

This instrument was prepared by: Clayton T. Sweeney, Attorney 2700 Highway 280 East, Suite 160 Birmingham, AL 35223

Send Tax Notice To: Tia M. Kennedy and John E. Kennedy 264 Highland View Drive Birmingham, Alabama 35242

| STATE OF ALABAMA |) |
|------------------|---|
| | • |
| | • |

STATUTORY JOINT SURVIVORSHIP DEED

COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of Eight Hundred Eighty Thousand Two Hundred Fifty and 00/100 (\$880,250.00), and other good and valuable consideration, this day in hand paid to the undersigned J.E. Pate Development Co., Inc., an Alabama corporation (hereinafter referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES, Tia M. Kennedy and John E. Kennedy, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of Shelby, State of Alabama, to-wit:

Lot 610, according to the Amended Map of Highland Lakes, 6th Sector, an Eddleman Community, as recorded in Map Book 23, Page 153 A & B, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Together with nonexclusive easement to use the private roadways, Common Area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 and amended in Inst. #1996-17543 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 6th Sector, recorded as Instrument No. 1998-12385 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration"). Mineral and mining rights excepted.

Subject To:

Ad valorem taxes for 2006 and subsequent years not yet due and payable until October 1, 2006. Existing covenants and restrictions, easements, building lines and limitations of record.

\$836,200.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

IN WITNESS WHEREOF, said GRANTOR has hereunto set its hand and seal this the 23rd day of January, 2006.

J.E. Pate Development Cø., Inc.

Jackie E. Pate, President

Shelby County: AL 01/26/2006 State of Alabama

Deed Tax: \$44.50

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Jackie E. Pate, whose name as President of J.E. Pate Development Co., Inc., an Alabama corporation, is signed to the foregoing Instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the Instrument, he as such Officer and with full authority, signed the same voluntarily for and as the act of said corporation.

IN WITHESS WHEREOF, I have hereunto set my hand and seal this the 23rd day of January, 2006.

NOTARY PUBLIC

My Commission Expires:

NOTARY