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Shelby Cnty Judge of Probate, AL  
06/24/2002 09:30:00 FILED/CERTIFIED

**INSTRUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH**

This instrument was prepared by

**Mitchell A. Spears**

Attorney at Law

P.O. Box 119

205/665-5102

Montevallo, AL 35115-0091

205/665-5076

Send Tax Notice to:

(Name) Paul B. Smith and Patricia L. Smith

(Address) 4265 Highway 18

Montevallo, AL 35115

**Warranty Deed, Jointly For Life With Remainder To Survivor**

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **NINETY EIGHT THOUSAND DOLLARS AND 00/100 (\$98,000.00)** to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,

**WYLODEAN WALDROP and husband, T. J. WALDROP and CLARA KEY CARDWELL** (by <sup>/unmarried</sup>  
**and through her Attorney-in-Fact, WYLODEAN WALDROP**)

(herein referred to as grantors) do grant, bargain, sell and convey unto

**PAUL B. SMITH and PATRICIA L. SMITH**

(herein referred to as GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, the following described real estate situated in **SHELBY** County, Alabama to-wit:

**All SW ¼ of SE ¼ of Section 8, Township 24 North, Range 13 East, lying North of Shelby-Chilton County line road and West of Shelby County Highway #20.**

**LESS AND EXCEPT property described in Real Book 188, Page 507, more particularly described as follows: A parcel of land containing 1 acre, more or less, and being located in the SW ¼ of the SE ¼ of Section 8, Township 24 North, Range 13 East, Shelby County, Alabama and being more particularly described as follows: Commence at the point of intersection of the centerline of the Alabama Power Company's transmission line with the North right-of-way of County Line Road (60 ft. R.O.W.), said point being approximately 30 feet North of and 360 feet East of the SW corner of said SW ¼ of SE ¼; thence run North 10 deg. East along the centerline of said transmission line 275 feet; thence run West 160 feet; thence run South 10 deg. West 275 feet to the North right-of-way of County Line Road; thence East along said right-of-way 160 feet to the Point of Beginning.**

**REFERENCE IS HEREBY MADE TO THE DURABLE POWER OF ATTORNEY (HERETO ATTACHED AS EXHIBIT "A"), BY WHICH CLARA KEY CARDWELL (WHO IS ALSO KNOWN AS CLARA D. CARDWELL), CONVEY HER LIFE ESTATE INTEREST TO THE GRANTORS HEREIN. FURTHER REFERENCE IS MADE TO THE AFFIDAVIT REGARDING DURABLE POWER OF ATTORNEY (HERETO ATTACHED AS EXHIBIT "B") AS SWORN TO AND SUBSCRIBED BY A WITNESS TO THE ABOVE REFERENCED DURABLE POWER OF ATTORNEY. BOTH OF SAID EXHIBITS ARE INCORPORATED INTO THIS DEED OF CONVEYANCE.**

**SUBJECT TO:**

- **Taxes for 2002 and subsequent years. 2002 ad valorem taxes are a lien but not due and payable until October 1, 2002.**
- **Any loss, claim, damage, or expense including additional tax due, if any, arising from or due to the fact that ad valorem taxes for subject property have been paid under a current use assessment.**
- **Permits to Alabama Power Company recorded in Deed Book 124, Page 436 and Deed Book 131, Page 420.**
- **Easement to Plantation Pipe Line as recorded in Deed Book 112, Page 276.**
- **Transmission line as shown on tax map of Shelby County.**
- **Utility easements to Chilton County Natural Gas District recorded in Deed Book 165, Page 386.**

TO HAVE AND TO HOLD to the said GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns for such survivor forever.

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

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s), this 20<sup>th</sup> day of **June**, 2002.

Wylodean Waldrop  
WYLODEAN WALDROP

T. J. Waldrop  
T. J. WALDROP

Clara Key Cardwell  
CLARA KEY CARDWELL (by and through her Attorney-in-Fact, WYLODEAN WALDROP)

STATE OF ALABAMA )  
SHELBY COUNTY )

General Acknowledgment

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Wylodean Waldrop and T. J. Waldrop** whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date

Given under my hand and official seal this 20th day of June, 2002.

