

R96-2294

(RECORDING INFORMATION ONLY ABOVE 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:

JOHN M. POWERS  
1203 HILLSBORO LANE  
HELENA, ALABAMA 35080

Inst # 1996-15900

STATE OF ALABAMA)

COUNTY OF SHELBY)

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

**WARRANTY DEED**

Know All Men by These Presents: That in consideration of SEVENTY FIVE THOUSAND FIVE HUNDRED DOLLARS and 00/100 (\$75,500.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, LAWRENCE A. KURTZ, A MARRIED MAN (herein referred to as GRANTOR) do grant, bargain, sell and convey unto JOHN M. POWERS AND WIFE, CATHERINE C. POWERS, (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 3, BLOCK 5, ACCORDING TO A RESURVEY OF BLOCK 5 OF A RESURVEY OF BRECKENRIDGE PARK, AS RECORDED IN MAP BOOK 11 PAGE 18, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

**SUBJECT TO:**

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1995 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 1996.
2. PUBLIC EASEMENTS AS SHOWN BY RECORDED PLAT, INCLUDING 10 FOOT EASEMENT ON THE SOUTHERLY SIDE.
3. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) RECORDED IN REAL 45 PAGE 774 IN PROBATE OFFICE.
4. EASEMENT(S) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT RECORDED IN REAL 120 PAGE 497 IN PROBATE OFFICE.
5. AGREEMENT WITH ALABAMA POWER COMPANY AS TO UNDERGROUND CABLES RECORDED IN REAL 69 PAGE 447 AND COVENANTS PERTAINING THERETO RECORDED IN REAL 69 PAGE 450 IN PROBATE OFFICE.
6. RIGHTS OF OWNERS OF PROPERTY ADJOINING PROPERTY IN AND TO THE JOINT OR COMMON RIGHTS IN BUILDING SITUATED ON SAID LOTS, SUCH RIGHTS INCLUDE BUT ARE NOT LIMITED TO ROOF, FOUNDATION, PARTY WALLS, WALKWAY AND ENTRANCE.

THIS PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR, NOR THAT OF HIS SPOUSE.

\$75,460.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

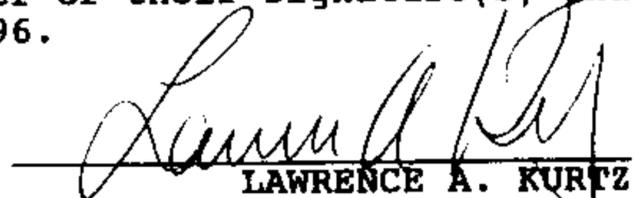
TO HAVE AND TO HOLD Unto the said GRANTEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it

05/15/1996-15900  
03:29 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 NC3 11.50

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, LAWRENCE A. KURTZ, A MARRIED MAN, have hereunto set his, her or their signature(s) and seal(s), this the 3rd day of May, 1996.

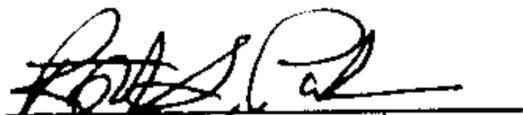
  
LAWRENCE A. KURTZ

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that LAWRENCE A. KURTZ, A MARRIED MAN, 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 3rd day of May, 1996.

  
Notary Public

My commission expires: 7/16/98

Inst # 1996-15900

05/15/1996-15900  
03:29 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 HCB 11.50