

This instrument prepared by:
John N. Randolph, Attorney
Skote & Permutt P.C.
2311 Highland Avenue South
Birmingham, Alabama 35206

Send Tax Notice to:
Jeffrey A. Kuespert
Sherry Kuespert
1037 Independence Court
Alabaster, Alabama 35007

WARRANTY DEED, Joint Tenants with Right of Survivorship

State of Alabama

KNOW ALL MEN BY THESE PRESENTS,

Shelby County

That in consideration of One Hundred Thirty Thousand and 00/100 Dollars (\$130,000.00) to the undersigned grantor in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we, Douglas Boyd Smyly, Jr. and wife, Elise W. Smyly (herein referred to as grantors) do grant, bargain, sell and convey unto Jeffrey A. Kuespert and Sherry Kuespert (herein referred to as GRANTEES) as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 48, according to a Map of Autumn Ridge, as recorded in Map Book 12, Pages 4, 5 and 6, in the Probate Office of Shelby County, Alabama.

Subject to:

1. Ad valorem taxes for the current tax year which grantees herein assume and agree to pay.
2. Restrictions appearing of record in Book 174, Page 504.
3. Right of way granted to Alabama Power Company by instrument recorded in Book 220, Page 453.
4. Right of way in favor of Alabama Power Company and South Central Bell Telephone Company by instrument recorded in Book 220, Page 455.
5. Title to all minerals within and underlying the premises, together with all mining rights and other rights privileges, immunities and release of damages relating thereto, as recorded in Book 150, Page 648.
6. Easements to Colonial Pipeline Company, as recorded in Deed Book 223, Page 437, and Deed Book 267, Page 834.
7. Right of way to Southern Natural Gas, as recorded in Deed Book 90, Page 29 and Deed Book 90, Page 279.
8. 35 foot building line from the front line and a 20 foot utility easement along the North and the West lot lines, as shown on recorded map.

\$128,937.00 of the purchase price recited above 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 we do for ourselves and for our heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 29th of October, 1999.

 (Seal)
Douglas Boyd Smyly, Jr.

 (Seal)
Elise W. Smyly

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Douglas Boyd Smyly, Jr. and wife, Elise W. Smyly 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 29th day of October, 1999.

Notary Public
AFFIX SEAL

Commission Expires
5/15/2001

11/02/1999-45115
09:35 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

10.00

351 495

Inst # 1999-45115