

**This Instrument Prepared By:**

Paula C. Greenway, Esquire  
9105 Parkway East  
Birmingham, Alabama 35206

**Send Tax Notice to:**

Derrick & Shemelia Ervin  
113 Windsor Circle  
Pelham, AL 35124

**WARRANTY DEED (JOINT WITH RIGHTS OF SURVIVORSHIP))**

STATE OF ALABAMA )

SHELBY COUNTY )

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Four Hundred Thousand and No/100 (\$400,000.00) Dollars and other good and valuable considerations, to the undersigned, THE 113 WINDSOR CIRCLE TRUST, HOWARD GRANT DUNNAM, JR., **not Personally as Trustee** ("GRANTOR"), in hand paid by by Derrick Ervin a married man and Shemelia Ervin, his wife, ("GRANTEES"), the receipt whereof is hereby acknowledged, GRANTOR grants, bargains, sells and conveys unto GRANTEES, the following described real estate situated in Shelby County, Alabama:

Lot 4, according to the Survey of Weatherly Windsor, Sector 9, as recorded in Map Book 17, page 125, in the Probate Office of Shelby County, Alabama.

This conveyance is subject to the following:

1. Taxes due in the year of 2000, a lien, but not yet payable for parcel 14-9-30-0-000-001.041.
2. Rights or claims of parties in possession not shown by the public records.
3. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
4. Encroachments, overlaps, conflicts in boundary lines, shortages in area, and any matters which would be disclosed by an accurate and correct survey and physical inspection of the premises.
5. Covenants, restrictions, easements, or claims of easements, not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. 100 foot building setback line across the East side of subject property as shown by recorded map.
9. 30 foot utility easement inside building setback line as shown by recorded map.
10. 10 foot easement across rear of property from West property line to East property line at varying angles.
11. 10 foot easement across front Western corner from Windsor Circle to West property line.
12. Rear of subject property located in 100 year flood zone.
13. Permits granted to Alabama Power company as recorded in Deed Book 230, page 117 and Deed Book 242, page 911.
14. Terms and conditions of agreement as recorded in Instrument No. 1993-36369. Restrictive covenants as recorded in Instrument No. 1993-37547.
15. Easement granted to Alabama Power Company as to underground cables as recorded in Instrument No. 1994-1187.
16. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights as recorded in Instrument No. 1993-36367.

**\$380,000.00 OF THE CONSIDERATION SET ABOVE IS EVIDENCED BY  
A MORTGAGE FILED SIMULTANEOUSLY HEREWITH.)**

**10/19/2000-36467**

**01:43 PM CERTIFIED**  
SHELBY COUNTY JUDGE OF PROBATE  
002 NMB 34.00

TO HAVE AND TO HOLD to the said GRANTEE, its successors and assigns forever.

And said Grantor does for itself, its heirs, executors and assigns, covenant with said Grantee, its successors and assigns, that it is lawfully seized in fee simple of said premises; 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 Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor, THE 113 WINDSOR CIRCLE TRUST, HOWARD GRANT DUNNAM, JR., **not Personally as** Trustee, who is authorized to execute this conveyance, has hereto set its signature and seal, this the 29th day of September, 2000.

*THE 113 WINDSOR CIRCLE TRUST*  
*Howard Grant Dunnam, Jr. as Trustee*  
**THE 113 WINDSOR CIRCLE TRUST,**  
**HOWARD GRANT DUNNAM, JR., not**  
**Personally as Trustee**

STATE OF ALABAMA           )  
  )  
JEFFERSON COUNTY        )

ACKNOWLEDGMENT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that, THE 113 WINDSOR CIRCLE TRUST, HOWARD GRANT DUNNAM, JR., **not Personally as** Trustee, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said trust.

Given under my hand and official seal, this 29<sup>th</sup> day of September, 2000.

*Paul S. [Signature]*  
Notary Public  
My Commission Expires: 7-31-01

Inst # 2000-36467

10/19/2000-36467  
01:43 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE