R95-1842

08/04/1995-21013 09:47 AM CERTIFIED

(RECORDING INFORMATION ON 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:

JAMES W. CARGILE 5528 Double Oak Lane & Birmingham, AL 3524%

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 SEVENTY SEVEN THOUSAND and 00/100 (\$177,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, JIMMY CRAIG CARTER and ZILLAH THOMPSON CARTER, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JAMES W. CARGILE and JEWEL F. CARGILE, HUSBAND AND WIFE, (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 15, in Block 1, according to Cherokee Forest, First Sector Subdivision, as recorded in Map Book 5, page 17, in the Office of the Judge of Probate of Shelby County, Alabama.

## Subject to:

- 1. All Assessments and Ad Valorem Taxes for 1995 are a lien, but are not yet due and payable. PID# 10-8-27-0-001-024
- 2. A 50 ft. building line from Forest View Dr., a 15 ft. easement along the West lot line and a 7.5 ft. easement along the South lot line of subject property as shown by recorded plat.
- 3. Vacation of easement as recorded in Instrument 1994-36830.
- 4. Restrictions as recorded in Deed Book 243 page 25 and amended in Deed Book 263 page 172 and Instrument 1994-36830.
- 5. Right-of-way to Ala. Power Co. as recorded in Deed Book 124 page 484 and Deed Book 243 page 761.

\$141,600.00 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, JIMMY CRAIG CARTER and ZILLAH THOMPSON CARTER, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 31st day of July, 1995.

JIMMY CRAIG CARTER

ZILLAH THOMPSON CARTER

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 CRAIG CARTER and ZILLAH THOMPSON CARTER, 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 31st day of July, 1995.

Notary Public

My commission expires: 2/17/16

Inst # 1995-21013

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