

1998-14409

(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:

THOMAS D. BIVIN, III
2260 VANESSA DRIVE
BIRMINGHAM, AL 35202

inst # 1998-14409

04/22/1998-14409 inst # 1998-14409

09:52 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
SS.50
302 944

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of TWO HUNDRED TWENTY THOUSAND FIVE HUNDRED DOLLARS and 00/100 (\$220,500.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEEES herein, the receipt of which is acknowledged, we, MARC B. WILSON and NORINE B. WILSON, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto THOMAS D. BIVIN, III and DENISE P. BIVIN, HUSBAND AND WIFE, (herein referred to as GRANTEEES, as joint tenants, with right of survivorship, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 44, SECOND SECTOR, ACCORDING TO THE SURVEY OF ALTADENA WOODS, 2ND AND 5TH SECTORS, AS RECORDED IN MAP BOOK 10, PAGE 54 A & B, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

SUBJECT TO THE FOLLOWING:

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. BUILDING SETBACK LINE OF 35 FEET RESERVED FROM SOUTH AND VANESSA DRIVE AS SHOWN BY PLAT.
3. EASEMENTS AS SHOWN BY RECORDED PLAT, INCLUDING 10 FEET ALONG THE WEST SIDE OF LOT.
4. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) RECORDED IN REAL 98, PAGE 727 IN PROBATE OFFICE.
5. TRANSMISSION LINE PERMIT(S) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT(S) RECORDED IN DEED BOOK 139, PAGE 571 IN PROBATE OFFICE.
6. RIGHT(S)-OF-WAY(S) GRANTED TO ALABAMA POWER COMPANY BY INSTRUMENT(S) RECORDED IN REAL 114, PAGE 103 IN PROBATE OFFICE.
7. AGREEMENT WITH ALABAMA POWER COMPANY AS TO UNDERGROUND CABLES RECORDED IN REAL 117, PAGE 611 AND REAL 140, PAGE 725 AND COVENANTS PERTAINING THERETO RECORDED IN REAL 117, PAGE 614 IN PROBATE OFFICE.
8. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RIGHTS SET OUT IN DEED BOOK 138, PAGE 119 AND DEED BOOK 72, PAGE 346 IN PROBATE

OFFICE.

9. RELEASE(S) OF DAMAGES AS SET OUT IN INSTRUMENT(S) RECORDED IN REAL 102, PAGE 166 AND REAL 121, PAGE 191 IN PROBATE OFFICE.

\$176,400.00 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.

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, MARC B. WILSON and NORINE B. WILSON, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 17th day of April, 1998.


MARC B. WILSON


NORINE B. WILSON

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that MARC B. WILSON and NORINE B. WILSON, 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 17th day of April, 1998.


Notary Public

My commission expires:

7/16/98

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SHELBY COUNTY JUDGE OF PROBATE
002 SNA 55.50