

9/16/04

(RECORDING INFORMATION ONLY ABOVE THIS LINE)  
This Instrument was prepared by: SEND TAX NOTICE TO:

R. Shan Paden  
PADEN & PADEN  
Attorneys at Law  
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Birmingham, Alabama 35244

DUSTIN T. MARCHAND  
120 KING RICHARDS WAY  
CALERA, AL 35040

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 FIFTY FIVE THOUSAND EIGHT HUNDRED DOLLARS and 00/100 (\$155,800.00) to the undersigned grantor, CREED 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 DUSTIN T. MARCHAND AND RENEE MARCHAND, 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 133, ACCORDING TO THE FINAL PLAT OF NOTTINGHAM PHASE I, AS RECORDED IN MAP BOOK 28 PAGE 127, 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. BUILDING SET BACK LINE OF 20 FEET RESERVED FROM KING RICHARDS WAY AND SHERWOOD CIRCLE AS SHOWN BY PLAT.
3. EASEMENTS AS SHOWN BY RECORDED PLAT, INCLUDING 8 FEET ON THE WESTERLY SIDE OF THE LAND.
4. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) RECORDED IN INST. NO. 2002-11100 ALONG WITH ARTICLES OF INCORPORATION OF HOMEOWNERS IN INST. NO. 2002-11101 IN THE PROBATE OFFICE.
5. TRANSMISSION LINE PERMIT(S) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT(s) RECORDED IN DEED 103 PAGE 170; DEED 205 PAGE 674; DEED 198 PAGE 478 AND DEED 177 PAGE 493 IN THE PROBATE OFFICE.
6. RIGHT(s) OF WAY(s) GRANTED TO ALABAMA POWER COMPANY BY INSTRUMENT(s) RECORDED IN INST. NO. 2002-6364 IN THE PROBATE OFFICE.
7. EASEMENT(s) TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT RECORDED IN INST. NO. 20030303000126280 IN THE PROBATE OFFICE.
8. RESTRICTIONS, LIMITATIONS, CONDITIONS AND OTHER PROVISIONS AS SET OUT IN MAP BOOK 28 PAGE 127 IN THE PROBATE OFFICE.

9. TERMS AND PROVISIONS REGARDING MATTERS RESERVED BY THE SELLER AS SET OUT ON THE DEED RECORDED AS INST. NO. 20020927000467850 AND CORRECTED IN INST. NO. 20021114000567510 IN THE PROBATE OFFICE.

\$153,366.00 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, CREED CONSTRUCTION, LLC, by its MEMBER, DEL CLAYTON who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 29th day of May, 2003.

CREED CONSTRUCTION, LLC

By:   
DEL CLAYTON, 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 DEL CLAYTON, whose name as MEMBER of CREED 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 29th day of May, 2003.

  
Notary Public

My commission expires: 9.29.06