

Inst # 1997-38080

(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

JAMES M. SCHENK  
5407 TREE CROSSINGS PKWY  
HOOVER, AL 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 SIX HUNDRED THIRTY THOUSAND and 00/100 (\$630,000.00) DOLLARS to the undersigned grantor, M. BYROM CORPORATION 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 JAMES M. SCHENK and SUSAN S. SCHENK, 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 47, ACCORDING TO THE SURVEY OF GREYSTONE 8TH SECTOR, AS RECORDED IN MAP BOOK 20, PAGE 93 A & B, IN THE PROBATE OFFICE OF 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 VOLUME 317, PAGE 260, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Taxes for the year beginning on October 1, 1997 which constitutes a lien but are not yet due and payable until October 1, 1998.
2. Restrictions, covenants, conditions and release from damages as set out in Instrument No. 1995-36096.
3. Restrictions as shown on recorded map.
4. Declaration of Protective Covenants in Book 317, page 260 and amended in Book 319, page 235 and Instrument #1995-34231.
5. Reciprocal Easement Agreement in Book 312, page 274 and amended in Book 317, page 253.
6. Covenants and Agreements for water service in Book 235, page 574.
7. Notice to the insured is hereby given that the recorded subdivision map as recorded in Map Book 20, page 93 A & B, contains on the face of same a statement pertaining to natural lime sink holes.
8. 10 foot easement along rear lot line, as shown on recorded map.

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9. Release of damages, covenants and restrictions as set out in deed recorded in Instrument #1995-36096.

\$500,000.00 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; 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, M. BYROM CORPORATION, by its PRESIDENT, MARTY BYROM who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 17th day of November, 1997.

M. BYROM CORPORATION

By: Marty Byrom  
MARTY BYROM, 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 MARTY BYROM, whose name as PRESIDENT of M. BYROM CORPORATION, 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 17th day of November, 1997.

Robert S. Ford  
Notary Public

My commission expires: 7/16/98

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