

(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

JOE E. FREY
443 CAMBRIAN RIDGE TRAIL
PELHAM, AL 35124

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of NINETY FOUR THOUSAND ONE HUNDRED and 00/100 (\$94,100.00) DOLLARS to the undersigned grantor, B & S LAND AND DEVELOPMENT, 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 JOE E. FREY, AN UNMARRIED PERSON and ROBYN L. GARNER, AN UNMARRIED PERSON, (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 63, ACCORDING TO THE SURVEY OF CAMBRIAN RIDGE, PHASE 3, AS RECORDED IN MAP BOOK 21, PAGE 147, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. Taxes for the year beginning October 1, 1997 which constitutes a lien but are not yet due and payable until October 1, 1997.
2. Transmission line permits to Alabama Power Company as recorded in Deed Book 141, page 596, in Probate Office.
3. Restrictive covenants as recorded in Instrument #1996-40563, in Probate Office.
4. 15-foot building set back line from Cambrian Ridge Trail as shown on recorded map.
5. 15-foot utility easement over the Southeast side of said lot as shown on recorded map.
6. Title to minerals underlying caption lands with mining rights and privileges belonging thereto, as reserved in Real Record 168, page 985, in Probate Office.

\$93,320.00 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, B & S LAND AND DEVELOPMENT, INC., by its PRESIDENT, ALVA BATTLE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 1st day of August, 1997.

B & S LAND AND DEVELOPMENT, INC.

By: Alva Battle
ALVA BATTLE, 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 ALVA BATTLE, whose name as PRESIDENT of B & S LAND AND DEVELOPMENT, 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 1st day of August, 1997.

Mary Margarette
Notary Public

My commission expires: 8/22/2000

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