


This Instrument Prepared by:

Ray D. Gibbons, Esq.
Gibbons Graham LLC
100 Corporate Parkway, Suite 125
Birmingham, Alabama 35242


20130305000090540 1/4 \$22.00
Shelby Cnty Judge of Probate, AL
03/05/2013 08:40:33 AM FILED/CERT

Value \$466,500.00 - Taxes are being paid on the mortgage recorded simultaneously herewith

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF SHELBY)

That in consideration of Ten and No/100 Dollars (\$10.00) to the undersigned **PROCTOR HOLDINGS, LLC**, a dissolved Alabama limited liability company, by and through its sole member **DONALD R. PROCTOR** (the "Grantor"), whose address is 101 N. Lake Drive, Birmingham, Alabama 35242, in hand paid by **THORNTON CUSTOM HOMES & REMODELING, INC.**, an Alabama corporation (the "Grantee"), whose address is 5300 Cahaba River Road, Suite 200, Birmingham, Alabama 35243, the receipt of which is hereby acknowledged, Grantor does by these presents, grant, bargain, sell and convey unto Grantee that certain real estate situated in Shelby County, Alabama, and more particularly described on the attached Exhibit "A".

SUBJECT TO exceptions, if any, listed on the attached Exhibit "A".

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

And subject to the foregoing, Grantor does for itself, its successors and assigns, covenant with Grantee, its successors and assigns, that it will warrant and its successors and assigns will warrant and forever defend the right and title to the said premises unto Grantee, its successors and assigns, against the claims of all persons owning, holding, or claiming by, through, or under Grantor, which claims are based upon matters occurring subsequent to Grantor's acquisition of the premises, and prior to the time of delivery of this deed.

* * * * *

IN WITNESS WHEREOF, Grantor has hereto set its signature and seal, this the 20 day of February, 2013.

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PROCTOR HOLDINGS, LLC, a dissolved Alabama limited liability company, by and through **SERVISFIRST BANK**, acting as Attorney-in-Fact for **DONALD R. PROCTOR**, as Sole Member, under Special Power of Attorney dated September 6, 2012

SERVISFIRST BANK, an Alabama Banking Corporation

Attorney-in-Fact for **DONALD R. PROCTOR**

By:

[Signature]
Name: Clark Zinsmeister
Its: Vice President

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Clark Zinsmeister, in his/her capacity as Vice President of **SERVISFIRST BANK**, an Alabama Banking Corporation, acting as Attorney-in-Fact for **DONALD R. PROCTOR** as Sole Member of **PROCTOR HOLDINGS, LLC**, a dissolved Alabama limited liability company, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me that, being informed of the contents of such instrument, (s)he, as such Attorney-in-Fact and with full authority, executed the same voluntarily for and as the act of said banking corporation.

Given under my hand and official seal, this the 20 day of February, 2013.

[SEAL]

[Signature]
Notary Public
My Commission Expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 19, 2016
BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT "A"

Lot 6, according to the Plat of Heatherwood 5th Sector, as recorded in Book 40, Page 128, as amended by that Amended Plat of Heatherwood 5th Sector as recorded in Book 41, Page 86 in the Probate Office of Shelby County, Alabama.

Subject to the following:

