

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

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

SEND TAX NOTICE TO:

DAVID E. CAROTHERS
933 TULIP POPLAR
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 ONE HUNDRED SIXTY SEVEN THOUSAND and 00/100 (\$167,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEEES herein, the receipt of which is acknowledged, we, AUGUSTO C. IBAY and EVELYN G. IBAY, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto DAVID E. CAROTHERS and KAREN R. CAROTHERS, 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 1108, ACCORDING TO THE SURVEY OF RIVERCHASE COUNTRY CLUB, 18TH ADDITION, AS SHOWN BY MAP BOOK 9, PAGE 86, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Subject to the taxes for the year beginning October 1, 1993 which constitute a lien but are not due and payable until October 1, 1994.
2. 25 foot building line from Tulip Poplar Lane; 10 foot easement along North and West lot line; as shown on recorded map.
3. Restrictions appearing of record in Real 37, page 391; Misc. Book 14, page 536' and Misc. Book 17, Page 550.
4. Terms, agreement and rights of way to Alabama Power, as recorded in Book 38, Page 773.
5. Right of Way granted to Alabama Power Company, as recorded in Book 40, page 214.
6. Agreement for underground residential distribution in favor of Alabama Power Company as recorded in Real Volume 41, page 201.
7. Title to all minerals within and underlying the premises, together with any release of liability for injury or damage to persons or property as a result of the exercise or such rights as recorded in Volume 127, page 140.

\$133,600.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

TO HAVE AND TO HOLD Unto the said GRANTEEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless

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SHELBY COUNTY JUDGE OF PROBATE
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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, AUGUSTO C. IBAY and EVELYN G. IBAY, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 3rd day of June, 1994.

*Augusto C. Ibay, acting by
and through his attorney in fact, Evelyn
G. Ibay*
AUGUSTO C. IBAY, acting by
and through his attorney in
fact, EVELYN G. IBAY.

Evelyn G. Ibay
EVELYN G. IBAY

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that EVELYN G. IBAY, 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 3rd day of June, 1994.

Robert S. Paul
Notary Public

My commission expires: 7/16/94

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, THE UNDERSIGNED, a Notary Public in and for said State of Alabama at Large, hereby certify that EVELYN G. IBAY, whose name as Attorney in Fact for AUGUSTO C. IBAY, is signed to the foregoing conveyance and who is known to me, acknowledged before me this date that, being informed of the conveyance, she in her capacity as such Attorney in Fact, and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and seal this the 3 day of May, 1994.

Robert S. Paul
Notary Public
Inst # 1994-18650

My Commission Expires: 7/16/94

Jim ASP
06/10/1994-18650
08:56 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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