

(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 35244JOSEPH A. TUBBS
7803 WELLWOOD CIRCLE
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 FOURTEEN THOUSAND NINE HUNDRED DOLLARS and 00/100 (\$114,900.00) DOLLARS to the undersigned grantor, JOE ROSE HOMEBUILDERS, INC. in hand paid by the GRANTEEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto JOSEPH A. TUBBS, AND SHEA C. TUBBS, 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 115, ACCORDING TO THE SURVEY OF WYNDHAM WELLINGTON SECTOR, PHASE II, AS RECORDED IN MAP BOOK 23, PAGE 64, 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. 20 FOOT BUILDING LINE, AS SHOWN BY RECORDED MAP.
3. 10 FOOT EASEMENT ON REAR, AS SHOWN BY RECORDED MAP.
4. RESTRICTIONS AS SHOWN BY RECORDED MAP.
5. RESTRICTIONS OR COVENANTS RECORDED IN INSTRUMENT 1997/39333, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. EASEMENT TO TOWN OF HELENA, RECORDED IN DEED BOOK 305, PAGE 400, DEED BOOK 305, PAGE 394, DEED BOOK 305, PAGE 396, DEED BOOK 305, PAGE 398 AND DEED BOOK 305, PAGE 402, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
7. EASEMENT TO PLANTATION PIPELINE COMPANY, RECORDED IN DEED BOOK 258, PAGE 49, DEED BOOK 113, PAGE 61, DEED BOOK 180, PAGE 192, DEED BOOK 258, PAGE 47, DEED BOOK 258, PAGE 49 AND DEED BOOK 180, PAGE 192, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
8. EASEMENT RECORDED IN DEED BOOK 311, PAGE 153, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
9. RIGHT OF INGRESS AND EGRESS AS RECORDED IN REAL 192, PAGE 743, REAL 250, PAGE 894 AND REAL 251, PAGE 602 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
10. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO RECORDED IN DEED BOOK 324, PAGE 362, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

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11:43 AM CERTIFIED

CLERK OF PROBATE
SHELBY COUNTY, ALABAMA

11. EASEMENT TO SOUTHERN NATURAL GAS, RECORDED IN DEED BOOK 88, PAGE 551, DEED BOOK 146, PAGE 301, DEED BOOK 147, PAGE 579 AND DEED BOOK 213, PAGE 155, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
12. EASEMENT FOR ALABAMA POWER COMPANY RECORDED IN REAL 142, PAGE 221, REAL 183, PAGE 230, REAL 230, PAGE 774 AND REAL 1, PAGE 332, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
13. RIGHT OF WAY SHELBY COUNTY, RECORDED IN VOLUME 154, PAGE 384, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
14. TERMS AND CONDITIONS OF THAT CERTAIN AGREEMENT RE: COVENANTS AND AGREEMENTS FOR CONSULTING FEES AS SHOWN BY INSTRUMENTS RECORDED IN INSTRUMENT 1997-94 AND INSTRUMENT 1997-27775 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
15. SINK HOLE EXCEPTION AS SHOWN BY INSTRUMENT RECORDED IN 1997/39333 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

\$109,155.00 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 , who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 1st day of July, 1998.

JOE ROSE HOMEBUILDERS, INC.

By: *Joe Rose*

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that , whose name as 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 1st day of July, 1998.

Mary Margaret Hall
Notary Public

My commission expires: 8/27/2000

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COUNTY JUDGE OF PROBATE