

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

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

SEND TAX NOTICE TO:

MICHAEL T. TOLBERT
169 GLEN ABBEY WAY
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 EIGHTY FOUR THOUSAND and 00/100 (\$184,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEEES herein, the receipt of which is acknowledged, we, MARTIN E. DONEGAN, JR. and TRACY L. DONEGAN, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto MICHAEL T. TOLBERT and CONNIE D. TOLBERT, HUSBAND AND WIFE, (herein referred to as GRANTEEES, as joint tenants, with right of survivorship, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 71, ACCORDING TO THE SURVEY OF WEATHERLY, GLEN ABBEY, SECTOR 12, PHASE 3, AS RECORDED IN MAP BOOK 19 PAGE 155 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1997 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 1998.
2. BUILDING SETBACK LINE OF 30 FEET RESERVED FROM GLEN ABBEY WAY AS SHOWN BY PLAT.
3. PUBLIC EASEMENTS AS SHOWN BY RECORDED PLAT, INCLUDING A 10 FOOT EASEMENT ON THE SOUTHERLY SIDE OF LOT.
4. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) RECORDED IN INST. NO. 1995-12193 IN PROBATE OFFICE.
5. TRANSMISSION LINE PERMIT(S) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT(S) RECORDED IN DEED BOOK 127 PAGE 410 AND DEED BOOK 194 PAGE 30 IN PROBATE OFFICE.
6. MINERALS AND MINING RIGHTS EXCEPTED, TOGETHER WITH PRIVILEGES AND IMMUNITIES RELATING THERETO, TOGETHER WITH ANY RELEASE OF LIABILITY FOR INJURY OR DAMAGE TO PERSONS OR PROPERTY AS A RESULT OF THE EXERCISE OF SUCH RIGHTS AS RECORDED AS INST. NO. 1994-24487 IN THE PROBATE OFFICE.
7. AGREEMENT FOR WATER LINE EASEMENT SET OUT IN INST. NO. 1992-14698 IN PROBATE OFFICE.
8. AGREEMENT FOR INGRESS AND EGRESS AS SET OUT IN DEED BOOK 289 PAGE 858 IN THE PROBATE OFFICE.

06/11/1998-21641
09:18 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DOR MCD 29.50

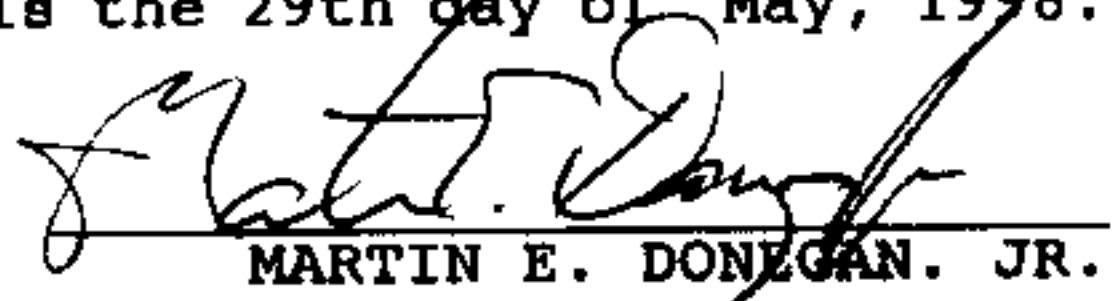
9. RESTRICTIONS, LIMITATIONS AND CONDITIONS AS SET OUT IN MAP BOOK 19 PAGE 155.

\$165,600.00 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 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, MARTIN E. DONEGAN. JR. and TRACY L. DONEGAN, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 29th day of May, 1998.


MARTIN E. DONEGAN. JR.


TRACY L. DONEGAN

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that MARTIN E. DONEGAN. JR. and TRACY L. DONEGAN, 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 29th day of May, 1998.


Notary Public

My commission expires: 2-17-2000

Inst # 1998-21641

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