070425000639250, in the Office of the Judge of Probate of Shelby County, Alabama.
Title to all minerals within and underlying the premises, together with all mining rights and other rights privileges and immunities relating thereto, including rights set out in Real 41, Page 83 and Deed Book 176, Page 186 in the Probate Office of Shelby County, Alabama
Restrictions as set out in Real 54, Page 199, in the Office of the Judge or Probate of Shelby County, Alabama Assignment and Conveyance with Development Agreements and Restrictive Covenants by and Between Cahaba Land Associates, LLC and Cahaba Beach Investments LLC as recorded in Instrument 20051024000550520, in the Office of the Judge of Probate of Shelby County, Alabama
Rights of Others in and to the non-exclusive easement as set out in Easement Agreement in Instrument #20051024000550530 in the Office of the Judge of Probate of Shelby County, Alabama
Exclusive Access and Easement Agreement granted to Alexander Jones in Instrument 20080616000243110, in the Office of the Judge of Probate of Shelby County, Alabama
Sanitary Sewer Easement granted to SWWC Utilities in Instrument 20090126000023560 I the Office of the Judge of Probate of Shelby County, Alabama

THIS DEED IS NOT TO BE IN EFFECT UNTIL: February 6, 2012


Subject to all those certain statutory rights of redemption existing and outstanding by virtue of that certain foreclosure deed dated August 29, 2011 and recorded on August 30, 2011 in Instrument # 20110830000256710

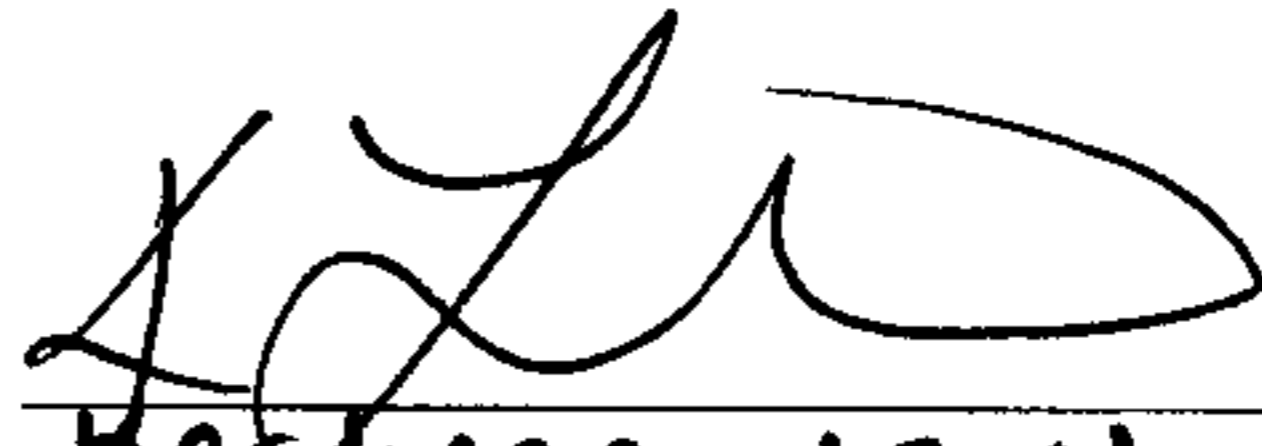
Being the same property acquired by the Secretary of Housing and Urban Development pursuant to the provisions of the National Housing Act, as amended (42 USC 1441, et. Seq.). Deed dated September 14, 2011 and recorded on September 21, 2011 in Instrument # 20110921000279820.

TO HAVE AND TO HOLD to the said **Kenneth E. Hester and Kimberly D. Hester**, in fee simple, and to the heirs, together with every right of reversion. Grantor makes no warranty or covenant respecting the nature or the quality of the title to the property hereby conveyed except the following: Grantor does hereby specifically warrant the title to said property against the lawful claims of all persons claiming by, through, or under the Grantor, since the date of acquisition thereof by the Grantor. SUBJECT however, to all covenants, restrictions, reservations, easements, conditions, liens and other rights of whatever nature appearing of record; Further subject to any state of facts an accurate survey would show.

IN WITNESS WHEREOF, the undersigned has set his/her hand as the duly authorized representative of the Secretary of Housing and Urban Development this 2nd day of February 20 12.

