

SEND TAX NOTICE TO:
THOMAS J. AVERY & SAMANTHA D. AVERY
2307 TWELVE OAKS DRIVE
BIRMINGHAM, AL 35244

WARRANTY DEED

STATE OF ALABAMA)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Five Hundred Ninety-Four Thousand Seven Hundred and No/100 Dollars (\$594,700.00) to the undersigned grantors, in hand paid by the grantee herein, the receipt of which is hereby acknowledged, **GARDNER BUILDERS, INC.** (herein referred to as "Grantor"), hereby grants, bargains, sells, and conveys unto **THOMAS J. AVERY & SAMANTHA D. AVERY**, (herein referred to as "Grantee") as joint tenants with rights of survivorship, the following described real estate situated in Shelby County, Alabama, to wit:

Lot 3602-A, according to a Survey of Riverchase Country Club, 36th Addition, as recorded in Map Book 24, Page 77, in the Office of the Judge of Probate of Shelby County, Alabama.

Subject to all easements, restrictions, covenants, rights of way and covenants of record; taxes for 2001 subsequent years not yet due and payable.

\$535,230.00 of the purchase price recited herein was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD the described premises to Grantees, as joint tenants with right of survivorship, their heirs, executors, successors 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 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 THE GRANTOR does for itself, successors and assigns, covenant with said Grantee, their heirs, executors, successors and assigns, that Grantor is lawfully seized in fee simple of the premises, that they are free from all encumbrances, unless otherwise noted above, that Grantor has good right to sell and convey the same as aforesaid, and that Grantor will and its successors and assigns shall warrant and defend same to said Grantee, their heirs, executors, successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed on the 1st day of May, 2001.

GARDNER BUILDERS, INC.

BY: 
(GRANTOR) GARRY B. GARDNER
Its: President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that GARRY B. GARDNER, whose name as PRESIDENT of GARDNER BUILDERS, INC., is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he, as such Officer, and with full authority, executed the same voluntarily, as an act of said corporation.

Given under my hand and official seal, this 1st day of May, 2001.


NOTARY PUBLIC Anne R. Strickland
My Commission Expires: 5/11/01

THIS INSTRUMENT PREPARED BY:
Anne R. Strickland, Attorney at Law
5330 Stadium Trace Parkway, Suite 250
Birmingham, AL 35244

Inst # 2001-17595

05/03/2001-17595
01:03 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
901 CJ1 70.50