

This Instrument was prepared by:

Send Tax Notice to:

R. Shan Paden  
PADEN & PADEN  
100 Concourse Parkway, Suite 130  
Birmingham, AL 35244

SCOTT CHERONES  
312 SUNSET RIDGE  
BESSEMER, AL 35023

STATE OF ALABAMA)  
COUNTY OF SHELBY)

Inst # 1997-38098

**JOINT TENANCY WITH RIGHT OF SURVIVORSHIP WARRANTY DEED**

**Know All Men by These Presents:** That, Whereas, FRANK ANTHONY LOVOY, JR., departed this life testate; and

Whereas, the Last Will and Testament of FRANK ANTHONY LOVOY, JR., named REGINA MARIE LOVOY POPE the Executor of the Estate; and

Whereas, REGINA MARIE LOVOY POPE was granted Letters Testamentary as Executor of the Estate of FRANK ANTHONY LOVOY, JR., by the Judge of Probate of Shelby County, Alabama, as shown by the records in Probate Case No. 34-214, and

Whereas, the last will and testament of FRANK ANTHONY LOVOY, JR., designated the following named persons as his children, namely: Zachary Thomas Lovoy, Dana Rae Thornton, Regina Lovoy Pope, Ernest R. Lovoy, and Frank Anthony Lovoy, III, and

Whereas, Article III of said last will and testament named his children as the sole devisees of his estate, except for the share of Zachary Thomas Lovoy, which was left in trust for said child, and

Whereas, Article IV of said last will and testament named Dana Rae Thornton as Trustee,

Now, Therefore, in consideration of the Premises, and the sum of TWO HUNDRED FORTY THOUSAND AND NO/100 (\$240,000.00) DOLLARS, cash in hand paid to the undersigned, namely: REGINA MARIE LOVOY POPE a/k/a Regina Lovoy Pope, a married person, individually and as Executor of the Will and Estate of FRANK ANTHONY LOVOY, JR., deceased, Zachary Thomas Lovoy, a single person, individually, Dana Rae Thornton, a married person, individually and as Trustee of the Trust created by the will of FRANK ANTHONY LOVOY, JR., Ernest R. Lovoy, a single person, individually, and Frank Anthony Lovoy, III, a married person, individually, the receipt of which is hereby acknowledged, the undersigned, in their respective capacities, do by these presents, grant, bargain, sell and convey unto SCOTT THOMAS CHERONES and wife, LINDA KATHLEEN CHERONES (GRANTEES), as joint tenants, with right of survivorship, the following described real estate, situated in SHELBY County, Alabama, to-wit:

**SEE ATTACHED EXHIBIT "A"**

Inst # 1997-38098

11/21/1997-38098  
11:40 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 MCD 22.50

**SUBJECT TO:**

1. Subject to the taxes for the year beginning October 1, 1997 which constitutes a lien but are not yet due and payable until October 1, 1998.
2. Restrictions appearing of record in Misc. Volume 24, Page 98.
3. Right of way granted Alabama Power Company by instrument(s) recorded in Book 313, page 780.

\$204,000.00 of the consideration paid herein was provided by a purchase money mortgage by CASTLE MORTGAGE CORPORATION closed simultaneously herewith.


**SUBJECT PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS NOR THEIR RESPECTIVE SPOUSES.**


**TO HAVE AND TO HOLD** unto SCOTT THOMAS CHERONES and wife, LINDA KATHLEEN CHERONES, 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.


It is understood and agreed that wherever in this instrument the singular number is used, it applies to the plural if and when necessary and that when the plural is used, the plural likewise applies to the singular if and when necessary.

In Witness Whereof, the undersigned, in their respective capacities, have hereunto subscribed their names and seals, on this the 30TH day of OCTOBER, 1997.

  
REGINA MARIE LOVOY POPE, Individually and as  
Executor of the Estate of FRANK ANTHONY LOVOY,  
JR., Deceased.

