

(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:

TERRY W. SMITH
931 6TH AVENUE NW
ALABASTER, AL 35007

Inst # 1999-49757

STATE OF ALABAMA)

COUNTY OF SHELBY)

12/09/1999-49757
09:31 AM CERTIFIED

SHELBY COUNTY CLERK OF PROBATE
36.50

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of ONE HUNDRED TWENTY SEVEN THOUSAND and 00/100 (\$127,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, FRED C. NIEMEYER and IMA M. NIEMEYER, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto TERRY W. SMITH and TERI L. SMITH, 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 40, ACCORDING TO THE SURVEY OF HAMLET, 6TH SECTOR, AS RECORDED IN MAP BOOK 9, PAGE 97 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 1999 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2000.
2. ANY PRIOR RESERVATION OR CONVEYANCE, TOGETHER WITH RELEASE OF DAMAGES OF MINERALS OF EVERY KIND AND CHARACTER, INCLUDING, BUT NOT LIMITED TO GAS, OIL, SAND, AND GRAVEL IN, ON AND UNDER SUBJECT PROPERTY.
3. BUILDING SETBACK LINE OF 35 FEET RESERVED FROM 6TH AVENUE N.W. AS SHOWN BY PLAT.
4. EASEMENTS AS SHOWN BY RECORDED PLAT, INCLUDING 7.5 FOOT EASEMENT ALONG THE SOUTHERLY SIDE OF LOT.
5. TRANSMISSION LINE PERMIT(S) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT(S) RECORDED IN DEED BOOK 134 PAGE 209 AND DEED BOOK 220 PAGE 329 IN PROBATE OFFICE.
6. EASEMENT(S) TO PLANTATION PIPELINE CO. AS SHOWN BY INSTRUMENT RECORDED IN DEED BOOK 112 PAGE 322 IN PROBATE OFFICE.
7. EASEMENT(S) TO SOUTH CENTRAL BELL AS SHOWN BY INSTRUMENT RECORDED IN REAL 31 PAGE 509 IN PROBATE OFFICE.

8. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RIGHTS SET OUT IN DEED BOOK 39 PAGE 178; REAL 27 PAGE 648 AND REAL 42 PAGE 151 IN PROBATE OFFICE.

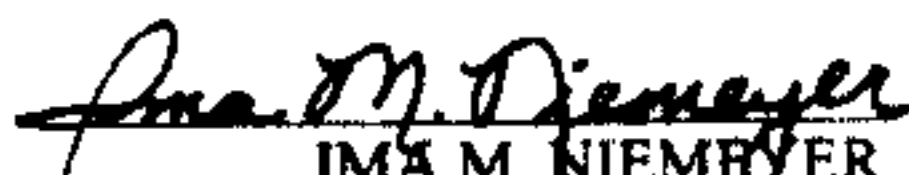
\$101,600.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

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, FRED C. NIEMEYER and IMA M. NIEMEYER, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 29th day of November, 1999.


FRED C. NIEMEYER


IMA M. NIEMEYER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that FRED C. NIEMEYER and IMA M. NIEMEYER, 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 29th day of November, 1999.


Notary Public

My commission expires: 7/11/02

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