

6176

(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

JAMES ADAM SMITH
138 DAVENTRY DRIVE
CALERA, AL 35040

Inst # 2001-32912

08/07/2001-32912
07:10 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
16.00
002 CH

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of ONE HUNDRED TWENTY THOUSAND and 00/100 (\$120,000.00) DOLLARS to the undersigned grantor, D & D CONSTRUCTION, LLC, AN ALABAMA LIMITED LIABILITY COMPANY 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 JAMES ADAM SMITH and HEATHER D. SMITH, 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 55, ACCORDING TO THE SURVEY OF RESURVEY OF DAVENTRY, SECTOR 1, AS RECORDED IN MAP BOOK 26, PAGE 98, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

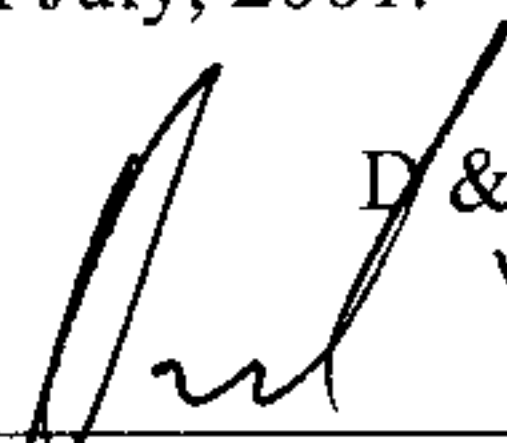
1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2000 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2001.
2. 20-FOOT BUILDING LINE ON THE FRONT SIDE OF LOT AS SHOWN ON RECORDED MAP.
3. 7.5 FOOT EASEMENT ON THE REAR SIDE OF LOT AS SHOWN ON RECORDED MAP.
4. RESTRICTIONS AND COVENANTS APPEARING OF RECORD IN INSTRUMENT #2000/2403.
5. RESTRICTIONS AND COVENANTS APPEARING OF RECORDED IN INSTRUMENT #1999/29871 AND INSTRUMENT #1998/1149.
6. RIGHT OF WAY GRANTED TO WATER WORKS BOARD OF THE CITY OF CALERA RECORDED IN INSTRUMENT #1998/1149.
7. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO.

\$118,146.00 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, D & D CONSTRUCTION, LLC, by its MANAGING MEMBER, DUSTIN WOODS who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 31st day of July, 2001.

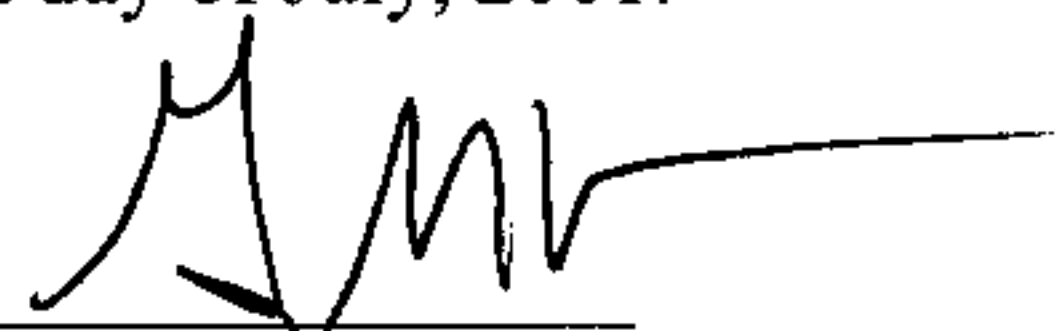
By:  D & D CONSTRUCTION, LLC
DUSTIN WOODS, MANAGING MEMBER

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that DUSTIN WOODS, whose name as MANAGING MEMBER of D & D CONSTRUCTION, LLC, an Alabama Limited Liability Company, 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 limited liability company.

Given under my hand this the 31st day of July, 2001.


Notary Public

My commission expires: 9-29-02

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