

WARRANTY DEED

STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of ONE HUNDRED TEN THOUSAND AND NO/100 (110,000.00), and other valuable considerations, to the undersigned grantor(s), Barry C. Dean and Wife, Wendy Dean, in hand paid by Arthur Loyd Nesmith, Jr., Caneil D. Nesmith and Joyce L. Nesmith, the receipt whereof is acknowledged, we, the said Barry C. Dean and Wife, Wendy Dean, do grant, bargain, sell and convey unto the said Arthur Loyd Nesmith, Jr., Caneil D. Nesmith and Joyce L. Nesmith as successive joint tenants, with right of survivorship as hereinafter set out, the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 13, Block 1, Cahaba Valley Estates, Second Sector, as recorded in Map Book 5, page 93, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Less and except any portion of subject property lying within creek.

Subject to taxes for 1997.

Subject to building setback line of 30 feet reserved from Frontier Drive as shown by plat.

Subject to easements as shown by recorded plat, including a 7.5 foot easement on the Southerly side of lot; a 10 foot easement on the Northerly side of lot; a 20 foot easement on the Northerly side of lot and a 20 foot easement on the Northeasterly side of lot.

Subject to restrictions, covenants and conditions as set out in instrument(s) recorded in Misc. Book 1 page 176 in Probate Office.

Subject to right(s)-of-way(s) granted to South Central bell by instrument(s) recorded in Deed Book 274 page 316 in Probate Office.

Subject to easement(s) to City of Pelham as shown by instrument recorded in Real 92 page 428 and superseded by Real 143 page 310 in Probate Office.

Subject to riparian rights, if any, in and to the use of Creek.

Subject to restrictions, limitations and conditions as set out in Map Book 5 page 93.

\$ 104,500.00 of the purchase price was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD Unto the said Arthur Loyd Nesmith, Jr., Caneil D. Nesmith and Joyce L. Nesmith, as joint tenants, with the right of survivorship, successively, 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), upon the death of any one of said grantees the entire interest in said property shall vest in the two survivors, as joint tenants, with right of survivorship, and that upon the death of either of the said two survivors, the said property shall vest in the survivor of them and that the entire interest in fee

07/09/1997-21480
10:39 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 HEL 17.50

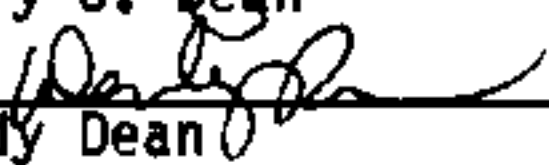
Inst # 1997-21480

Warranty Deed
Page 2

simple shall pass to and vest in the last surviving grantees herein named, but if neither grantee named survives the other or others, such as in case of death in a common accident, then the heirs and assigns of the grantees herein shall take as tenants in common.

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 they are free from all encumbrances, except above named, that we have a good right to sell and convey the same as aforesaid; that we will, 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 on this 27th day of June, 1997.


Barry C. Dean

Wendy Dean

STATE OF ALABAMA
JEFFERSON COUNTY

I, Larry L. Halcomb, a Notary public in and for said County, in said State, hereby certify that Barry C. Dean and Wife, Wendy, Dean, 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 27th day of June, 1997.


Larry L. Halcomb
NOTARY PUBLIC
My Commission Expires: 1/23/98

Inst # 1997-21480

07/09/1997-21480
10:39 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MEL 17.50