

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

SEND TAX NOTICE TO:

R. Shan Paden
PADEN & PADEN
Attorneys at Law
5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

TED D. ARNAU
2419 BIRKSHIRE DRIVE
BIRMINGHAM, AL 35244

Inst # 1999-01387

STATE OF ALABAMA)

01/11/1999-01387
02:34 PM CERTIFIED

COUNTY OF SHELBY)

SHELBY COUNTY JUDGE OF PROBATE
DOE CON 46.50

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of THREE HUNDRED FIFTY THREE THOUSAND TWO HUNDRED NINETY ONE and 48/100 (\$353,291.48) DOLLARS to the undersigned grantor, GARDNER BROTHERS 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 TED D. ARNAU and ELIZABETH P. ARNAU, 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 3815A, A RESURVEY OF LOTS 3810 THRU 3815 OF BIRKSHIRE 38TH ADDITION TO RIVERCHASE, AS RECORDED IN MAP BOOK 24, PAGE 136, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1998 WHICH CONSTITUTES A LIEN BUT ARE NOT YET PAYABLE UNTIL OCTOBER 1, 1999.
2. MINERAL AND MINING RIGHTS RECORDED IN VOLUME 127, PAGE 140.
3. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN VOLUME 355, PAGE 274.
4. RIGHT OF WAY GRANTED TO THE CITY OF HOOVER RECORDED IN REAL 93, PAGE 577.
5. RESTRICTIONS AS SHOWN BY RECORD PLAT.
6. DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS, EASEMENTS, CHARGES AND LIENS FOR RIVERCHASE (RESIDENTIAL) RECORDED IN INSTRUMENT 1996-24956 AND IN MISC. VOLUME 14, PAGE 536; MISC. VOLUME 17, PAGE 550; MISC. VOLUME 34, PAGE 549 AND REAL VOLUME 159, PAGE 111; INSTRUMENT #1994-09826 AND INSTRUMENT #1997-19547.
7. RELEASE OF DAMAGES AS SET FORTH IN INSTRUMENT #1996-24956.
8. SANITARY EASEMENT AS SHOWN BY RECORD PLAT. (LOT 3815)
9. A 10 FOOT BUILDING SET BACK LINE AS SHOWN BY RECORD PLAT.
10. EASEMENT OVER THE NORTHWEST CORNER OF LOT AS SHOWN BY RECORD PLAT.
11. RIGHTS OF PARTIES IN POSSESSION, ENCROACHMENTS, OVERLAPS, OVERHANGS, UNRECORDED EASEMENTS, VIOLATED RESTRICTIVE COVENANTS, DEFICIENCY IN QUANTITY OF GROUND, OR ANY MATTERS, NOT OF RECORD, WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.

12. UNFILED MECHANICS' AND MATERIALMEN'S LIENS.

13. BUILDING SET BACK LINES, EASEMENTS, AND CONDITIONS AS SET FORTH IN MAP BOOK 24, PAGE 136.

\$317,950.00 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, GARDNER BROTHERS HOMEBUILDERS, INC., by its PRESIDENT, GARY GARDNER who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 4th day of January, 1999.

GARDNER BROTHERS HOMEBUILDERS, INC.

By: 
GARY GARDNER, 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 GARY GARDNER, whose name as PRESIDENT of GARDNER BROTHERS 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 4th day of JANUARY, 1999.


Notary Public

My commission expires: 7/11/02

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SHELBY COUNTY JUDGE OF PROBATE
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