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12/05/1996-40079  
02:09 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
31.00

Inst # 1996-40079

(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:

DAVID S. HARPER  
640 OLDE TOWNE LANE  
ALABASTER, ALABAMA 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 FIVE HUNDRED and 00/100 (\$125,500.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, CHARLES T. CALVERT and MARTHA P. CALVERT, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto DAVID S. HARPER and NITA KAY HARPER, (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 35, ACCORDING TO THE MAP OF OLDE TOWNE FOREST, AS RECORDED IN MAP BOOK 9, PAGE 133, 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. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges, and immunities relating thereto as recorded in Book 284, Page 718.
3. Restrictions appearing of record in Misc. Book 57, Page 939 and as shown on recorded map.
4. Right of Way in favor of Alabama Power Company and South Central Telephone Company by instrument(s) recorded in Misc. Book 64, Page 972.
5. 35 foot building line from the front lot line; a 50 foot utility easement along the rear lot line and a 7.5 foot utility easement along the Southeasterly lot line, as shown on recorded map.

\$105,500.00 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, CHARLES T. CALVERT and MARTHA P. CALVERT, have hereunto set his, her or their signature(s) and seal(s), this the 27th day of November, 1996.

  
CHARLES T. CALVERT

  
MARTHA P. CALVERT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that CHARLES T. CALVERT and MARTHA P. CALVERT, 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 27th day of November, 1996.

  
Notary Public

My commission expires: 7/16/98

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