

10404

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

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PADEN & PADEN
Attorneys at Law
✓ 5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

CHRISTOPHER R. COUNTS
407 WATERFORD COVE TRAIL
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 SEVENTY FIVE THOUSAND NINE HUNDRED DOLLARS and 00/100 (\$175,900.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, CHARLIE F CHANCELLOR DBA C&W CONSTRUCTION this is not the homestead of Charlie F. Chancellor nor that of his spouse (herein referred to as GRANTORS) do grant, bargain, sell and convey unto CHRISTOPHER R. COUNTS and THERESA R. COUNTS, 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 721, ACCORDING TO THE SURVEY OF WATERFORD COVE SECTOR 3, AS RECORDED IN MAP BOOK 31, PAGE 146 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2003 WHICH CONSTITUTE A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. 8 FOOT EASEMENT ON FRONT, AS SHOWN BY RECORDED MAP.
3. RESTRICTIONS AS SHOWN BY RECORDED MAP. (PUD)
4. RESTRICTIONS APPEARING OF RECORD RECORDED IN INSTRUMENT 2001-12818, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
5. RIGHT OF WAY TO SHELBY COUNTY, RECORDED IN DEED BOOK 240, PAGE 36, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. GRANT TO THE STATE OF ALABAMA RECORDED IN REAL 278, PAGE 5, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
7. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO AND RELEASE OF DAMAGES RECORDED IN REAL 345, PAGE 744 AND INSTRUMENT 1995-1640, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
8. TERMS AND CONDITIONS RECORDED IN INSTRUMENT 1995-1640, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

9. EASEMENT FOR ALABAMA POWER COMPANY RECORDED IN INSTRUMENT 2002-18705, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
10. THE RIGHTS OF UPSTREAM AND DOWNSTREAM RIPARIAN OWNERS WITH RESPECT TO ANY BODY OF WATER WHICH MAY LIE ADJACENT TO, AND/OR TRAVERSING THROUGH, SUBJECT PROPERTY.

\$151,116.00 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, CHARLIE F CHANCELLOR DBA C&W CONSTRUCTION, have hereunto set his, her or their signature(s) and seal(s), this the 30th day of January, 2004.



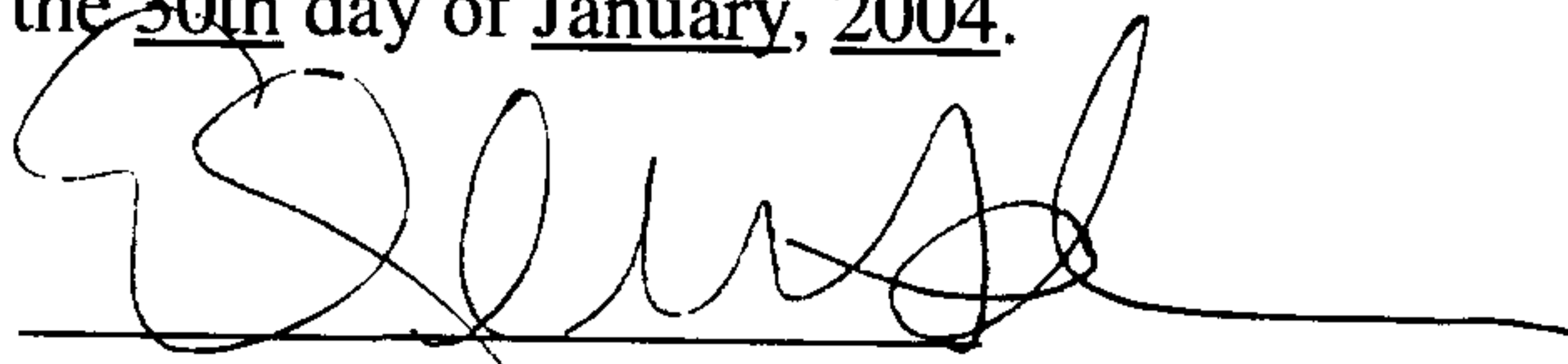
CHARLIE F CHANCELLOR DBA C&W CONSTRUCTION

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that CHARLIE F CHANCELLOR DBA C&W CONSTRUCTION, 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 30th day of January, 2004.


Notary Public

My commission expires: 10-2-05