

This instrument was prepared by:  
Clayton T. Sweeney, Attorney  
2700 Hwy. 280E, Suite 290E  
Birmingham, AL 35223

SEND TAX NOTICE TO:  
BENJAMIN W. SMITH  
MARYJANE W. SMITH  
1011 New Haven Court  
Birmingham, AL 35242

STATE OF ALABAMA}  
COUNTY OF SHELBY}

Warranty Deed ITWROS

KNOW ALL MEN BY THESE PRESENTS, That in consideration of **TWO HUNDRED SEVENTY-SEVEN THOUSAND DOLLARS AND NO/100's (\$277,000.00)** to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of whereof is acknowledged, I/we **CHARLES L. CLOWERS**, a married man, (herein referred to as grantors, whether one or more) do grant, bargain, sell, and convey unto **BENJAMIN W. SMITH and MARYJANE W. SMITH** (herein referred to as GRANTEES) as joint tenants, with right of survivorship, the following described real estate, situated in SHELBY County, Alabama:

Lot 1110, according to the Survey of Brook Highland, 11th Sector, Phase I, an Eddleman Community, as recorded in Map Book 19, Page 68, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Subject to:

Ad valorem taxes for 1997 and subsequent years not yet due and payable until October 1, 1997. Existing covenants and restrictions, easements, building lines, and limitations of record.

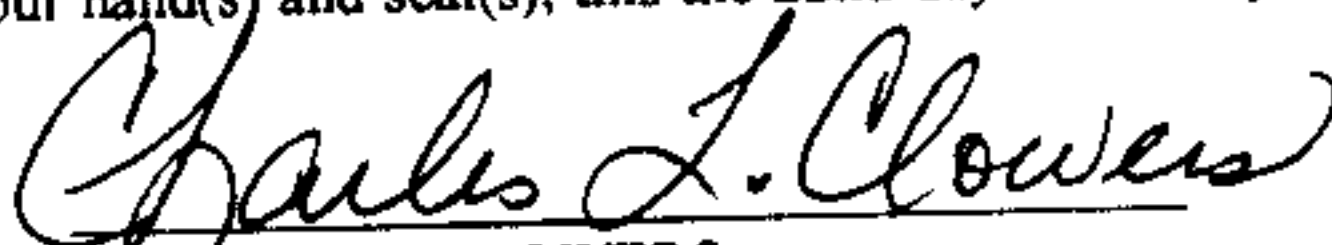
\$232,700.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

The above described property does not constitute the homestead of the grantor nor his spouse.

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 said GRANTEES 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, and that I/we will and my/our heirs, executors, and administrators shall warrant and defend the same to the said GRANTEES, their heirs executors and assigns forever, against the lawful claims of all persons.

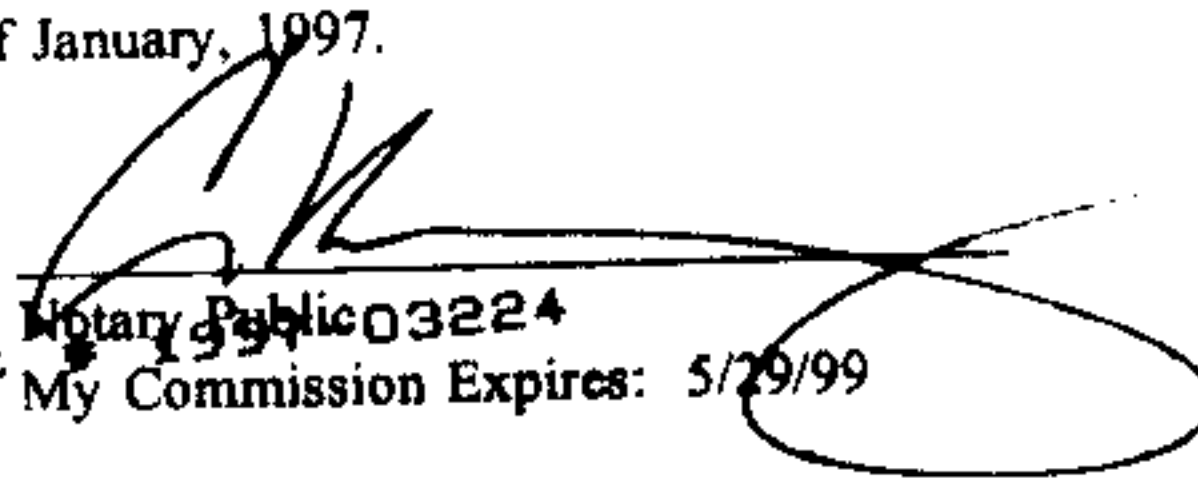
IN WITNESS WHEREOF, I/we have hereto set my/our hand(s) and seal(s), this the 22nd day of January, 1997.

  
CHARLES L. CLOWERS

STATE OF ALABAMA}  
JEFFERSON COUNTY}

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **CHARLES L. CLOWERS**, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22nd day of January, 1997.

Inst.   
Notary Public 03224  
My Commission Expires: 5/29/99

01/31/1997-03224  
09:10 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 MCD 78.00

Inst. # 1997-03224

CLAYTON T. SWEENEY, ATTORNEY