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1996-37131

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

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

DARRAL W. KIRBY  
6100 RUSHING PARC LANE  
BIRMINGHAM, AL 35244

STATE OF ALABAMA)  
  
COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of TWO HUNDRED FORTY SIX THOUSAND and 00/100 (\$246,000.00) DOLLARS to the undersigned grantor, CHARLES WILLIAMS CONSTRUCTION CO., 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 DARRAL W. KIRBY and TERRI D. KIRBY, 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 43, ACCORDING TO THE AMENDED MAP OF RUSHING PARC, SECTOR TWO, RECORDED IN MAP BOOK 20, PAGE 33, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Subject to the taxes for the year beginning October 1, 1996 which constitutes a lien but are not yet due and payable until October 1, 1997.
2. Restrictions as shown by recorded map.
3. 50 foot building line as shown by recorded map.
4. 5 foot Utility Easement on Northwest, as shown by recorded map.
5. Declaration of Protective Covenants as recorded in Instrument #1995-16263, in the Probate Office of Shelby County, Alabama.
6. Easement as recorded in Volume 247, Page 772, in the Probate Office of Shelby County, Alabama.

\$186,000.00 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.

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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, CHARLES WILLIAMS CONST. CO., INC., by its VICE PRESIDENT, JASON WILLIAMS who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 31st day of October, 1996.

CHARLES WILLIAMS CONST. CO., INC.

By: Jason Williams  
JASON WILLIAMS, VICE 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 JASON WILLIAMS, whose name as VICE PRESIDENT of CHARLES WILLIAMS CONST. CO., 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 31ST day of OCTOBER, 1996.

Mary Margaret Helpe  
Notary Public

My commission expires: 9/22/2000

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