

4905

(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:

MARK E. SMITHERS
120 WISTERIA DRIVE
CHELSEA, AL 35043

Inst # 1999-41753

10/07/1999-41753
08:42 AM CERTIFIED
SHELBY COUNTY CLERK OF PROBATE
34.00

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 SIXTY FOUR THOUSAND FIVE HUNDRED TWENTY SEVEN and 50/100 (\$164,527.50) DOLLARS to the undersigned grantor, ALTON WRIGHT CONSTRUCTION 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 MARK E. SMITHERS, A SINGLE PERSON and KATHY J. TRESCOTT, A SINGLE PERSON, (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 12, ACCORDING TO THE SURVEY OF WINDSTONE II, AS RECORDED IN MAP BOOK 25 PAGE 10, 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. RESTRICTIONS AS RECORDED IN INSTRUMENT #1998-51875.
3. 35 FOOT BUILDING SETBACK LINE PER RECORDED PLAT.
4. 10 FOOT EASEMENT ON REAR LOT LINE PER RECORDED PLAT.
5. TRANSMISSION LINE PERMIT(S) TO ALABAMA POWER COMPANY AS RECORDED IN DEED BOOK 230, PAGE 834 AND DEED BOOK 126, PAGE 67.

\$139,800.00 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, ALTON WRIGHT CONSTRUCTION, by its PRESIDENT, ALTON WRIGHT who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 30th day of September, 1999.

ALTON WRIGHT CONSTRUCTION

By: Alton Wright
ALTON WRIGHT, PRESIDENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that ALTON WRIGHT, whose name as PRESIDENT of ALTON WRIGHT CONSTRUCTION, 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 30TH day of SEPTEMBER, 1999.

[Signature]
Notary Public

My commission expires: 7/11/02

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SHELBY COUNTY JUDGE OF PROBATE
002 HHS 36.00