

6403

(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

KIMBERLEY SOMMERVILLE  
156 HIDDEN CREEK COVE  
PELHAM, AL 35124

STATE OF ALABAMA)  
COUNTY OF SHELBY)

Inst # 2001-51458

11/28/2001-51458  
08:22 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
16.00  
002 CH

### WARRANTY DEED

**Know All Men by These Presents:** That in consideration of ONE HUNDRED THOUSAND NINE HUNDRED and 00/100 (\$100,900.00) DOLLARS to the undersigned grantor, JOE ROSE HOMEBUILDERS, INC. a corporation, 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 KIMBERLEY SOMMERVILLE, AN UNMARRIED PERSON, (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

LOT 43, ACCORDING TO THE SURVEY OF HIDDEN CREEK TOWNHOMES PHASE II, AS RECORDED IN MAP BOOK 28, PAGE 37, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

#### SUBJECT TO:

1. TAXES FOR THE YEAR 2002 WHICH CONSTITUTE A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2002.
2. 15 FOOT BUILDING SETBACK LINE FROM HIDDEN COVE CREEK OF SAID LOT AS SHOWN ON RECORDED MAP OF SAID SUBDIVISION.
3. APPROXIMATE LOCATION OF 100 YEAR FLOOD ZONE ON REAR OF SAID LOT AS SHOWN ON RECORDED MAP OF SAID SUBDIVISION.
4. TERMS, PROVISIONS, OPTIONS, RIGHTS OF FIRST REFUSAL, COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS PROVIDED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN INSTRUMENT #1998-03074, AMENDED IN INSTRUMENT #1998-03075; INSTRUMENT #1998-03077 AND INSTRUMENT #1999-1568, AMENDED IN INSTRUMENT #1998-23229 AND AMENDED AND SUPPLEMENTED IN INSTRUMENT #2000-8567 AND AMENDED IN INSTRUMENT #2000-41083.
5. EASEMENT TO PLANTATION PIPE LINE AS RECORDED IN DEED BOOK 306, PAGE 416; DEED BOOK 252, PAGE 603 AND DEED BOOK 229, PAGE 335 AND DEED BOOK 112, PAGE 328.
6. RIGHT OF WAY TO ALABAMA POWER COMPANY AS RECORDED IN DEED BOOK 127, PAGE 375 AND DEED BOOK 216, PAGE 631.

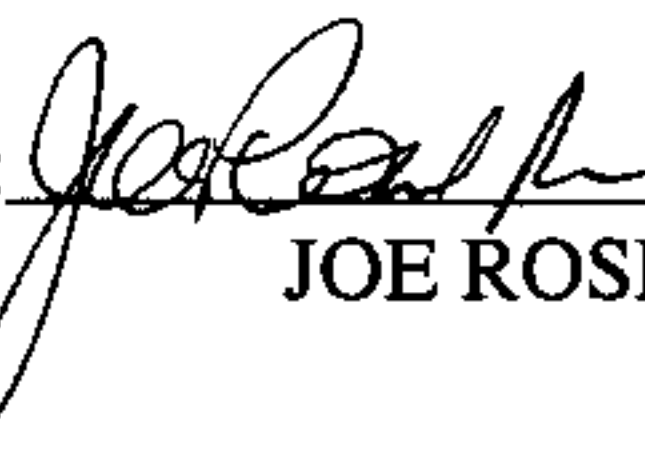
\$99,317.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

**TO HAVE AND TO HOLD** Unto the said GRANTEES, their heirs and assigns, forever.

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, JOE ROSE HOMEBUILDERS, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 16th day of November, 2001.

JOE ROSE HOMEBUILDERS, INC.

By:   
JOE ROSE, 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 JOE ROSE, whose name as PRESIDENT of JOE ROSE HOMEBUILDERS, INC., 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 16th day of November, 2001.

  
Notary Public

My commission expires: 7/1/02

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