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12/18/1998-30433  
09:12 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 CRH 20.00

(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:

DAN L. WHITEHOUSE  
3524 PINEYWOOD TRACE  
BIRMINGHAM, AL 35242

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 SEVENTY TWO THOUSAND and 00/100 (\$172,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, MARY K. HOWARD, A MARRIED PERSON (herein referred to as GRANTORS) do grant, bargain, sell and convey unto DAN L. WHITEHOUSE and SUSAN A. WHITEHOUSE, HUSBAND AND WIFE, (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 11, ACCORDING TO THE SURVEY OF PINEYWOOD FOREST, AS RECORDED IN MAP BOOK 9, PAGE 121, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

**SUBJECT TO:**

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1998 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 1999.
2. PERMITS TO ALABAMA POWER COMPANY RECORDED IN REAL BOOK 59, PAGE 368; DEED BOOK 243, PAGE 402; DEED BOOK 49, PAGE 889 AND DEED BOOK 231, PAGE 252 IN PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
3. RESTRICTIONS AS RECORDED IN REAL BOOK 52, PAGE 272 AND DEED BOOK 242, PAGE 100 IN PROBATE OFFICE.
4. 40-FOOT BUILDING SET BACK LINE FROM PINEYWOOD TRACE AS SHOWN ON RECORDED MAP.
5. TITLE TO MINERALS UNDERLYING CAPTION LANDS WITH MINING RIGHTS AND PRIVILEGES BELONGING THERETO.

**MARY K. BORTON AND MARY K. HOWARD IS ONE AND THE SAME PERSON.**

**SUBJECT PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR NOR THAT OF HER RESPECTIVE SPOUSE.**

\$163,400.00 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

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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, MARY K. HOWARD (BORTON), A MARRIED PERSON, have hereunto set his, her or their signature(s) and seal(s), this the 17th day of December, 1998.

  
MARY K. HOWARD

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that MARY K. HOWARD, A MARRIED PERSON, 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 December, 1998.

  
Notary Public

My commission expires: 7/1/02

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