

Inst # 1998-11834

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

R. Shan Paden
PADEN & PADEN
Attorneys at Law
100 Concourse Parkway, Suite 130
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

SCOTT K. RUTLAND
1934 SEATTLE SLEW DRIVE
HELENA, AL 35080

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 FIFTY SEVEN THOUSAND FIVE HUNDRED and 00/100 (\$157,500.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, WAYNE M. BARBER and ANNE M. BARBER, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto SCOTT K. RUTLAND and CARIN T. RUTLAND, 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 46, ACCORDING TO THE SURVEY OF DEARING DOWNS, 11TH ADDITION, AS RECORDED IN MAP BOOK 15, PAGE 90, IN THE PROBATE OFFICE 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. Easements, or claims or easements, not shown by the public records.
3. Easement over the east 10 feet and south 7.5 feet of said parcel for public utilities, sanitary sewers, storm sewers, storm ditches as shown on recorded map.
4. 40 foot building restriction line from Seattle Slew Drive as shown on recorded map.
5. Restrictions appearing of record in Real 376 , page 550 and as shown on recorded map.
6. Easement and right-of-way granted Alabama Power Company and South Central Bell Telephone Company recorded in Real 377, page 416.
7. Right-of-way granted Alabama Power Company recorded in Deed Book 131, page 192.
8. Right-of-way granted Colonial Pipe Line Company recorded in Deed Book 223, page 431 and amended in Real 367, page 941 and Deed Book 268, page 211 and 817.

\$141,750.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

04/03/1998-11834
09:34 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 103 27.00

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 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, WAYNE M. BARBER and ANNE M. BARBER, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 24th day of March, 1998.


WAYNE M. BARBER


ANNE M. BARBER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that WAYNE M. BARBER and ANNE M. BARBER, 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 24th day of March, 1998.


Notary Public

My commission expires: 7/16/98

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