  
ZACHARY THOMAS LOVOY, Individually

  
DANA RAE THORNTON, Individually and as Trustee

  
ERNEST R. LOVOY, Individually

  
FRANK ANTHONY LOVOY, III, individually

STATE OF VIRGINIA )  
~~City~~  
COUNTY OF Virginia Beach

ACKNOWLEDGEMENT

I, Pamela J. Knapp, a Notary Public, in and for said County, in said State, hereby certify that REGINA MARIE LOVOY POPE, whose name individually and as Executor of the Estate of FRANK ANTHONY LOVOY, JR., Deceased, 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 she, individually and in her capacity as such Executrix executed the same voluntarily on the day the same bears date.

Given under my hand this the 29th day of October, 1997.

Pamela J. Knapp  
Notary Public

My commission expires: July 31, 2000

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, Robert S. Raden, a Notary Public, in and for said County in said State, hereby certify that ZACHARY THOMAS, LOVOY, a SINGLE person, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand this the 28th day of October, 1997.

Robert S. Raden  
Notary Public

My commission expires: 7/16/98

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, Robert S. Raden, a Notary Public, in and for said County, in said State, hereby certify that DANA RAE THORNTON, a MARRIED person, whose name individually and as Trustee, 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 she, individually and in her capacity as such Trustee, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand this the 28th day of October, 1997.

Robert S. Raden  
Notary Public

My commission expires: 7/16/98

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, Robert S. Paden, a Notary Public, in and for said County in said State, hereby certify that ERNEST R. LOVOY, a SINGLE person, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand this the 30 day of October, 1997.

Robert S. Paden  
Notary Public

My commission expires: 7/16/98

STATE OF ALABAMA)  
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, Robert S. Paden, a Notary Public, in and for said County in said State, hereby certify that FRANK ANTHONY LOVOY, JR., a MARRIED person, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand this the 30<sup>th</sup> day of October, 1997.

Robert S. Paden  
Notary Public

My commission expires: 7/16/98

EXHIBIT "A"

PARCEL A

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 5 WEST; THENCE RUN SOUTH 87 DEGREES 44'05" EAST, ALONG THE NORTH LINE OF SAID 1/4-1/4, A DISTANCE OF 331.74 FEET; THENCE RUN SOUTH 0 DEGREES 22'40" WEST A DISTANCE OF 338.77 FEET TO THE POINT TO BEGINNING; THENCE RUN SOUTH 0 DEGREES 22'40" WEST A DISTANCE OF 834.59 FEET; THENCE RUN SOUTH 89 DEGREES 04'47" EAST A DISTANCE OF 10.0 FEET; THENCE RUN SOUTH 0 DEGREES 34'54" WEST A DISTANCE OF 587.27 FEET TO A POINT IN THE CENTER OF A POND; THENCE RUN NORTH 60 DEGREES 01'18" A DISTANCE OF 37.15 FEET; THENCE RUN NORTH 59 DEGREES 12'51" EAST A DISTANCE OF 125.00 FEET; THENCE RUN NORTH 59 DEGREES 12'51" EAST A DISTANCE OF 219.64 FEET; THENCE RUN NORTH 0 DEGREES 15'20" EAST A DISTANCE OF 218.15 FEET TO A POINT ON THE SOUTH LINE OF SAID 1/4-1/4; THENCE RUN NORTH 0 DEGREES 15'20" EAST A DISTANCE OF 995.76 FEET; THENCE RUN NORTH 87 DEGREES 44'20" WEST A DISTANCE OF 332.46 FEET TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS.

PARCEL B

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 5 WEST; THENCE RUN SOUTH 87 DEGREES 44'05" EAST, ALONG THE NORTH LINE OF SAID 1/4-1/4, A DISTANCE OF 331.74 FEET; THENCE RUN SOUTH 0 DEGREES 22'40" WEST A DISTANCE OF 1173.36 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 0 DEGREES 22'40" WEST A DISTANCE OF 591.99 FEET TO A POINT IN THE CENTER OF A POND; THENCE RUN NORTH 60 DEGREES 01'18" EAST A DISTANCE OF 9.17 FEET; THENCE RUN NORTH 0 DEGREES 34'54" EAST A DISTANCE OF 587.27 FEET; THENCE RUN NORTH 89 DEGREES 04'47" WEST A DISTANCE OF 10.0 FEET TO THE POINT OF BEGINNING; TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS.

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