

10/10/1995-28371  
08:37 AM CERTIFIED  
SHENY COUNTY JUDGE OF PROBATE

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

Inst # 1995-28371

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:

GREGORY A. KOWALSKI  
4331 MORNINGSIDE DRIVE  
HELENA, AL 35080

STATE OF ALABAMA)

COUNTY OF SHELBY)

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

**WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of NINETY SEVEN THOUSAND and 00/100 (\$97,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEEs herein, the receipt of which is acknowledged, we, DONALD EUGENE BURGESS and ANITA G. BURGESS, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto GREGORY A. KOWALSKI and SUSAN P. KOWALSKI, 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 18, BLOCK 2, ACCORDING TO THE AMENDED MAP OF PLANTATION SOUTH, FIRST SECTOR, AS RECORDED IN MAP BOOK 7 PAGE 173 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

**SUBJECT TO:**

1. Subject to the taxes for the year beginning October 1, 1995 which constitutes a lien but are not yet due and payable until October 1, 1995.
2. Building setback line of 40 feet reserved from Morningside Drive as shown by plat. Said building line has been violated in that the stoop overlaps said line.
3. Public easements as shown by recorded plat, including a 7.5 foot on the West side and a 5 foot on the South side.
4. Restrictions, covenants and conditions as set out in instrument(s) recorded in Misc. Book 31 page 876 in Probate Office.
5. Right(s)-of-Way(s) granted to South Central Bell Telephone & Telegraph Co. by instrument(s) recorded in Deed Book 325 page 261 in Probate Office.
6. Agreement in regard to Plantation Pipeline Company as set out in Deed Book 317 page 166 in Probate Office.

\$96,444.00 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, DONALD EUGENE BURGESS and ANITA G. BURGESS, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 29th day of September, 1995.

  
DONALD EUGENE BURGESS

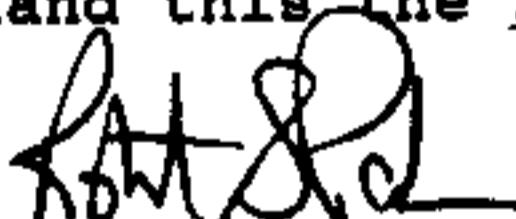
  
ANITA G. BURGESS

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that DONALD EUGENE BURGESS and ANITA G. BURGESS, 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 29th day of September, 1995.

  
Notary Public

My commission expires: 7/16/98

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