

95-1945

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

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PADEN & PADEN  
Attorneys at Law  
100 Concourse Parkway, Suite 130  
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

JAMES G. VARNER  
123 CREDEN PLACE  
ALABASTER, AL 35007

STATE OF ALABAMA)

COUNTY OF SHELBY)

10/10/1995-28377  
08:37 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 25.00

Inst # 1995-28377

**JOINT TENANTS WITH ~~RIGHT~~ OF SURVIVORSHIP**

**WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of ONE HUNDRED THIRTY THREE THOUSAND FIVE HUNDRED AND NO/100 (\$133,500.00) DOLLARS to the undersigned grantor, JOE ROSE HOMEBUILDERS, INC., in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto JAMES G. VARNER and BETTY C. VARNER, 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 307, ACCORDING TO THE SURVEY OF WEATHERLY, CREDENHILL, SECTOR 21, AS RECORDED IN MAP BOOK 20 PAGE 7 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA. MINERAL AND MINING RIGHTS EXCEPTED.

**SUBJECT TO:**

1. Subject to the taxes for the year beginning October 1, 1994 which constitutes a lien but are not yet due and payable until October 1, 1995.
2. Building setback line of 20 feet reserved from Creden Place as shown by plat.
3. Public easements as shown by recorded plat, including a 10 foot easement on the Easterly and Northerly sides of lot.
4. Restrictions, covenants and conditions as set out in instrument(s) recorded in Instrument #1995-15694 in Probate Office.
5. 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 Instrument #1995-15690 in Probate Office.
6. Release of damages as set out in instrument recorded in Instrument #1995-15694 in Probate Office.
7. Non-Exclusive Perpetual Easement for ingress and egress and utilities as set out as Instrument #1995-6002 in Probate Office.
8. Covenant and Agreement for water service and tap fees as set out as Instrument #1995-6003 in Probate Office.

\$119,700.00 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 said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns 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 GRANTOR, JOE ROSE HOMEBUILDERS, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 29th day of September, 1995.

JOE ROSE HOMEBUILDERS, INC.  
By Joe Rose Pres.  
JOE ROSE, PRESIDENT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JOE ROSE, whose name as PRESIDENT of JOE ROSE HOMEBUILDERS, INC., 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, he or she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation:

Given under my hand this the 29TH day of SEPTEMBER, 1995.

Robert S. Rode  
Notary Public

My commission expires: 7/14/98

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