

This instrument prepared by:
John N. Randolph, Attorney
Strote & Permutt P.C.
2222 Arlington Avenue
Birmingham, Alabama 35205

Send Tax Notice to:
John R. McGowan
Gerrin McGowan
701 Crested Fern Lane
Birmingham, Al 35244

WARRANTY DEED, Joint Tenants with Right of Survivorship

State of Alabama

KNOW ALL MEN BY THESE PRESENTS,

Shelby County

That in consideration of **Four Hundred Seventy-Seven Thousand Five Hundred and 00/100 Dollars (\$477,500.00)** to the undersigned grantor in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we, **Catherine M. Hill and husband, Robert G. Hill, Jr.** (herein referred to as (grantors) do grant, bargain, sell and convey unto **John R. McGowan and Gerrin McGowan** (herein referred to as GRANTEES) as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 3527, according to the Survey of Riverchase Country Club, 35th Addition, as recorded in Map Book 18, page 113, in the Probate Office of Shelby County, Alabama.

Subject to:

1. Ad valorem taxes for the current tax year which grantees herein assume and agree to pay.
2. Varying width easement on rear, as shown by recorded Map.
3. The rights of upstream and downstream riparian owners with respect to BaneBerry Lake.
4. Restrictions as shown by recorded Map.
5. Declaration of Protective Covenants as recorded in Instrument 1993-22778, in the Probate Office of Shelby County, Alabama.
6. Right of Way granted to Alabama Power Company by Instrument recorded in Instrument 1993-14124, in the Probate Office of Shelby County, Alabama.
7. Restrictions or Covenants recorded in Misc. Volume 14, page 536, Misc. Volume 17, page 550, and Misc. Volume 34, page 549, in the Probate Office of Shelby County, Alabama, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin.
8. Declaration of Protective Covenants as recorded in Volume 246, page 889, in the Probate Office of Shelby County, Alabama.
9. Mineral and mining rights and right incident thereto recorded in Volume 127, page 140, in the Probate Office of Shelby County, Alabama.
10. Mineral and mining rights and rights incident thereto and Release of Damages recorded in Instrument 1994-8868, in the Probate Office of Shelby County, Alabama.

\$382,000.00 of the purchase price recited above was paid from the proceeds of a mortgage loan 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 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, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and 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 this 12th of November, 1997.

X Catherine M. Hill (Seal)
Catherine M. Hill

X Robert G. Hill, Jr. (Seal)
Robert G. Hill, Jr.

**STATE OF ALABAMA
JEFFERSON COUNTY**

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Catherine M. Hill and husband, Robert G. Hill, Jr. 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 12th day of November, 1997.

[Signature]
Notary Public
Affix Seal

Inst # 1997-37208
11/14/1997-37208
10:01 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
104.00
MEL