THIS INSTRUMENT WAS PREPARED BY: Richard W. Theibert, Attorney NAJJAR DENABURG, P.C. 2125 Morris Avenue Birmingham, Alabama 35203

Inst # 2001-08429

SEND TOXX/NOTRODIO 08429
Hung Y2006 PM CERTIFIED
Kim Hoangley county Judg: of Probate
1118 Old Caffaba Circle
Helena, AL 35080

STATUTORY WARRANTY DEED JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

THE STATE OF ALABAMA)

: KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF SHELBY)

That in consideration of One Hundred Fifty-Seven Thousand One Hundred Fifty-Five and No/100, (\$157,155.00), DOLLARS, in hand paid to the undersigned, American Homes & Land Corporation, a corporation, (hereinafter referred to as "GRANTOR"), by Hung V. Phan and spouse, Kim Hoang, (hereinafter referred to as "GRANTEES"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEES, as joint tenants with right of survivorship, the following described real estate, located and situated in Shelby County, Alabama, to wit:

Lot 818, Old Cahaba, Sector 8, as recorded in Map Book 26, Page 3, in the Office of the Judge of Probate of Shelby County, Alabama.

SUBJECT TO:

- 1. Ad valorem taxes for the year, 2001.
- 2. 15 foot minimum building setback line from Old Cahaba Circle plus a 10 foot minimum building setback line from Old Cahaba Circle and 10 foot easement on rear of said lot as shown on survey prepared by Laurence D. Weygand, Reg. P.E. & L.S. #10373; survey dated July 7, 2000; survey order no. #74324.
- 3. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided in the Covenants, Conditions and Restrictions recorded in Instrument #1999-35907.
- 4. Oil, gas, and minerals and all other subsurface interests in, to or under the land herein described.
- Right of Way to Shelby County recorded in Deed Book 155, Page 331; Deed Book 155, Page 425 and Lis Pendens Book 2, Page 165.
- Transmission line permits granted to Alabama Power Company as recorded in Deed Book 247, Page 853; Deed Book 131, Page 447 and Deed Book 138, Page 238.
- 7. Agreement and covenants relating to roadway easement as set forth in Real Book 133, Page 277.
- 8. Easement agreement recorded in Instrument #1999-23334.

\$125,700.00 of the purchase price recited above was paid from the proceeds of a purchase money mortgage executed simultaneously with delivery of this deed.

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.

To have and to hold unto the said GRANTEES, their heirs and assigns forever.

GRANTOR makes no warranty or covenant respecting the nature of the quality of the title to the property hereby conveyed other than that the GRANTOR has neither permitted or suffered any lien, encumbrance or adverse claim to the property described herein since the date of acquisition thereof by the GRANTOR.

GRANTEES understand that acceptance of this deed constitutes acceptance of all of the terms, conditions and obligations of all protective covenants and restrictions as set out hereinabove.

IN WITNESS WHEREOF, the said GRANTOR, by its President, whose name is Gary w. Thomas who is authorized to execute this conveyance, has hereto set his signature and seal, this 23rd day of February, 2001.

IN WITNESS WHEREOF, we, the GRANTEES, have hereunto set our hands and seals, this 23rd day of February, 2001.

American Homes & Land Corporation

BY: Gary w. Thomas

ITS: President \(\int \)

GRANTOR

(SEAL)

(SEAL)

Hung V. Phan

GRANTEE

Kim Hoang (SEAL)

GRANTEE

THE STATE OF ALABAMA)

COUNTY OF JEFFERSON

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Gary W. Thomas whose name as President of American Homes & Land Corporation, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 23rd day of February, 2001.

NOTARY PUBLIC

My commission expires:

Page 2 of 3

THE STATE OF ALABAMA)

COUNTY OF JEFFERSON

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Hung V. Phan and spouse, Kim Hoang, whose names are signed to the foregoing conveyance as GRANTEES, 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 23rd day of February, 2001.

NOTARY PUBLIC

My commission expires:

My Commission Expires May 21, 2004

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