

THIS DEED PREPARED WITHOUT BENEFIT OF A TITLE SEARCH

Send tax notice to:
Stephen J. Day
128 Thorn Berry Drive
Birmingham, Alabama 35242

STATE OF ALABAMA)

SHELBY COUNTY)

\$50,000

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the undersigned, in hand paid to **STEPHEN J. DAY and ELIZABETH F. DAY** (hereafter individually and collectively referred to as the "Grantors") by **STEPHEN J. DAY** (hereafter referred to as the "Grantee"), the receipt of which is hereby acknowledged, the said Grantors do, by these presents, GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, in fee simple, the following described real property situated in Shelby County, Alabama, to-wit:

Lot 5, according to the Survey of Thorn Berry Subdivision, as recorded in Map Book 25, Page 129 in the Office of the Judge of Probate of Shelby County, Alabama.

This conveyance is also made subject to the following:

1. 2003 ad valorem taxes, a lien due and payable October 1, 2003, and 2004 ad valorem taxes, a lien not yet due and payable.
2. Any and all previous reservations or conveyances, if any, of oil, gas and other minerals in, on and under said Property, together with all rights in connection therewith; all recorded encumbrances, if any; recorded or unrecorded easements, liens, restrictions, declarations, rights-of-way, and other matters of record in the Probate Office of Shelby County, Alabama; and any rights of parties in possession, encroachments, overhangs, deficiencies in quantity of land, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the property conveyed herein.

Note: The Property herein conveyed is the same real property conveyed to Grantors in that certain Corporation Form Warranty Deed dated as of January 12, 2000, and recorded as Instrument No. 2000-01861 in the Office of the Judge of Probate of Shelby County, Alabama.

Note: The Property herein conveyed is the homestead property of the Grantors.

Note: The Grantee is one and the same as one of the Grantors.

TO HAVE AND TO HOLD the above-described Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee in fee simple, and to the heirs, successors and assigns of the Grantee forever.

29th IN WITNESS WHEREOF, the said Grantors have hereto set their hands and seals on this the
day of October, 2003.

Stephen J. Day
STEPHEN J. DAY

Elizabeth F. Day
ELIZABETH F. DAY

STATE OF ALABAMA)
Shelby COUNTY):

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Stephen J. Day, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and seal, this 29th day of October, 2003.

[NOTARIAL SEAL]

Stacy M. Duce
Notary Public
My Commission Expires: 10/23/2004

STATE OF ALABAMA)
Shelby COUNTY):

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Elizabeth F. Day, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and seal, this 29th day of October, 2003.

[NOTARIAL SEAL]

Stacy M. Duce
Notary Public
My Commission Expires: 10/23/2004

MY COMMISSION EXPIRES OCTOBER 23, 2004

This instrument prepared by:
Craig M. Stephens
Attorney at Law
Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35205

STATE OF ALABAMA)

Shelby COUNTY)

AFFIDAVIT

Before me, the undersigned authority in and for said State at Large, personally appeared STEPHEN J. DAY and ELIZABETH F. DAY, residents of Jefferson County, Alabama, who are known to me and who, being first duly sworn by me, depose and state as follows:

We reside at 128 Thorn Berry Drive, Birmingham, Alabama 35242, more particularly described as:

Lot 5, according to the Survey of Thorn Berry Subdivision, as recorded in Map Book 25, Page 129 in the Office of the Judge of Probate of Shelby County, Alabama.

We acquired said property in our individual capacities from American Homes and Land Corporation by Deed dated January 12, 2000 and recorded as Instrument 2000-01861 in the Office of the Judge of Probate of Shelby County.

We are the Grantors and Trustees under that certain Declaration of Trust dated March 30, 1989. By Trustees' Deed dated July 23, 2002, and recorded in the Office of the Judge of Probate of Shelby County on July 22, 2002 as Instrument Number 341050, we purported to transfer our home. The Trustees' Deed did not set forth the identity of the Grantees. Moreover, in our capacities as Trustees of said Trust, we did not have title to said property.

We acknowledge that the Trustees' Deed had no legal effect, and that title to our home remained in each of us individually, as joint tenants with right of survivorship.

We declare to the best of our knowledge that the facts in this Affidavit are true and correct.

Signed this 29th day of October, 2003.

Stephen J. Day
Stephen J. Day

Elizabeth F. Day
Elizabeth F. Day

Sworn to and subscribed before me this 29th day of October, 2003.

Tracey M. Deed
Notary Public for the State of Alabama At Large
My Commission Expires: 10/23/2004

SEAL