

## (RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

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Attorneys at Law  
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Birmingham, Alabama 35244

SEND TAX NOTICE TO:

STEVEN B. CUTCHER  
130 JASMINE DRIVE  
ALABASTER, AL 35007

STATE OF ALABAMA)  
COUNTY OF SHELBY)

05/02/1996-14412  
02:20 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 SNA 11.50

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

**WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of NINETY SIX THOUSAND FOUR HUNDRED FIFTY and 00/100 (\$96,450.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, VICKIE E. CAPELLEN, A SINGLE PERSON (herein referred to as GRANTORS) do grant, bargain, sell and convey unto STEVEN B. CUTCHER and ELLEN F. CUTCHER, 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 37, ACCORDING TO THE AMENDED MAP OF THE MEADOWS, PLAT I, AS RECORDED IN MAP BOOK 19 PAGE 10 IN THE PROBATE OFFICE OF 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 20 feet reserved from Jasmine Drive as shown by plat.
3. Public easements as shown by recorded plat, including 10 foot easement within building setback, 5 foot on the Westerly side, and 5 foot easement on the Northerly side.
4. Restrictions, covenants and conditions as set out in instrument(s) recorded in Inst. No. 1994-33102 in Probate Office.
5. Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 126 page 172 in Probate Office.
6. Restrictions, limitations and conditions as set out in Map Book 19 page 10.

\$96,115.00 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, VICKIE E. CAPELLEN, A SINGLE PERSON, have hereunto set his, her or their signature(s) and seal(s), this the 19th day of April, 1996.

  
VICKIE E. CAPELLEN

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that VICKIE E. CAPELLEN, A SINGLE PERSON, 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 19th day of April, 1996.

  
Notary Public

My commission expires: 7/16/98

Inst # 1996-14412

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