8/13/05  
My Commission Expires

[Signature]  
Notary Public

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Wylodean Waldrop** whose name as **Attorney-in-Fact for Clara Key Cardwell**, 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, she, as such Attorney-in-Fact and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal, this the 20th day of June, 2002.

8/13/05  
My Commission Expires

[Signature]  
Notary Public



EXHIBIT "A"

STATE OF ALABAMA

DURABLE POWER OF ATTORNEY

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS that I, Clara D. Cardwell, a legal resident of Shelby County, Alabama, presently being of sound mind and not being under any mental disability, incompetency or incapacity, do hereby nominate, constitute and appoint Wylodean Waldrop, a legal resident of Shelby County, Alabama, as and for my true and lawful attorney-in-fact under the provisions of and in accordance with Section 26-1-2, 1975 Code of Alabama, so that this power of attorney shall not be affected by my subsequent disability, incompetency or incapacity. I hereby bestow and vest my said attorney-in-fact with the following powers for me and in my name and on my behalf:

To withdraw any and all monies deposited with any bank, trust company or other financial institutions now or hereafter having monies belonging to me or held in my name, and for that purpose to draw checks in my name;

To deposit in my name and for my account with any bank, trust company or other financial institution, all monies payable or belonging to me or that may come into possession of my said attorney-in-fact; and all bills of exchange, drafts, checks, promissory notes and other instruments for money payable or belonging to me, and for that purpose to sign my name and endorse same for deposit or collection;

To have free access to safe deposit boxes and other places of safekeeping and storage, and to withdraw any or all of the property therefrom;

To invest and reinvest funds now or hereafter belonging to me in such securities or other properties as my said attorney shall deem proper;

To collect, sue, compromise or otherwise dispose of any claim or debt in which I now or hereafter may have an interest;

To pay, compromise or otherwise discharge and secure releases from any obligations or claims against me as my said attorney shall deem proper;

To exercise all present or future rights and powers with respect to any security now or hereafter owned by me, including mutual funds and their investments;

To sell, transfer, exchange or otherwise dispose of any of my property, real, personal or mixed, whether presently owned

*Return To Clara D. Cardwell*

or hereafter acquired in my name, and to execute and deliver good and sufficient deeds or other instruments for the conveyance or transfer of the same;

To lease, lease with option to sell, manage and delegate management of all real properties now or hereafter owned by me, and to take a lease of or to rent real property as a tenant; and,

To do, generally, any or all acts on my behalf on any other matters or things pertaining to or belonging to me with the same validity as I might act or could do if personally present and not under any disability, incompetency or incapacity.

To exercise all powers and do all acts on my behalf deemed by my said attorney-in-fact to be incidental to, or necessary or proper to carry into full effect, the foregoing powers hereby ratifying and confirming all that my said attorney-in-fact can lawfully do or cause to be done by virtue hereof.

In the event that during my disability, incompetency or incapacity any proceedings are commenced in any Court to appoint a guardian, curator or other fiduciary for and on my behalf, then and in those events, I do hereby nominate and request the Court to appoint Wylodean Waldrop as such guardian, curator or other fiduciary.

It is my intention that notwithstanding my subsequent disability, incompetency or incapacity, this power of attorney shall remain in full force and effect until expressly revoked or amended as provided by law, provided that such revocation or amendment shall be of no effect with respect to parties acting or things done in reliance upon this durable power of attorney prior to the actual receipt by them of written notice of such revocation or amendment.

IN WITNESS WHEREOF, I set my hand and seal this 28  
day of March, 1995.

WITNESSES:

Jack L. Williams  
Linda Kimbrell, DA

Clara D. Cardwell (SEAL)  
Clara D. Cardwell  
by Dickie White  
for her mark

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Clara D. Cardwell,

whose name was signed to the foregoing instrument in my presence, and who is known to me, acknowledged before me on this day, that, being informed of all contents of the foregoing Durable Power of Attorney, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 28 day of March, 1995.