SHAUN DONOVAN
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT
By Ofori & Associates, P.C. of Atlanta, GA
Management and Marketing Contractor
For HUD-State of Alabama


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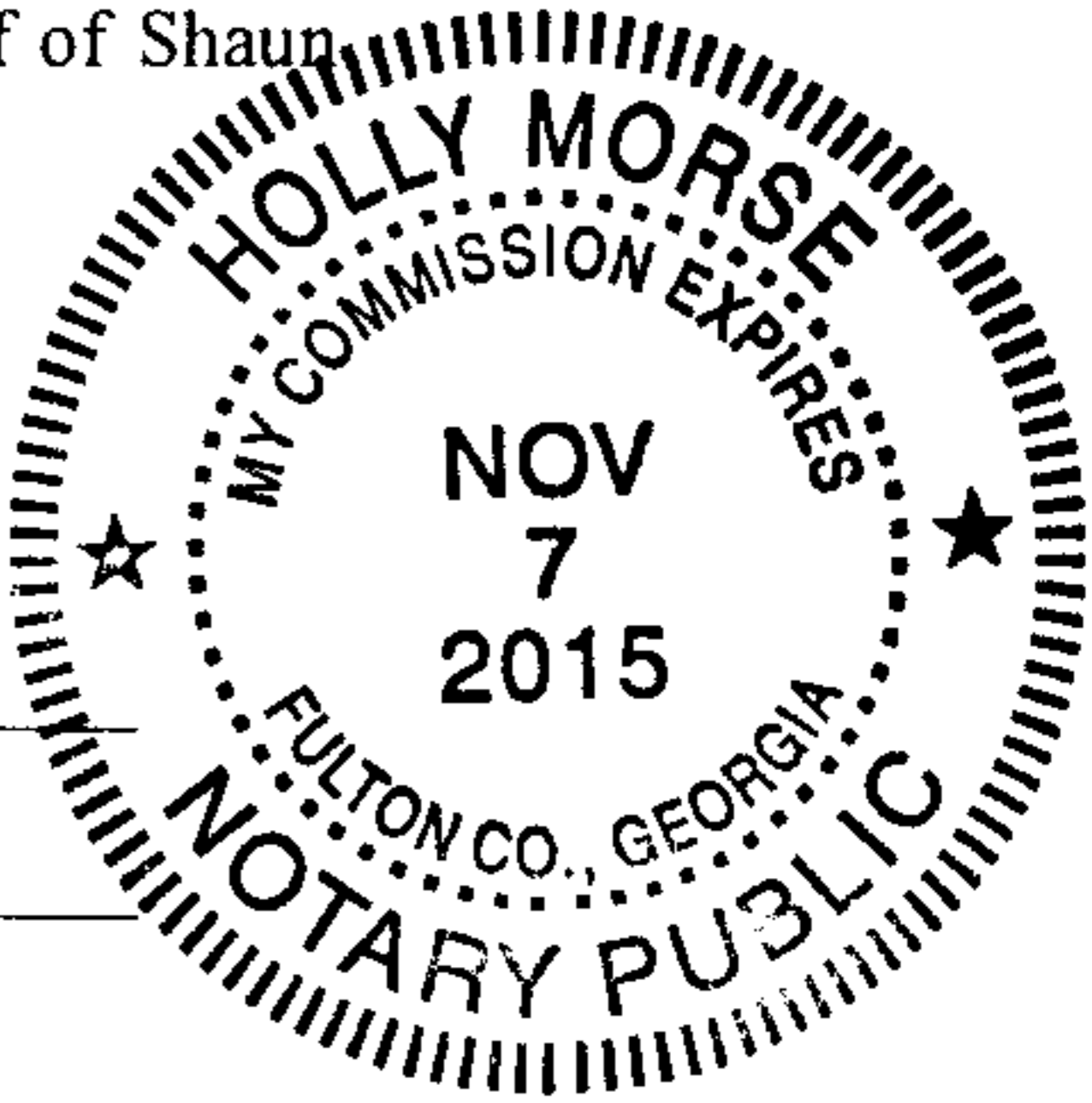
By: 
Koshara Lewis
HUD Delegated Authority

STATE OF GEORGIA
COUNTY OF Fulton

I, undersigned, a Notary Public in and for said County in said State, do hereby certify that Koshara Lewis, who is personally well known to me to be the duly authorized representative of the Secretary of Housing and Urban Development and the person who executed the foregoing instrument bearing the date February 2, 2012 by virtue of the authority vested in him/her by the delegation of authority published at FR-4837-D-57 (July 25, 2005), and acknowledged before me on this day that, being informed of the contents of this conveyance, he/she executed the same voluntarily for and on behalf of Shaun Donovan, Secretary of Housing and Urban Development, on the day and year above stated.

GIVEN under my hand and official seal this 2nd day of February 20 12.


NOTARY PUBLIC
My Commission Expires: _____



THIS INSTRUMENT PREPARED BY: Rick Battaglia, 7088 Sydney Curve, Montgomery, AL 36117