

17-2768

Inst # 1997-11891

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

SEND TAX NOTICE TO:
JOHN D. HARPER, JR
1032 WILLOW CREEK COURT
ALABASTER, AL 35007

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

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 EIGHTEEN THOUSAND FIVE HUNDRED and 00/100 (\$118,500.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, GARY D. DAVIS and KELLY K. DAVIS, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JOHN D. HARPER, JR. and CHRISTINE HARPER, 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:

LOT 26, ACCORDING TO THE MAP OF WILLOW CREEK - PHASE TWO, AS RECORDED IN MAP BOOK 9, PAGE 102 A & B, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Subject to the taxes for the year beginning October 1, 1996 which constitutes a lien but are not yet due and payable until October 1, 1997.
 2. 35 foot building line from Willow Creek Court and from Shelby County Highway No. 64 and a 5 foot utility easement along the Westerly lot line, as shown on recorded map.
 3. Restrictions appearing of record in Book 126, Page 363.
 4. Easement as reserved in Deed Book 308, Page 136.
 5. Right of way in favor of Alabama Power Company and South Central Bell Telephone Company by instrument(s) recorded in Book 50, Page 252.
- Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges, immunities and release of damages relating thereto as recorded in Deed Book 308, Page 136.

\$118,450.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

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

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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, GARY D. DAVIS and KELLY K. DAVIS, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 11th day of April, 1997.


GARY D. DAVIS

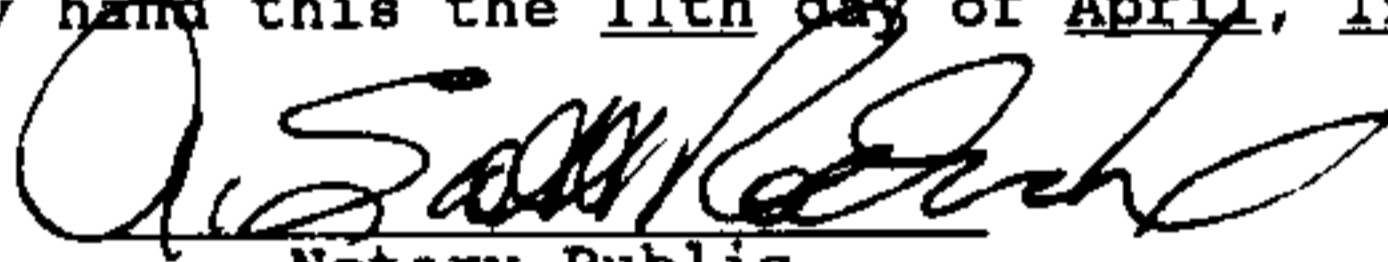

KELLY K. DAVIS

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that GARY D. DAVIS and KELLY K. DAVIS, 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 11th day of April, 1997.


Notary Public

My commission expires: 5-20-00

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