

THIS INSTRUMENT PREPARED BY:  
MAYNARD, COOPER & GALE, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, AL 35203

SEND TAX NOTICE TO:  
THOMAS E. FORTENBERRY  
3510 Conestoga Way  
Birmingham, Alabama 35242

**WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

STATE OF ALABAMA  
COUNTY OF SHELBY

**KNOW ALL MEN BY THESE PRESENTS,**

That in consideration of ONE HUNDRED FIFTY THOUSAND AND NO/100 Dollars (\$150,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we, **MARC M. BUTTS and wife, FAYE H. BUTTS** (herein referred to as GRANTORS) do grant, bargain, sell and convey unto **THOMAS E. FORTENBERRY AND JANICE P. GOODGINE** (herein referred to as GRANTEES) as joint tenants, with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 6, Block 4, according to the Map of Applecross, as recorded in Map Book 6, Page 42 A & B, in the Probate Office of Shelby County, Alabama.

**SUBJECT TO:**

1. All taxes due in the year 1996 and thereafter.
2. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Deed Volume 307, Page 473.
3. Restrictions appearing of record in Misc. Book 10, Page 515 and amended in Misc. Book 13, Page 154 and in Misc. Book 17, Page 183.
4. Terms, agreements and right of way to Alabama Power Company recorded in Misc. Book 10, Page 557.
5. Agreement with Alabama Power Company for Underground Residential Distribution as recorded in Misc. Book 10, Page 558.
6. Right of way granted to Alabama Power Company recorded in Deed Book 293, Page 755; Deed Book 291, Page 386; Deed Book 126, Page 343; and Deed Book 109, Page 293.
7. 10 foot easement along the northerly lot line;  
10 foot easement along the westerly lot line;  
10 foot easement along the southerly lot line,  
as shown on the recorded map.

\$ 120,000.00 of the total consideration recited above was paid from the proceeds of a mortgage loan 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.

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SHELBY COUNTY JUDGE OF PROBATE  
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Inst # 1996-29809

And we do for ourselves and for our heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that it is free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24th day of May, 1996.

X Marc M. Butts  
MARC M. BUTTS

X Faye H. Butts  
FAYE H. BUTTS

STATE OF GEORGIA  
COUNTY OF COB

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MARC M. BUTTS and wife, FAYE H. BUTTS, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 24 day of May, 1996.

Anne O. Eastman 5/24/96  
NOTARY PUBLIC

My Commission Expires:

(SEAL)  
ANNE O. EASTMAN, COB COUNTY, GEORGIA  
MY COMMISSION EXPIRES AUGUST 12, 1998

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