

THIS INSTRUMENT PREPARED BY:  
R. Timothy Estes, Esq.  
Estes, Sanders & Williams, LLC  
3800 Colonnade Parkway, Suite 330  
Birmingham, Alabama 35243

20081006000393550 1/1 \$13.50  
Shelby Cnty Judge of Probate, AL  
10/06/2008 09:31:32AM FILED/CERT

SEND TAX NOTICE TO:  
Robert Lee Smith  
2037 Kensington Court  
Calera, AL 35040

## STATUTORY WARRANTY DEED Joint Tenants with Rights of Survivorship

STATE OF ALABAMA )

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF SHELBY )

That in consideration of **One Hundred Sixty-Four Thousand Eight Hundred Eight and 00/100 Dollars (\$164,808.00)** and other good and valuable consideration paid in hand by the GRANTEES herein to the undersigned GRANTOR, the receipt and sufficiency whereof are acknowledged,

**D.R. Horton, Inc. - Birmingham**

(herein referred to as GRANTORS, whether one or more) does, grant, bargain, sell and convey unto

**Robert Lee Smith and Brenda Pugh Smith**

(herein referred to as GRANTEE, whether one or more), all of its right, title and interest in and to that certain real estate situated in SHELBY County, Alabama, to-wit:

**Lot 23, according to the Survey of Kensington Place, Phase I, Sector I, as recorded in Map Book 37, page 147, in the Probate Office of Shelby County, Alabama.**

Mineral and mining rights excepted. Subject to current taxes, easements and restrictions of record.

\$162,260.00 of the consideration was paid from a mortgage loan closed simultaneously herewith.

**TO HAVE AND TO HOLD**, unto the said GRANTEE 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.

Grantor makes no warranty or covenant respecting the nature of the quality of the title to the property hereby conveyed other than that the Grantor has neither permitted or suffered any lien, encumbrance or adverse claim to the property described herein since the date of acquisition thereof by the Grantor.

**IN WITNESS WHEREOF**, the said GRANTOR by its Assistant Secretary who is authorized to execute this conveyance, hereto set his/her signature and seal this the 26th day of September, 2008.

D. R. HORTON, INC. - BIRMINGHAM

*Brenda L. Wilson*

BY *Brenda L. Wilson*  
ITS: Assistant Secretary

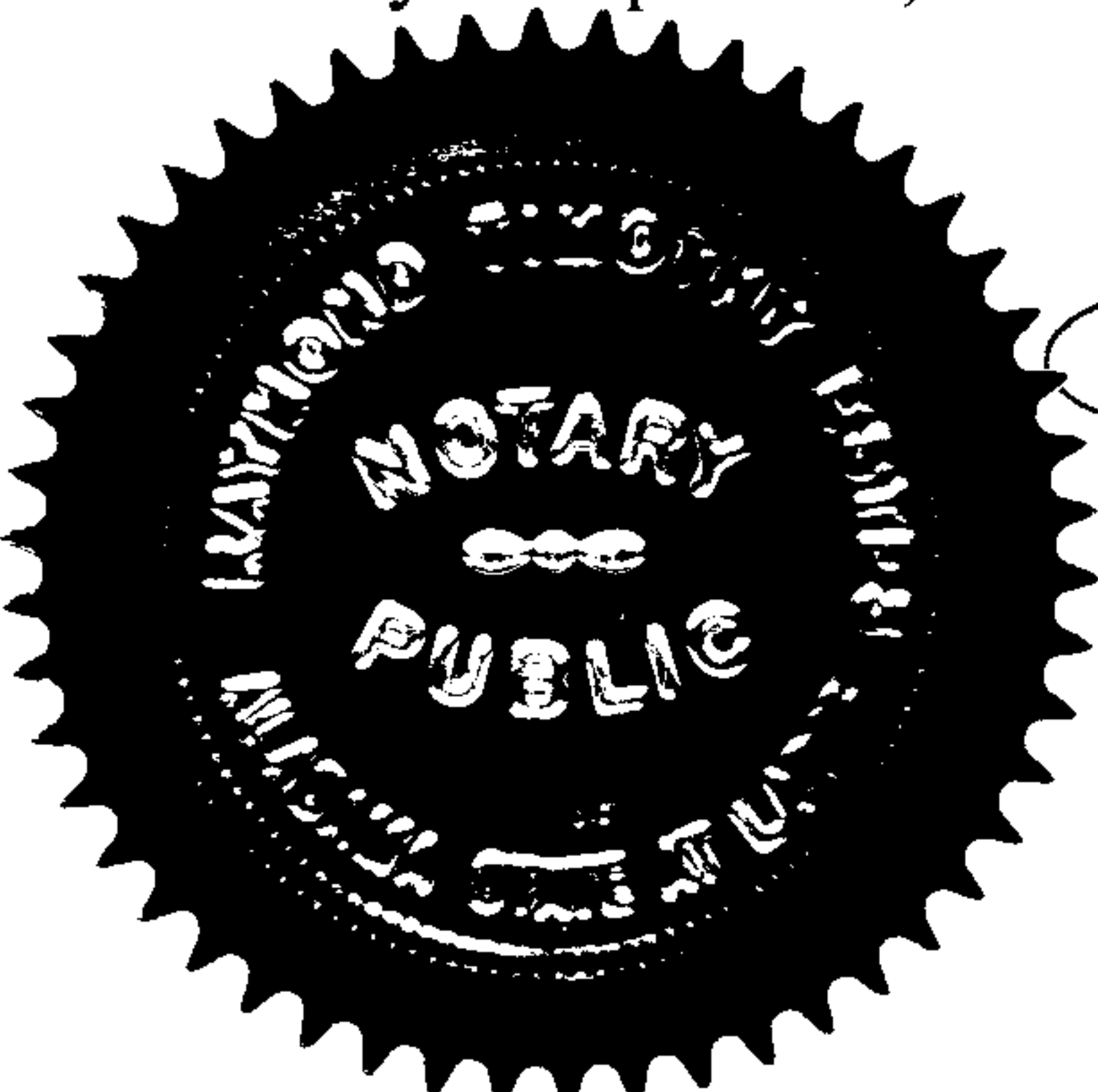
STATE OF ALABAMA )

COUNTY OF JEFFERSON )

Shelby County, AL 10/06/2008  
State of Alabama

Deed Tax: \$2.50

I, R. Timothy Estes, the undersigned, a Notary Public in and for said County in said State, hereby certify that *Brenda L. Wilson* whose name as Assistant Secretary of D.R. HORTON, INC. - BIRMINGHAM 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, as such officer and with full authority, executed the same voluntarily on the day the same bears date. Given under my hand and official seal, the 26th day of September, 2008.



*R. Timothy Estes*

Notary Public - R. Timothy Estes  
My Commission Expires: July 11, 2011