Jack Holloway  
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Mar. 9, 1997.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Mar. 9, 1997.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.




**AFFIDAVIT REGARDING DURABLE POWER OF ATTORNEY**  
**(EXHIBIT "B")**

COMES NOW Vickie White, the "Affiant" herein, and after first having been duly sworn, said Affiant does depose and say as follows:

1. Affiant is over the age of thirty-five (35) years, and has personal knowledge of the facts stated herein.
2. On March 28, 1995, Affiant's grandmother, Clara D. Cardwell (the "Principal" herein), executed a Durable Power of Attorney, thereby appointing Affiant's mother, Wylodean Waldrop as her "Attorney-in-Fact", for the purpose of conducting all of said Principal's business and personal affairs, inclusive of the sale, transfer and conveyance of real estate, as is evidenced by said Durable Power of Attorney which immediately precedes this Affidavit as **Exhibit "A"**. Affiant was personally present upon the Principal's execution of said Durable Power of Attorney, and can attest to the following facts:
  - A. Prior to the execution of such Durable Power of Attorney, the Principal had experienced a stroke which had paralyzed her right side.
  - B. Although the Principal was literate, she made her mark ("X") with her own unguided left hand, as she was right-hand dominant and was unable to sign her name with her left hand.
  - C. At the time of execution of said Durable Power of Attorney, the Principal was mentally stable, clear of mind, and lucid in all respects.
  - D. The Affiant read the Durable Power of Attorney to the Principal, paragraph by paragraph, and at various times during the reading of such document, said Affiant would pause and render explanation to the Principal of the meaning of certain terms and clauses of said document.
  - E. The Affiant is fully satisfied that the Principal understood the terms of said Durable Power of Attorney, and knowingly, freely and voluntarily executed same.
3. This Affidavit is made for the purpose of inducing Shelby County Abstract & Title Company, Inc. to authorize the Principal's conveyance of certain real estate situated in Shelby County, Alabama, via said Principal's Durable Power of Attorney, to bona fide purchasers thereof, and to establish the fact that said Durable Power of Attorney is a true, lawful and binding document.
4. The Affiant has no pecuniary interest in the sale, transfer or conveyance the subject property situated in Shelby County, Alabama, hereinafter described as follows:

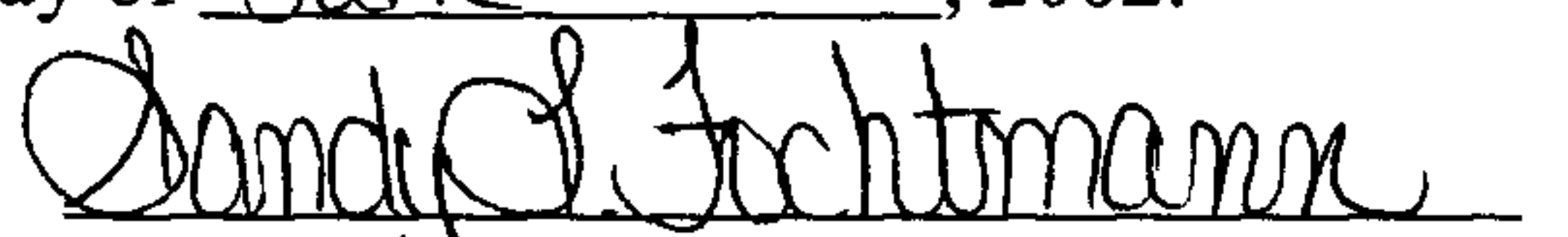
All SW ¼ of SE ¼ of Section 8, Township 24 North, Range 13 East, lying North of Shelby-Chilton County line road and West of Shelby County Highway #20. LESS AND EXCEPT property described in Real Book 188, Page 507. Situated in Shelby County, Alabama.

Furthermore, the Affiant saith naught.

  
Vickie White

STATE OF ALABAMA           )  
COUNTY OF SHELBY        )

Sworn to and subscribed before me this 14<sup>th</sup> day of June, 2002.

  
Notary Public  
My Commission Expires: 2/25/2003

*Return To:*  
*W. J. Spears*