

## (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

CHRISTOPHER KAHN  
2306 TWELVE OAKS DRIVE  
BIRMINGHAM, AL 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 SEVEN HUNDRED EIGHTY EIGHT THOUSAND and 00/100 (\$788,000.00) DOLLARS to the undersigned grantor, GARDNER BROTHERS HOMEBUILDERS, 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 CHRISTOPHER KAHN and KATHERINE F. KAHN, 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 3611, ACCORDING TO THE MAP AND SURVEY OF RIVERCHASE COUNTRY CLUB 36TH ADDITION AS RECORDED IN MAP BOOK 21, PAGE 37, IN THE OFFICE OF THE JUDGE OF PROBATE 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, 1998.
2. A 35 foot building set back line and easements over the northerly 10 feet as shown by recorded plat.
3. Transmission line permits in favor of Alabama Power Company recorded in Deed Book 322, page 801.
4. Title to oil, gas, petroleum and sulfur underlying the premises as shown in Deed Book 127, page 140.
5. Restrictions, conditions, and limitations and easements as set forth in deed from Harbert Equitable Joint Venture recorded in Instrument #1996-20437 and Instrument #1996-30246.
6. Mineral and mining rights, and rights incident thereto recorded in Instrument #1996-20437.
7. Restrictions as recorded in Instrument #1996-20437.

\$630,400.00 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.

03/12/1998-08541  
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SHELBY COUNTY JUDGE OF PROBATE  
002 MEI 169.00

And said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEEES, 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 GRANTEEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, GARDNER BROTHERS HOMEBUILDERS, INC., by its PRESIDENT, GARRY GARDNER who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 4th day of March, 1998.

GARDNER BROTHERS HOMEBUILDERS, INC.

By:   
GARRY GARDNER, 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 GARRY GARDNER, whose name as PRESIDENT of GARDNER BROTHERS HOMEBUILDERS, 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 4th day of March, 1998.

  
Notary Public

My commission expires: 7/16/98

Inst # 1998-08541

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