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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

**This Instrument was
prepared by:**

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

SEND TAX NOTICE TO:

**JAMES M. COOK
56 VALLEYDALE COURT
BIRMINGHAM, AL 35244
Inst # 1999-33233**

**08/09/1999-33233
09:36 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CM 47.00**

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 EIGHTY THOUSAND and 00/100 (\$180,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, WILLIAM L. SMITH and EVELYN B. SMITH, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JAMES M. COOK and CHARLOTTE J. COOK, 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:

**PART OF THE NE 1/4 OF THE SE 1/4 SECTION 16, TOWNSHIP 19 SOUTH, RANGE 2 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SE CORNER OF SAID 1/4-1/4 SECTION, THENCE TURN 44 DEGREES 09 MINUTES LEFT FROM THE EAST LINE OF SAID 1/4-1/4 SECTION AND RUN NORTHWESTERLY 1148.31 FEET; THENCE TURN 91 DEGREES 00 MINUTES LEFT AND RUN SOUTHWESTERLY 218.74 FEET; THENCE TURN 91 DEGREES 21 MINUTES RIGHT AND RUN NORTHWESTERLY 29.35 FEET; THENCE TURN 89 DEGREES 00 MINUTES RIGHT AND RUN NORTHWESTERLY 5.00 FEET; THENCE TURN 89 DEGREES 00 MINUTES LEFT AND RUN NORTHWESTERLY 86.83 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAME COURSE 88.60 FEET; THENCE TURN 49 DEGREES 15 MINUTES 24 SECONDS RIGHT AND RUN NORTHERLY 99.59 FEET; THENCE TURN 48 DEGREES 56 MINUTES 06 SECONDS LEFT AND RUN NORTHWESTERLY 20790 FEET TO A POINT ON THE SE RIGHT-OF-WAY OF VALLEYDALE ROAD; THENCE TURN 65 DEGREES 14 MINUTES 45 SECONDS LEFT AND RUN SOUTHWESTERLY ALONG SAID R.O.W. 5.51 FEET; THENCE TURN 114 DEGREES 45 MINUTES 15 SECONDS LEFT AND RUN SOUTHEASTERLY 196.12 FEET; THENCE TURN 88 DEGREES 40 MINUTES 42 SECONDS RIGHT AND RUN SOUTHWESTERLY 320.01 FEET LEFT AND RUN 250.56 FEET TO THE POINT OF BEGINNING.**

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. EASEMENT TO ALABAMA POWER COMPANY RECORDED IN DEED BOOK 241, PAGE 359.**

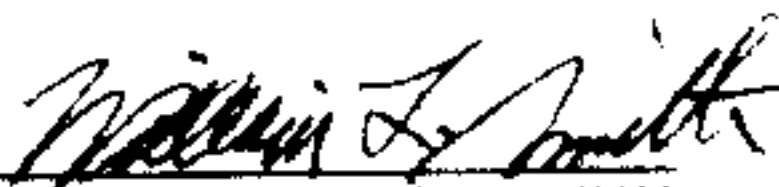
3. EASEMENT 5 FEET WIDE FOR THE CONSTRUCTION AND MAINTENANCE OF WATER MAIN AS RECORDED IN DEED BOOK 262, PAGE 396.
4. EASEMENT FOR RIGHT OF WAY RECORDED IN DEED BOOK 306, PAGE 334.
5. RESTRICTIONS, PUBLIC UTILITY EASEMENTS, AND SETBACK LINES AS SHOWN ON RECORDED MAP OF SAID SUBDIVISION.

\$144,000.00 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 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, WILLIAM L. SMITH and EVELYN B. SMITH, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 2nd day of August, 1999.


WILLIAM L. SMITH


EVELYN B. SMITH

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that WILLIAM L. SMITH and EVELYN B. SMITH, HUSBAND AND WIFE, 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 2nd day of August, 1999.


Notary Public

My commission expires: 9.29.01

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