

STATE OF ALABAMA

SHELBY COUNTY

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**STATUTORY WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS that in consideration of **One Hundred Seventy Thousand Eight Hundred & NO/100 Dollars (\$170,800.00)** to the undersigned grantor, in hand paid by the grantee herein, and other good and valuable consideration, the receipt whereof is acknowledged, **D.R. Horton, Inc.-Birmingham** (herein referred to as "Grantor"), grants, bargains, sells and conveys unto **W. Blaine Tharpe, Jr. and Kimberley S. Tharpe** (herein referred to as "Grantees"), as joint tenants, with right of survivorship, the following described real estate situated Shelby County, Alabama to wit:

Lot 27, according to the Survey of Calumet Meadow as recorded in Map Book 21, Page 112 in the Probate Office of Shelby County, Alabama.

**SUBJECT TO AND EXCEPT FOR:**

1. 1997 Ad Valorem Taxes.
2. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto not owned by the Grantor.
3. 20 foot building line South and 35 foot building line West as shown by recorded map.
4. 10 foot easement North, 10 foot undisturbed buffer West and 15 foot easement crossing lot on the West as shown by recorded map.
5. Restrictions as shown by recorded map.
6. Declaration of Protective Covenants recorded in Instrument No. 1996-30329 in the Probate Office of Shelby County, Alabama.
7. Right of way granted to Alabama Power Company recorded in Volume 109, Page 502 in the Probate Office of Shelby County, Alabama.
8. Right of way to Shelby County, Alabama recorded in Volume 135, Page 126 in the Probate Office of Shelby County, Alabama.

**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.

**IN WITNESS WHEREOF**, the said Grantor by its Assistant Secretary, Charles G. Arcara, who is authorized to execute this conveyance, has hereto set its signature and seal, this the 5<sup>th</sup> day of September, 1997.

**D.R. Horton, Inc.-Birmingham**

By: Charles G. Arcara

**Charles G. Arcara, Assistant Secretary**

09/09/1997-28990  
11:00 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MEL 44.00

Inst # 1997-28990

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles G. Arcara whose name as the Assistant Secretary of **D.R. Horton, Inc.-Birmingham**, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 5<sup>th</sup> day of September, 1997.

Catherine D. Miller  
Notary Public  
My Commission Expires: 11/2/98

**THIS INSTRUMENT PREPARED BY:**

James E. Vann, Esquire  
Johnston & Conwell, L.L.C.  
800 Shades Creek Parkway  
Suite 325  
Birmingham, AL 35209  
(205) 414-1212

**SEND TAX NOTICE TO:**

Mr. and Mrs. W. Blaine Tharpe, Jr.  
101 Calumet Drive  
Birmingham, AL 35242

RE-2783

Inst # 1997-28990

09/09/1997-28990  
11:00 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
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