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(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:

THOMAS L. STEWART  
5152 WEATHERFORD DRIVE  
BIRMINGHAM, AL 35242

STATE OF ALABAMA)  
COUNTY OF SHELBY)

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP  
WARRANTY DEED**

**Know All Men by These Presents:** That in consideration of TWO HUNDRED THIRTY TWO THOUSAND DOLLARS and 00/100 (\$232,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, JAMES DRAYTON SMITH, III and MALLORY S. SMITH, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto THOMAS L. STEWART and KAREN L. STEWART, 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 8, IN BLOCK 7, ACCORDING TO THE SURVEY OF LINCOLN PARK AS RECORDED IN MAP BOOK 3, PAGE 145 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

Subject to:

1. TAXES FOR THE YEAR 2003 WHICH CONSTITUTE A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. RESTRICTIONS APPEARING OF RECORD IN INSTRUMENT #1994-23338 AND INSTRUMENT #1997-6580.
3. RELEASE OF DAMAGES AS SET OUT IN INSTRUMENT RECORDED IN INSTRUMENT #1997-38622.


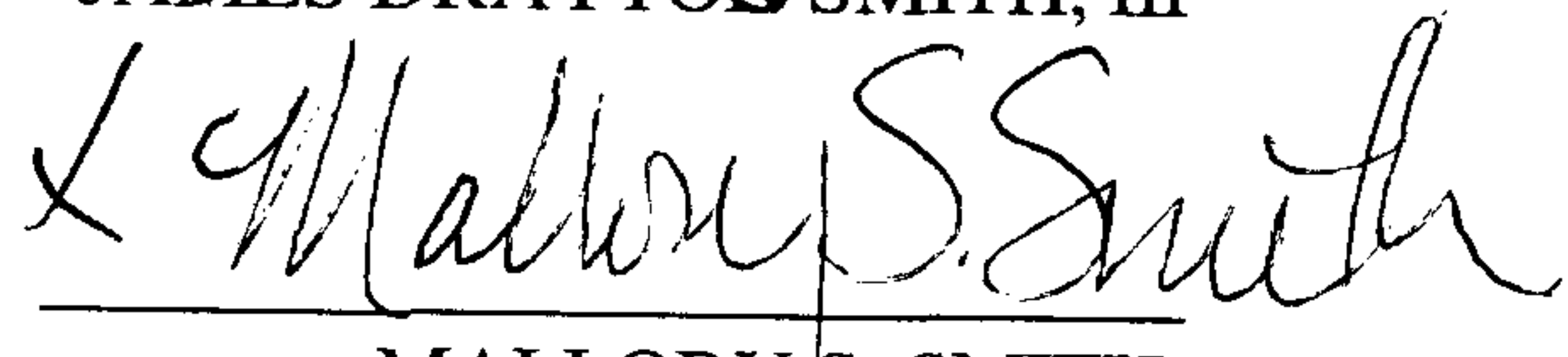
\$208,800.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

**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, JAMES DRAYTON SMITH, III and MALLORY S. SMITH, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 1st day of March, 2004.

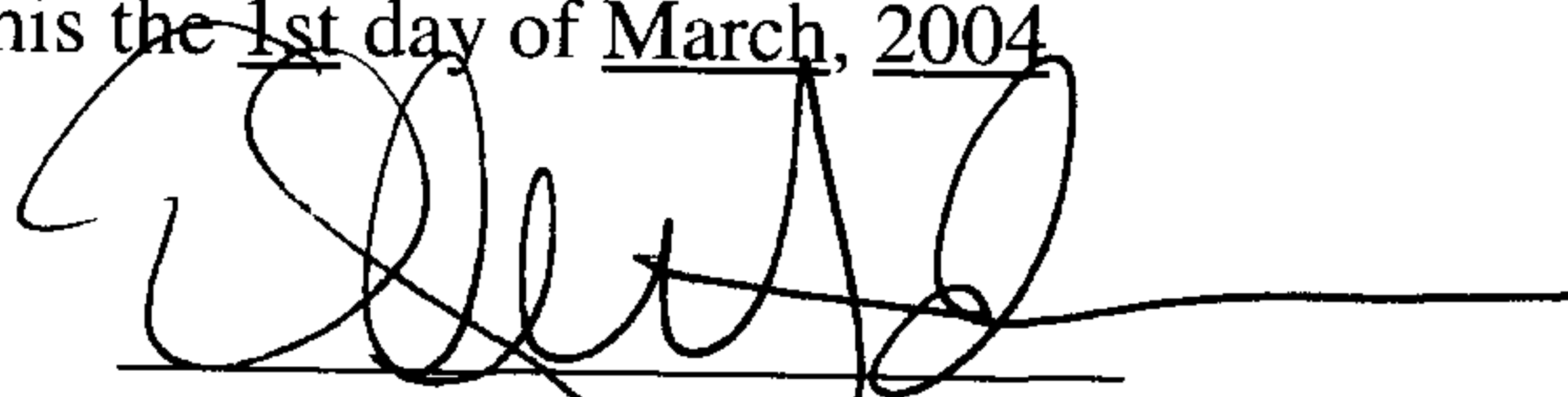
  
JAMES DRAYTON SMITH, III  
  
MALLORY S. SMITH

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JAMES DRAYTON SMITH, III and MALLORY S. SMITH, HUSBAND AND WIFE, 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 1st day of March, 2004

  
Notary Public

My commission expires: 10. 2. 05