

This instrument was prepared by:
Shelly Moss
Shelly Moss, L.L.C.
300 Union Hill Drive, Suite 200
Birmingham, Alabama 35209

Send tax notice to:
Henry A. Burks, Jr.
6564 Quail Run Drive
Hoover, Alabama 35124

Inst # 2001-22555

WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

STATE OF ALABAMA)
JEFFERSON COUNTY) **KNOW ALL MEN BY THESE PRESENTS**

That in consideration of **One Hundred Seventy-five Thousand One Hundred and 00/100 Dollars (\$175,100.00)** to the undersigned grantor in hand paid by the grantees herein, the receipt whereof is acknowledged, I,

Gary F. Russell, an unmarried man

(hereinafter referred to as "Grantor") do grant, bargain, sell and convey unto

Henry A. Burks, Jr. and Tonya J. Burks

(hereinafter referred to as "Grantees") as joint tenants with right of survivorship, the following described real estate situated in Jefferson County, Alabama:

Lot 38, according to the Map of Quail Run, Phase 2, as recorded in Map Book 7, Page 113, in the Probate Office of Shelby County, Alabama.

\$169,840.00 of the proceeds come from a mortgage recorded simultaneously herewith.

Subject to: (1) 2001 ad valorem taxes not yet due and payable;
(2) all mineral and mining rights not owned by the Grantor; and
(3) all easements, rights-of-way, restrictions, covenants and encumbrances of record.

Gary F. Russell is the surviving grantee of the deed dated 8/22/83 and recorded in Book 350 pg. 179, the other grantee, Rebecca Conger Russell having died on 5/17/00.

TO HAVE AND TO HOLD unto 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 do for myself and for my heirs, executors, and administrators covenant with Grantees, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors and administrators shall warrant and defend the same to Grantees, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have set my hand and seal, this 30th day of May, 2001.

BY: Gary F. Russell (Seal)
Gary F. Russell

STATE OF NORTH CAROLINA)
Mecklenburg COUNTY)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Gary F. Russell, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of May, 2001.

Prakash V. Phansale
Notary Public:
My Commission Expires: 8/13/2002

06/04/2001-22555
12:16 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MEL