

Inst # 1997-33064

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

SEND TAX NOTICE TO:

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

DEWAYNE B. SMITH
913 JACKSON CIRCLE
HELENA, AL 35080

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 TWENTY EIGHT THOUSAND FIVE HUNDRED and 00/100 (\$128,500.00) DOLLARS to the undersigned grantor, BUILD-ALL CONSTRUCTION, INC. in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto DEWAYNE B. SMITH and MARY SMITH, HUSBAND AND WIFE, and SAMMIE L. MOORE AND MARGARET MOORE, 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 48, ACCORDING TO THE SURVEY OF ST. CHARLES PLACE, PHASE TWO, SECTOR 7, AS RECORDED IN MAP BOOK 22, PAGE 45, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Subject to the taxes for the year beginning October 1, 1997 which constitutes a lien but are not yet due and payable until October 1, 1998.
2. 20 foot building line as shown on recorded map.
3. Restrictions as shown on recorded map.
4. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto as recorded in Inst. #1996-36801.
5. Right-of-way granted to Alabama Power Company recorded in Volume 133, Page 55, Volume 130, page 166 and Volume 138, page 217.

\$119,632.00 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 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 the said GRANTEES, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises;

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that they are free from all encumbrances, unless otherwise noted 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, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, BUILD-ALL CONSTRUCTION, INC., by its PRESIDENT, BILLY GOSSETT who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 2nd day of October, 1997.

BUILD-ALL CONSTRUCTION, INC.

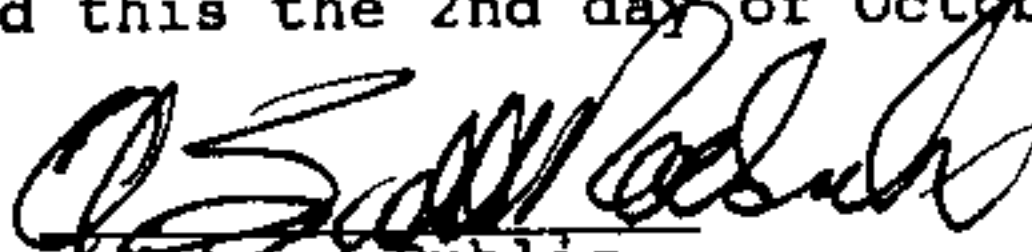
By: 
BILLY GOSSETT, PRESIDENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that BILLY GOSSETT, whose name as PRESIDENT of BUILD-ALL CONSTRUCTION, INC., a corporation, 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 or she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the 2nd day of October, 1997.


Notary Public

My commission expires: 5-20-00

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