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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

R. Shan Paden  
PADEN & PADEN  
Attorneys at Law  
5 Riverchase Ridge, Suite 100  
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

DAVID JAMES BYRD  
2195 SMOKEY RD  
ALABASTER, AL 35007

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 THIRTY THOUSAND and 00/100 (\$130,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, WALTER B. BEARD and BERTHA BEARD, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto DAVID JAMES BYRD and SANDRA B. BYRD, 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 1, ACCORDING TO THE SURVEY OF SMOKEY RIDGE ESTATES, BEING A RESURVEY OF LOTS 3-A, 4-A, 5-A AND 6-A SPAIN ESTATES, AS RECORDED IN MAP BOOK 32 PG 78 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN 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. DECLARATION OF PROTECTIVE COVENANTS OF SAID SUBDIVISION AS SET OUT IN INST. #2003-815650 IN PROBATE OFFICE.
3. RESTRICTIONS, LIMITATIONS, EASEMENTS AND CONDITIONS AS SET OUT IN MAP BOOK 32, PAGE 78 AND MAP BOOK 5 PAGE 32 IN SAID PROBATE OFFICE.
4. BUILDING SETBACK LINE OF 75 FEET IS RESERVED FROM THE SOUTH AND WEST SIDES AND 2 FEET ON THE REAR, AS SHOWN BY PLAT.

\$130,000.00 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.

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, WALTER B. BEARD and BERTHA BEARD, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 19th day of March, 2004.

  
WALTER B. BEARD

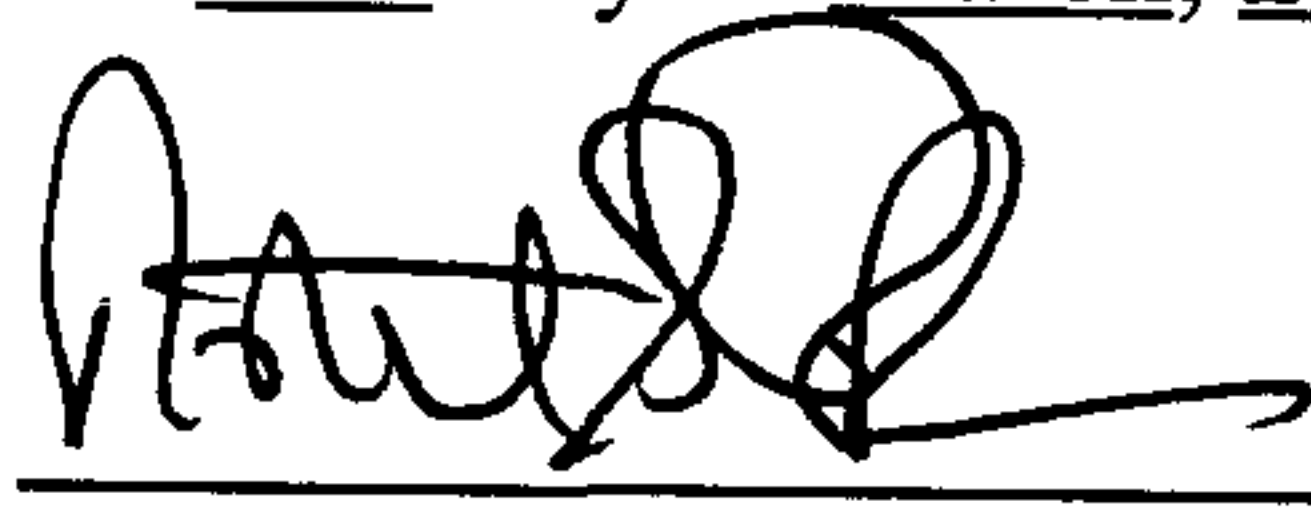
  
BERTHA BEARD

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that WALTER B. BEARD and BERTHA BEARD, 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 19th day of March, 2004.

  
Notary Public

My commission expires: 2/1/06