

## (RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

SEND TAX NOTICE TO:

ERIC GANT

R. Shan Paden  
PADEN & PADEN  
Attorneys at Law  
100 Concourse Parkway, Suite 130  
Birmingham, Alabama 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 FIFTEEN THOUSAND and 00/100 (\$15,000.00) DOLLARS to the undersigned GRANTOR, ROY MARTIN CONSTRUCTION, INC., in hand paid by the GRANTEE herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto MISTY MITCHELL, AN UNMARRIED PERSON, and ERIC GAUT, AN UNMARRIED PERSON, (hereinafter referred to as GRANTEE) as joint tenants with right of survivorship, an undivided one-half interest in and to the following described real estate, situated in SHELBY County, Alabama, to-wit:

## PARCEL A:

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 3 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 17 WOODLAND HILLS, 2ND PHASE, 1ST SECTOR, AS RECORDED IN MAP BOOK 6, AT PAGE 138; THENCE SOUTHEAST 300 FEET, MORE OR LESS, TO THE NORTHEAST LINE OF LOTS 1 AND 2 OF WOODLAND HILLS, 1ST PHASE, 5TH SECTOR, AS RECORDED IN MAP BOOK 7, PAGE 152; THENCE 90 DEGREES RIGHT FOR 170 FEET ALONG LOT 1; THENCE 73 DEGREES LEFT FOR 74.55 FEET ALONG LOT 1; THENCE 37 DEGREES RIGHT FOR 73.24 FEET ALONG LOT 2 TO THE SOUTH LINE OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 3 WEST; THENCE WEST 400 FEET, MORE OR LESS, TO THE SOUTHEAST LINE OF WOODLAND HILLS, 2ND PHASE, 1ST SECTOR, AS RECORDED IN MAP BOOK 6, PAGE 138; THENCE NORTHEASTERLY ALONG SAID SUBDIVISION BOUNDARY 465.28 FEET TO THE POINT OF BEGINNING.

## PARCEL B:

BEGIN AT THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 3 WEST AND RUN IN A SOUTHERLY DIRECTION ALONG THE EAST LINE OF SAID SECTION 9 A DISTANCE OF 1324.3 FEET; THENCE 119 DEGREES, 00 MINUTES, 15 SECONDS RIGHT, IN A NORTHWESTERLY, A DISTANCE OF 1558.5 FEET TO THE POINT OF BEGINNING; THENCE 90 DEGREES RIGHT, IN A NORTHERLY DIRECTION A DISTANCE OF 270 FEET; THENCE 47 DEGREES, 49 MINUTES, 55 SECONDS RIGHT, IN A NORTHEASTERLY DIRECTION A DISTANCE OF 186.20 FEET; THENCE 42 DEGREES, 10 MINUTES, 05 SECONDS LEFT, IN A NORTHEASTERLY DIRECTION A DISTANCE OF 134.23 FEET; THENCE 29 DEGREES, 36 MINUTES 41 SECONDS LEFT, IN A NORTHERLY DIRECTION 170 FEET TO THE NORTH LINE OF SAID SECTION 9; THENCE RUN WEST ALONG THE NORTH LINE 380 FEET, MORE OR LESS, TO SOUTHEASTERLY LINE OF WOODLAND HILLS, 2ND PHASE, 1ST SECTOR, AS RECORDED IN MAP BOOK 6, PAGE 138; THENCE RUN SOUTHWESTERLY ALONG SAID SUBDIVISION BOUNDARY FOR 515 FEET, MORE OR LESS; THENCE 90 DEGREES LEFT AND RUN SOUTHEASTERLY 285 FEET TO THE POINT OF BEGINNING.

02/07/1997-03950  
08:48 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCB 13.00

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. Right-of-way granted to Alabama Power Company recorded in Volume 107, page 526.
3. Right-of-way granted to Shelby County, Alabama as recorded in Volume 154, page 496.
4. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto.

\$13,000.00 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.

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, ROY MARTIN CONSTRUCTION, INC., by its PRESIDENT, ROY L. MARTIN, who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 30th day of January, 1997.

ROY MARTIN CONSTRUCTION, INC.

By:

Roy L. Martin  
ROY L. MARTIN, 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 ROY L. MARTIN, whose name as PRESIDENT of ROY MARTIN CONSTRUCTION, 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 30th day of January, 1997.

Dwanda H. Clayton  
Notary Public

Inst # 1997-03950

My commission expires: 4/27/97

02/07/1997-03950  
08:48 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 13.00