

R94-1429

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

Inst # 1994-17839

This Instrument was prepared by:

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SEND TAX NOTICE TO:

DAVID H. EMERSON
2335 RIDGE TRAIL
BIRMINGHAM, AL 35242

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of TWO HUNDRED SEVENTY ONE THOUSAND NINE HUNDRED and 00/100 (\$271,900.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, I, JIMMY F. DAVISTON, A MARRIED MAN (herein referred to as GRANTORS) do grant, bargain, sell and convey unto DAVID H. EMERSON, AND WIFE ELIZABETH C. EMERSON, (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 33, ACCORDING TO THE SURVEY OF THE RIDGE AT MEADOWBROOKE, FIRST SECTOR, AS RECORDED IN MAP BOOK 14 PAGE 41 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Subject to the taxes for the year beginning October 1, 1993 which constitutes a lien but are not due and payable until October 1, 1994.
2. Building setback line of 20 feet reserved from Ridge Trail as shown by plat.
3. Public easements as shown by recorded plat, including 10 feet on the Southerly side of lot.
4. Restrictions, covenants and conditions as set out in instrument(s) recorded in Real 289 page 700 and Map Book 14 page 41 in Probate Office.
5. Easement(s) to Alabama Power Company as shown by instrument recorded in Deed 285 page 805 in Probate Office.
6. Agreement with Alabama Power Company as to underground cables recorded in Misc. Book 48 page 880 and covenants pertaining thereto recorded in Real 306 page 131 in Probate Office.
7. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Deed 42 page 246 and Deed 32 page 48 in Probate Office.
8. Covenant releasing predecessor in title from any liability arising from sinkholes, limestone formations, soil conditions or any other known or unknown surface or subsurface conditions that may now or hereafter exist or occur or cause damage to subject property, as shown by instrument recorded in Map Book

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002 MCD 159.00

14 page 41 in Probate Office; the policy will insure that any violation of this covenant will not result in a forfeiture or reversion of title.

THIS PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR, NOR HIS SPOUSE.

\$125,000.00 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 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, JIMMY F. DAVISTON, have hereunto set his, her or their signature(s) and seal(s), this the 20th day of May, 1994.


JIMMY F. DAVISTON

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JIMMY F. DAVISTON, 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 20th day of May, 1994.


Notary Public

My commission expires: 7/16/94

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