

R94-1402

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

Inst # 1994-1555D

This Instrument was prepared by:

SEND TAX NOTICE TO:

R. Shan Paden  
PADEN & HARRIS  
Attorneys at Law  
100 Concourse Parkway, Suite 130  
Birmingham, Alabama 35244

BEN C. FRANKLIN  
118 NOLEN LANE  
ALABASTER, AL 35007

STATE OF ALABAMA)

COUNTY OF SHELBY)

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

**WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of ONE HUNDRED FORTY TWO THOUSAND FIVE HUNDRED and 00/100 (\$142,500.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, J. J. NOLEN and RUBY LEE NOLEN, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto BEN C. FRANKLIN and JANE B. FRANKLIN, HUSBAND AND WIFE, (herein referred to as GRANTEES, as joint tenants, with right of survivorship, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 17, TOWNSHIP 21 SOUTH, RANGE 2 WEST, DESCRIBED AS FOLLOWS:  
COMMENCE AT THE NW CORNER OF THE SW 1/4 OF SECTION 17 GO SOUTH 43 DEGREES 45 MIN. 00 SEC. EAST FOR 29.00 FEET THENCE SOUTH 01 DEG. 20 MIN. 00 SEC. EAST FOR 245.30 FEET; THENCE SOUTH 44 DEG. 55 MIN. 24 SEC. EAST FOR 452.42 FEET; THENCE NORTH 78 DEGREES 38 MIN. 38 SEC. EAST FOR 127.20 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 18 DEGREES 28 MIN. 42 SEC. EAST FOR 260.06 FEET; THENCE NORTH 79 DEGREES 36 MIN. 54 SEC. EAST FOR 106.45 FEET; THENCE NORTH 06 DEG. 49 MIN. 28 SEC. WEST FOR 111.08 FEET THENCE NORTH 04 DEG. 57 MIN. 51 SEC. WEST FOR 144.61 FEET; THENCE NORTH 85 DEG. 40 MIN. 51 SEC. WEST FOR 43.71 FEET; THENCE SOUTH 84 DEG. 56 MIN. 39 SEC. WEST FOR 52.44 FEET; THENCE SOUTH 81 DEG. 07 MIN. 55 SEC. WEST FOR 71.32 FEET; THENCE SOUTH 18 DEG. 28 MIN. 42 SEC. WEST FOR 15.37 FEET TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

**SUBJECT TO:**

- 1.) Subject to the taxes for the year beginning October 1, 1993, which constitute a lien, but are not yet due and payable until October 1, 1994.
- 2.) Transmission Line permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed 217 page 137 and Deed 245 page 94 in Probate Office.
- 3.) 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 126 page 495 in Probate Office.

\$114,000.00 of the consideration hereon was derived from a mortgage closed simultaneously herewith.

05/13/1994-15550  
08:51 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 40.50

TO HAVE AND TO HOLD Unto 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 I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, his, her, or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTORS, J. J. NOLEN and RUBY LEE NOLEN, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 6th day of May, 1994.

  
J. J. NOLEN

  
RUBY LEE NOLEN

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that J. J. NOLEN and RUBY LEE NOLEN, HUSBAND AND WIFE, whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 6th day of May, 1994.

  
Notary Public

My commission expires: 7/16/94

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