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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

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5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

JAMES M. HORN
821 MILL SPRINGS PLACE
BIRMINGHAM, AL 35244

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of FOUR HUNDRED TWO THOUSAND and 00/100 (\$402,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, HARRY D. HORTON, A MARRIED PERSON and DIANNE B. SCOTT, A MARRIED PERSON (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JAMES M. HORN and GAIL B. HORN, 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 46A, ACCORDING TO THE RESURVEY LOTS 45 AND 46, MILL SPRINGS ESTATES, 3RD SECTOR, AS RECORDED IN MAP BOOK 28, PAGE 107, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2002 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2003.
2. 15 FOOT EASEMENT OVER THE REAR AND WESTERLY LOT LINE AND AN EASEMENT OF VARYING WIDTH ALONG NORTHWESTERLY CORNER OF LOT LINE AS SHOWN ON RECORD MAP(S).
3. 35 FOOT BUILDING RESTRICTION LINE(S) FROM MILL SPRINGS PLACE AS SHOWN ON RECORDED MAP(S).
4. EASEMENT(S)/RIGHT(S) OF WAY GRANTED ALABAMA POWER COMPANY RECORDED IN INSTRUMENT #2000/23198; VOLUME 101, PAGE 570 AND VOLUME 220, PAGE 67.
5. RESTRICTIONS APPEARING OF RECORD UNDER INSTRUMENT #2000/0280.
6. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RELEASE OF DAMAGES, AS RECORDED UNDER INSTRUMENT #2000/38681.

7. NOTES, TREE CONSERVATION AREA AND RESTRICTIONS AS SHOWN ON RECORDED MAP.
8. RIGHT OF WAY GRANTED SHELBY COUNTY RECORDED IN VOLUME 216, PAGE 24.
9. RIGHTS, CONDITIONS AND RELEASE OF DAMAGES AS RECORDED UNDER INSTRUMENT #1997-23616.

SUBJECT PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR(S) NOR THEIR RESPECTIVE SPOUSE(S).

DIANNE B. HORTON AND DIANNE B. SCOTT ARE ONE AND THE SAME PERSON.

\$300,700.00 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 I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, his, her, or 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 said GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTORS, HARRY D. HORTON, A MARRIED PERSON and DIANNE B. SCOTT, A MARRIED PERSON, have hereunto set his, her or their signature(s) and seal(s), this the 23rd day of November, 2002.


HARRY D. HORTON

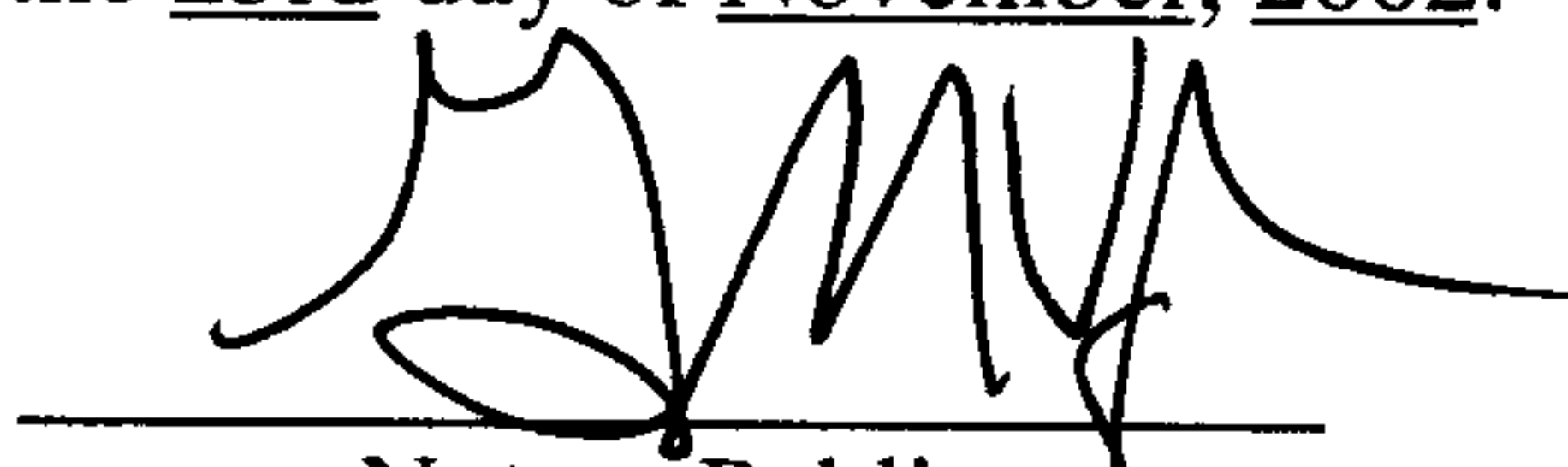

DIANNE B. SCOTT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that HARRY D. HORTON, A MARRIED PERSON and DIANNE B. SCOTT, A MARRIED PERSON, whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 23rd day of November, 2002.


Notary Public

My commission expires: 9.29.06