

75-2024

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

Inst # 1995-35198

This Instrument was  
prepared by:

SEND TAX NOTICE TO:

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

ROBERT FRANCIS HEAPHY  
644 PARK FOREST LANE  
ALABASTER, AL 35007

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 TWENTY FIVE THOUSAND and 00/100 (\$125,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, JOHN ARTHUR and KAY ELLEN ARTHUR, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto ROBERT FRANCIS HEAPHY and DONNA HEAPHY, 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 17, ACCORDING TO THE SURVEY OF PARK FOREST SUBDIVISION, FOURTH SECTOR, AS RECORDED IN MAP BOOK 18 PAGE 95 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, 1996.
2. Building setback line of 35 feet reserved from Street as shown by plat.
3. Public easements as shown by recorded plat, including 20 feet along the Westerly side of lot.
4. Restrictions, covenants and conditions as set out in instrument(s) recorded in Instrument #1995-1627 and Instrument #1994-19367 in Probate Office.
5. Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 154 page 423 in Probate Office.
6. 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 Book 319 page 451 and Deed Book 332 page 366 in Probate Office.
7. Restrictions, limitations and conditions as set out in Map Book 18 page 95.

\$128,750.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

12/08/1995-35198  
08:32 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 12.00

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, JOHN ARTHUR and KAY ELLEN ARTHUR, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 17th day of November, 1995.

John Arthur  
JOHN ARTHUR

Kay Ellen Arthur  
KAY ELLEN ARTHUR

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JOHN ARTHUR and KAY ELLEN ARTHUR, 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 17th day of November, 1995.

[Signature]  
Notary Public

My commission expires: 7/16/98

Inst # 1995-35198

12/08/1995-35198  
08:32 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 HCD 12.00