

3694

(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

JO J. LIVEOAK
115 HIDDEN CREEK
PELHAM, AL 35124

Inst # 1998-21625

06/11/1998-21625
08:35 AM CERTIFIED
SHELBY COUNTY JUDGE & CLERK
41.00
002 MD

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of NINETY FOUR THOUSAND NINE HUNDRED and 00/100 (\$94,900.00) DOLLARS to the undersigned grantor, JOE ROSE 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 JO J. LIVEOAK, A MARRIED PERSON and KIMBERLY JO DAVIS, AN UNMARRIED PERSON, (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 40, ACCORDING TO THE SURVEY OF HIDDEN CREEK, AS RECORDED IN MAP BOOK 23 PAGE 97 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. Building setback line of 20 feet reserved from Hidden Creek Circle as shown by plat.
3. Easements as shown by recorded plat, including 5 feet from street and an irregular easement along the rear of lot.
4. Restrictions, covenants and conditions as set out in instrument(s) recorded in Inst. #1998-3074 in Probate Office.
5. 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 Inst. #1997-29590 in Probate Office.
6. Riparian rights, if any, in and to the use of Coales Branch.
7. Rights of owners of property in and to the joint or common rights in building situated on said lots, such rights include but are not limited to roof, foundation, party walls, walkway and entrance, as shown on Map Book 23, page 97.
6. Flood of Coales Branch, if any.
7. Restrictions, limitations and conditions as set out in Map Book 23 page 97.

\$64,900.00 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 said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, 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 GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, JOE ROSE HOMEBUILDERS, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 27th day of May, 1998.

JOE ROSE HOMEBUILDERS, INC.
By: Joe Rose
JOE ROSE, 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 JOE ROSE, whose name as PRESIDENT of JOE ROSE 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 27th day of May, 1998.

Mary Margaret Kelle
Notary Public

My commission expires: 8/22/2000

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SHELBY COUNTY JUDGE OF PROBATE
002 HCD 41.00