

SEND TAX NOTICE TO:

Brewster Smith

(Name) Crystal L. Smith

1510 Timber Drive

(Address) Helena, AL 35080

This instrument was prepared by

(Name) Holliman, Shockley & Kelly

2491 Pelham Parkway

(Address) Pelham, AL 35124

Form 1-1.5 Rev. 5/82

WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP - MAGIC CITY TITLE COMPANY, INC., BIRMINGHAM, ALABAMA

STATE OF ALABAMA

SHELBY

COUNTY

KNOW ALL MEN BY THESE PRESENTS.

That in consideration of One Hundred Thirteen Thousand, Five Hundred and no/100----- DOLLARS

to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,

Floyd F. Whitten, Jr. and wife Kimberly B. Whitten

(herein referred to as grantors) do grant, bargain, sell and convey unto

Brewster Smith and Crystal L. Smith

(herein referred to as GRANTEES) as joint tenants, with right of survivorship, the following described real estate situated in

Shelby

County, Alabama to-wit:

See Exhibit "A" attached hereto and made a part hereof as if set forth in full herein for the complete legal description of the property being conveyed by this instrument.

SUBJECT TO: (1) Taxes for the year 1998 and subsequent years; (2) Easements, restrictions, reservations, rights-of-way, limitations, covenants and conditions of record, if any; (3) Mineral and mining rights, if any.

\$ 112,879.00 of the purchase price recited above was paid from the proceeds of a first mortgage loan executed and recorded simultaneously herewith.

Inst # 1998-28135

07/24/1998-28135
09:29 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
12.00

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, 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, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set OUR hand(s) and seal(s), this 8th

day of July, 19 98.

WITNESS:

(Seal)

Floyd F. Whitten, Jr.

(Seal)

(Seal)

Kimberly B. Whitten

(Seal)

(Seal)

Kimberly B. Whitten

(Seal)

STATE OF ALABAMA

SHELBY

COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Floyd F. Whitten, Jr. and wife Kimberly B. Whitten whose name are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 8th day of July, A. D. 19 98

829-98

[Signature]

Notary Public

EXHIBIT "A"

Inst # 1998-28135

07/24/1998-28135
09:29 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 SNA 12.00

**Lot 46, according to the Survey of Timber Park, Phase III, as recorded in Map Book 15, page 11,
in the Probate Office of Shelby County, Alabama.**