

## (RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

SEND TAX NOTICE TO:

R. Shan Paden  
PADEN & PADEN  
Attorneys at Law  
5 Riverchase Ridge, Suite 100  
Birmingham, Alabama 35244

BENJAMIN S. NAISH  
313 CEDAR HILL DRIVE  
BIRMINGHAM, AL. 35242

Inst # 2001-30987

07/25/2001-30987

02:45 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

002 CH 28.50

STATE OF ALABAMA)

COUNTY OF SHELBY)

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

**WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of TWO HUNDRED EIGHTY FOUR THOUSAND and 00/100 (\$284,000.00) DOLLARS to the undersigned grantor, J. ELLIOTT CORP. in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, does by these presents, grant, bargain, sell and convey unto BENJAMIN S. NAISH and JENNIFER B. NAISH, 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 27, ACCORDING TO THE SURVEY OF THE CEDARS, 2<sup>ND</sup> SECTOR, AS RECORDED IN MAP BOOK 25, PAGE 135, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

**SUBJECT TO:**

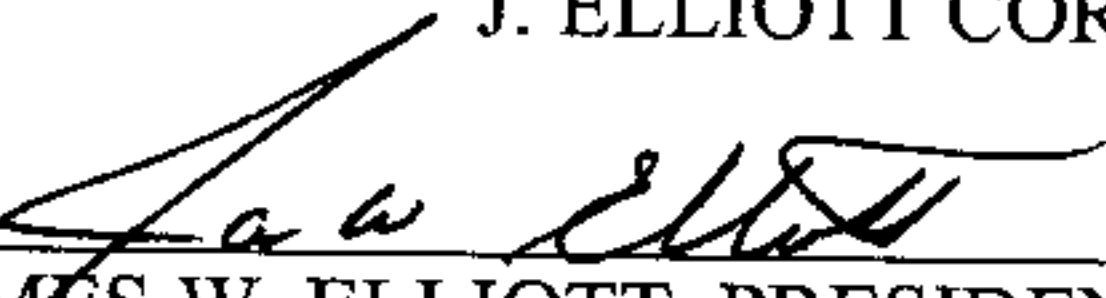
1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2000 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2001.
2. 35-FOOT BUILDING SETBACK LINE FROM CEDAR HILL DRIVE AS SHOWN ON THE RECORDED MAP OF SAID SUBDIVISION.
3. TRANSMISSION LINE PERMIT TO ALABAMA POWER COMPANY RECORDED IN DEED BOOK 124, PAGE 556; DEED BOOK 134, PAGE 553 AND DEED BOOK 217, PAGE 797.
4. RIGHT OF WAY TO SHELBY COUNTY AS SET FORTH IN DEED BOOK 135, PAGE 45 TO 49, INCLUSIVE.
5. COVENANTS, CONDITIONS, AND RESTRICTIONS AS SET FORTH IN INSTRUMENT RECORDED IN INSTRUMENT #1999-29516.

\$269,800.00 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 said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; 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 GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR, J. ELLIOTT CORP., by its PRESIDENT, JAMES W. ELLIOTT who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 29th day of June, 2001.

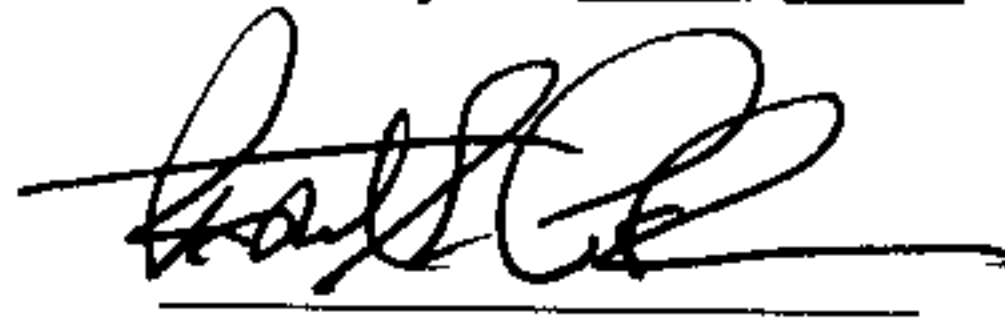
J. ELLIOTT CORP.  
By:   
JAMES W. ELLIOTT, PRESIDENT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JAMES W. ELLIOTT, whose name as PRESIDENT of J. ELLIOTT CORP., 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 or she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the 29th day of June, 2001.

  
Notary Public

My commission expires: 7/11/02

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