

This instrument was prepared by:
Clayton T. Sweeney, Attorney
2700 Hwy. 280E, Suite 290E
Birmingham, AL 35223

SEND TAX NOTICE TO:
DAVID SMELCER
ROBIN W. SMELCER
4120 ASHINGTON DRIVE
BIRMINGHAM, AL 35242

STATE OF ALABAMA}
COUNTY OF Shelby}

Warranty Deed/ITWROS

KNOW ALL MEN BY THESE PRESENTS, That in consideration of **THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00)** to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of whereof is acknowledged, we **WILLIAM D. ACTON and wife, CINDY P. ACTON**, (herein referred to as grantors, whether one or more) do grant, bargain, sell, and convey unto **DAVID SMELCER and ROBIN W. SMELCER** (herein referred to as GRANTEES) as joint tenants, with right of survivorship, the following described real estate, situated in Shelby County, Alabama:

Lot 192, according to the Survey of Brook Highland, an Eddleman Community, 6th Sector, Phase I, as recorded in Map Book 14, Page 83 A & B, in the Probate Office of Shelby County, Alabama.

Subject to:

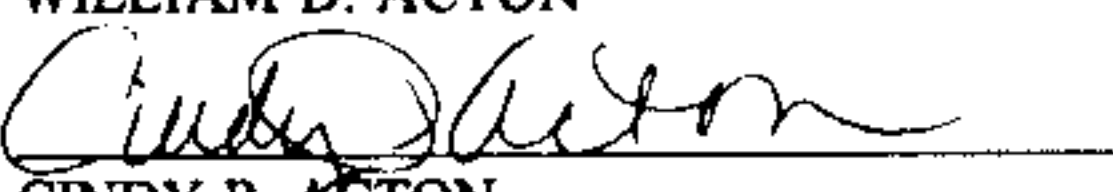
Ad valorem taxes for 1998 and subsequent years not yet due and payable until October 1, 1998. Existing covenants and restrictions, easements, building lines, and limitations of record.

\$250,000.00 of the consideration was paid from the proceeds of a mortgage loan 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 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, and that I/we will and my/our heirs, executors, and administrators shall warrant and defend the same to the said GRANTEES, their heirs executors and assigns forever, against the lawful claims of all persons.

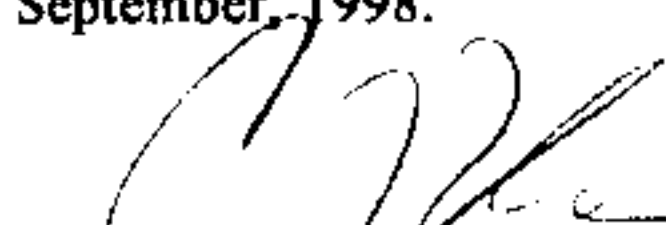
IN WITNESS WHEREOF, I/we have hereto set my/our hand(s) and seal(s), this the 4th day of September, 1998.


WILLIAM D. ACTON

CINDY P. ACTON

STATE OF ALABAMA}
JEFFERSON COUNTY}

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **WILLIAM D. ACTON and CINDY P. ACTON**, whose names 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 4th day of September, 1998.


Notary Public
My Commission Expires: 5/29/99
09/16/1998-36256
01:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 SNA 58.50

Inst # 1998-36256