1. All taxes for the year 2013 and subsequent years, not yet due and payable.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstances affecting the title that would be disclosed by an accurate and complete survey of the Land.
3. Rights or claims of parties in possession not shown by the public records.
4. Easements, or claims of easements, not shown by the public records.
5. Any lien or right to a lien, for services, labor, or material hereto or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. Any reappraisal, adjustment, and/or escape taxes which may become due by virtue of any action of the Tax Assessor, Tax Collector, or Board of Equalization.
8. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including, but not limited to oil, gas, sand and gravel in, on, and under subject property.
9. Subject to all matters as set forth on the plats recorded in Map Book 40, Page 128; Map Book 41, Page 86; Map Book 8, Page 27; Map Book 8, Page 28; Map Book 9, Page 161; Map Book 9, Page 66; and Map Book 19, Page 158 of the Public Records of Shelby County, Alabama.
10. Covenants, Conditions, Restrictions and Easements, in Declaration of Protective Covenants for Heatherwood Homeowner's Association, Inc. recorded in Instrument #20030411000221790, Instrument #200304111000221760, Instrument #20050104000002410, Instrument Number 20070111000016540, Instrument Number 20070403000151280, Instrument Number 20100204000035140, and Instrument Number 20100615000189470, and as set forth in as set forth in Deed(s) recorded in Book 142, Page 51 and in Book 146, page 237, in the Probate Office of Shelby County, Alabama.
11. Non-Exclusive Assignment of Sign Rights, recorded in Instrument #20030411000221770, in the Probate Office of Shelby County, Alabama.
12. Reservations and rights recorded in Quitclaim Deed recorded as Instrument #20030411000221750, and in Corrected Quitclaim Deed recorded in Instrument #20060307000106860, in the Probate Office of Shelby County, Alabama.
13. Heatherwood Homeowner Association Bylaws, recorded in Instrument #20050329000142990, in the Probate Office of Shelby County, Alabama.
14. Right of Way to Shelby County, recorded in Book 290, Page 552 and Page 243, Page 93 in the Probate Office of Shelby County, Alabama.
15. Easement to USX and South Central Bell Telephone Company recorded in Book 119, Page 887 in the Probate Office of Shelby County, Alabama.
16. Right of Way recorded in Book 318, Page 16 in the Public Records of Shelby County, Alabama.
17. Right of Way granted by United States Steel Corporation to Shelby County, Alabama for public road recorded January 13, 1975 in Official Records Document Number 19750131000004980, in the Public Records of Shelby County, Alabama.
18. Right of Way granted by United States Steel Corporation to Alabama Power Company recorded 2/26/1979 in Official Records Document Number 19790226000023200, , in the Public Records of Shelby County, Alabama.

19. Right of Way granted to South Central Bell Telephone Company recorded October 24, 1980 in Official Records Document Number 198001024000121690, in the Public Records of Shelby County, Alabama.
20. Right of Way granted by United States Steel Corporation to Alabama Power Company recorded in Official Records Book 337, Page 267, in the Public Records of Shelby County, Alabama.
21. Right of Way granted by United States Steel Corporation to Alabama Power Company and recorded in Official Records Book 75, Page 707, in the Public Records of Shelby County, Alabama.
22. Right of Way granted by USX Corporation to South Central Bell recorded in Official Records Book 119, Page 887, in the Public Records of Shelby County, Alabama.
23. Right of Way granted by USX Corporation to Alabama Power Company recorded in Official Records Book 270, Page 91, in the Public Records of Shelby County, Alabama.
24. Easement for Golf Cart Paths and Sign recorded July 25, 2000 in Official Records Instrument 2000-24963 in the Public Records of Shelby County, Alabama.
25. Rights of parties in possession, extension of golf course improvements, public utilities, encroachments, overlaps, and any other matters, not of record, which would be disclosed by an accurate survey and inspection of the premises.
26. Right of Way to Southern Bell Telephone and Telegraph Company recorded in Book 329, Page 423, in the Probate Office of Shelby County, Alabama.
27. Mineral and Mining Rights and rights incident thereto recorded in Instrument #20040323000148620, and Instrument #20049323000148630, in the Probate Office of Shelby County, Alabama.
28. Agreement as recorded in Instrument 20040323000148640, in the Probate Office of Shelby County, Alabama.
29. Domestic Limited Liability Company Articles of Dissolution recorded in Instrument 20111228000392410 on December 28, 2011, in the Probate Office of Shelby County, Alabama.
30. Transfer and Waiver recorded in Instrument 20030411000221780, in the Probate Office of Shelby County, Alabama.
31. Articles of Incorporation of Heather Homeowners Association, Inc. recorded in Book 30, Page 842 and Instrument 20110721000212980 in the Probate Office of Shelby County, Alabama
32. Settlement Agreement recorded in Instrument #20030411000221790, in the Probate Office of Shelby County, Alabama.
33. Any unpaid common or maintenance charges and/or dues to Heatherwood Homeowner's Association against the Land.



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