

This Instrument Prepared By:

Mary P. Thornton
Dominick, Fletcher, Yeilding,
Wood & Lloyd, P.A.
2121 Highland Avenue S.
Birmingham, Alabama 35205

Send Tax Notice To:

David A. Smith
Carla A. Smith
1056 Linkside Drive
Birmingham, Alabama 35242

STATE OF ALABAMA)
COUNTY OF SHELBY)

**WARRANTY DEED
JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

KNOW ALL MEN BY THESE PRESENTS, that in consideration of Two Hundred Ten Thousand Dollars (\$210,000.00) to the undersigned Grantor, Greystone Ridge Partnership, an Alabama General Partnership, the receipt of which is hereby acknowledged, the said Greystone Ridge Partnership ("Grantor"), does by these presents, grant, bargain, sell and convey unto David A. Smith and Carla A. Smith, as joint tenants with right of survivorship ("Grantees"), the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 17-A, according to the survey of Linkside at Greystone as recorded in Map Book 17 page 56 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Together with the nonexclusive easement to use the private roadways, Common Areas and Hugh Daniel Drive, all as more particularly described in the Greystone Residential Declaration of Covenants, Conditions and Restrictions dated November 6, 1990 and recorded in Real 317 page 260 in the Probate Office of Shelby County, Alabama and all amendments thereto.

Subject to: (1) General and special taxes or assessments for 1994 and subsequent years not yet due and payable, including any additional tax due, if any, due to the fact that ad valorem taxes for subject property have been paid under a current use assessment; (2) Building setback line pursuant to the terms of the Declaration of Covenants, Conditions and Restrictions recorded in Real 317 page 260, as amended and in Map Book 17 page 56; (3) Public utility easements as shown by recorded plat, including 15 feet on the Easterly; 10 foot fence maintenance easement on the Southerly and 7.5 foot sanitary sewer on Westerly; 7.5 foot storm drainage easement on the Northeasterly sides and 10 feet through lot; (4) Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed 186 page 223, Deed 239 page 214 and Deed 109 page 505 in Probate Office; (5) 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 Deed Book 4 page 495; Deed 60 page 260 and Deed 121 page 294 in Probate Office; (6) Restrictions, covenants, conditions and building setback lines as set out in Amended and Restated Restrictive Covenants recorded in Real 265 page 96 in Probate Office; (7) Rights of others to use of Hugh Daniel Drive, as described in instrument recorded in Deed Book 301 Page 799 in Probate Office; (8) Covenant and Agreement for Water Service as set out in instrument between Dantract and Shelby County, as set out in Real 235 Page 574 and amended by agreement as set out as Instrument #1993-20840 in Probate Office; (9) Greystone Residential Declaration of Covenants, Conditions and

\$168,000.00 of the purchase price
recited above was paid from the mortgage
loan closed simultaneously herewith.

12/02/1993-38368
10:58 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCD 53.00

Inst # 1993-38368

Restrictions, as set out in instrument recorded in Real 317 page 260, amended by Affidavit recorded in Real 319 page 235, and further amended by 1st Amendment to Greystone Residential Declaration of Covenants, Conditions and Restrictions recorded in Real 346 page 942, 2nd Amendment as recorded in Real 378 page 904, 3rd Amendment as recorded in Real 397 page 958, 4th Amendment as recorded as Instrument #1992-17890 and 5th Amendment as recorded as Instrument #1993-3123 and further amended by 6th Amendment recorded as Instrument #1993-10163 and 7th Amendment as recorded as Instrument #1993-16982 and 8th Amendment as recorded as Instrument #1993-20968 in Probate Office; (10) Agreement between Daniel Oak Mountain Limited Partnership and Shelby Cable, Inc. recorded in Real 350 page 545 in Probate Office; (11) Underground easement to Alabama Power Company recorded in Deed 305 page 637 in Probate Office.

TO HAVE AND TO HOLD, to the said Grantees as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

And said Grantor does for itself, its successors and assigns, covenant with said Grantees, their heirs and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances except as set out 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 said Grantees, their heirs and assigns forever, against the lawful claims of all persons for those acts done or suffered by Grantor.

IN WITNESS WHEREOF, the said Greystone Ridge Partnership, an Alabama General Partnership, by its Manager, Gary R. Dent, who is authorized to execute this conveyance, has hereto set his signature and seal, this the 24th day of November, 1993.

GREYSTONE RIDGE PARTNERSHIP, AN ALABAMA
GENERAL PARTNERSHIP

By: GARY R. DENT

Gary R. Dent

As Manager of the Partnership

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Gary R. Dent, whose name as Manager of the Partnership of Greystone Ridge Partnership, an Alabama General Partnership, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he, in his capacity as such Manager, executed the same voluntarily on the day the same bears date, and with full authority thereto.

Given under my hand and seal this the 24th day of November, 1993.

Mary P. Thornton
Notary Public

[SEAL]

My commission expires:

5/24/95

Inst # 1993-38368

12/02/1993-38368
10:58 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCD 53.00