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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

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Birmingham, Alabama 35244

SEND TAX NOTICE TO:

DAVID M. GARDNER
204 BRIDGEWATER TERRACE
HELENA, AL 35080

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

STATUTORY WARRANTY DEED

Know All Men by These Presents: That in consideration of THREE HUNDRED THIRTY FIVE THOUSAND and 00/100 (\$335,000.00) DOLLARS to the undersigned grantor, BIRDWELL BUILDING COMPANY, INC., 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 DAVID M. GARDNER and DEIDRE M. GARDNER, 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 227 ACCORDING TO THE AMENDED MAP OF RIVERWOODS SECOND SECTOR AS RECORDED IN MAP BOOK 29, PAGE 121 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:


1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2003 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. 25 FOOT BUILDING LINE ON FRONT 70 FOOT EASEMENT ON SOUTHWEST; 10 FOOT EASEMENT ON EAST 15 FOOT EASEMENT ON EAST AND EASEMENT OF VARYING WIDTH ON SOUTH AS SHOWN BY RECORDED MAP.
3. RESTRICTIONS AS SHOWN BY RECORDED MAP.
4. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO RECORDED IN REAL 112, PAGE 876; REAL 328, PAGE 1; REAL 247, PAGE 636, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
5. OIL AND GAS LEASE AS RECORDED IN REAL 370, PAGE 923 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. RIGHT OF WAY TO SOUTHERN NATURAL GAS CORPORATION RECORDED IN INSTRUMENT 2001-54741, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
7. RESTRICTIONS APPEARING OF RECORD IN INSTRUMENT 2002-7338 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

\$268,000.00 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.

IN WITNESS WHEREOF, the said VENSON E. BIRDWELL AS PRESIDENT OF BIRDWELL BUILDING COMPANY, INC., has hereunto subscribed her name on this the 20th day of February, 2004.

BIRDWELL BUILDING COMPANY, INC.


VENSON E. BIRDWELL, PRESIDENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that VENSON E. BIRDWELL, whose name as PRESIDENT of BIRDWELL BUILDING COMPANY, INC., an Alabama Corporation, 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 corporation.

Given under my hand this the 20th day of February, 2004.


Notary Public

My commission expires: 9.29.06