

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

SEND TAX NOTICE TO:

DOUGLAS J. ELDER

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 ONE HUNDRED SIXTY SIX THOUSAND and 00/100 (\$166,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, JOE N. ROSE and CHERIE ROSE, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto DOUGLAS J. ELDER and JANINE G. ELDER, HUSBAND AND WIFE, (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 2, ACCORDING TO THE SURVEY OF APACHE RIDGE, FIFTH SECTOR, AS RECORDED IN MAP BOOK 17, PAGE 62, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

**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. 35-foot building set back line from Wagon Trail and Sundance as shown on recorded map said subdivision.
3. 10-foot utility easement across the East and North side of lot as shown on recorded map said subdivision.
4. Transmission line permit to Alabama Power Company as recorded in Deed Book 136, Page 398 in Probate Office.
5. Title to minerals underlying caption lands with mining rights and privileges belonging thereto.
6. Except all clay known as "fire clay" and "brick clay" on and under said land as shown by deed recorded in Deed Book 39, Page 203 in Probate Office.
7. Restrictive covenants as recorded in Instrument #1993-18462 in Probate Office.

\$116,000.00 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



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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 the said GRANTEES, his, her, or 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; that I (we) will and my (our) heirs, executors and administrators 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 GRANTORS, JOE N. ROSE and CHERIE ROSE, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 26th day of September, 1997.

  
JOE N. ROSE  
  
CHERIE ROSE

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JOE N. ROSE and CHERIE ROSE, HUSBAND AND WIFE, whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 26th day of September, 1997.

  
Notary Public

My commission expires: 9/22/2001

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