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Shelby Cnty Judge of Probate, AL  
05/06/2004 08:14:00 FILED/CERTIFIED

(RECORDING INFORMATION ONLY ABOVE THIS LINE)  
This Instrument was prepared by: SEND TAX NOTICE TO:

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

CARLA GELLNESS  
221 GRANDE VIEW CIRCLE  
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 TWO HUNDRED EIGHTY NINE THOUSAND NINE HUNDRED DOLLARS and 00/100 (\$289,900.00) to the undersigned grantor, JOE ROSE HOMEBUILDERS, 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 CARLA GELLNESS and JASON GELLNESS, WIFE AND HUSBAND, (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 635, ACCORDING TO THE SURVEY OF GRANDE VIEW ESTATES GIVIANPOUR ADDITION TO ALABASTER, 6<sup>TH</sup> ADDITION AS RECORDED IN MAP BOOK 32, PAGE 48, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2003 WHICH CONSTITUTES A LIEN BUT NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. SETBACK LINES AS SHOWN ON THE RECORDED MAP OF SAID SUBDIVISION.
3. EASEMENTS AS SHOWN ON THE RECORDED MAP OF SAID SUBDIVISION.
4. TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS (PROVISIONS, IF ANY, BASED ON RACE, COLOR, RELIGION, OR NATIONAL ORIGIN ARE OMITTED) PROVIDED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN INSTRUMENT #1995-5892; INSTRUMENT #1995-28543; INSTRUMENT #1995-28544; INSTRUMENT #1996-339; INSTRUMENT #1996-26258; INSTRUMENT #1996-29192; INSTRUMENT #1996-37928 AND INSTRUMENT #1996-37929.
5. ARTICLES OF INCORPORATION OF GRANDE VIEW HOMEOWNERS ASSOCIATION RECORDED IN INSTRUMENT #1995-5890 AND BY-LAW'S AS RECORDED IN INSTRUMENT #1995-5891.
6. OIL, GAS AND MINERALS, RIGHT OF FIRST REFUSAL SINKHOLE AND COVENANT AND ALL OTHER SUBSURFACE INTERESTS IN, TO OR UNDER THE LAND HEREIN DESCRIBED AND SPECIFICALLY AS RECORDED IN INSTRUMENT 20031107000741640.
7. RIGHTS EASEMENTS RESTRICTIONS OR COVENANTS GRANTED TO ALABAMA POWER COMPANY, CITY OF ALABASTER, AND FRANCIS M RANDALL AND HARRIETT RANDALL AS REFERRED TO IN THAT CERTAIN DEED RECORDED IN

INSTRUMENT 1994/26505 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

8. DECREE OF CONDEMNATION CASE NO. 28-197 ALABAMA WATER AND GAS VS. KIMBERLY CLARK CORPORATION AS REFERRED TO IN THAT CERTAIN DEED RECORDED IN INSTRUMENT 1994/26505 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
9. TRANSMISSION LINE PERMITS TO ALABAMA POWER AS RECORDED IN DEED 138, PAGE 170.
10. SUPPLEMENTAL RESTRICTIONS OR COVENANTS RECORDED IN INSTRUMENT 2003/722160 IN TE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

\$231,920.00 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 said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns 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 GRANTOR, JOE ROSE HOMEBUILDERS, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 29th day of April, 2004.

JOE ROSE HOMEBUILDERS, INC.

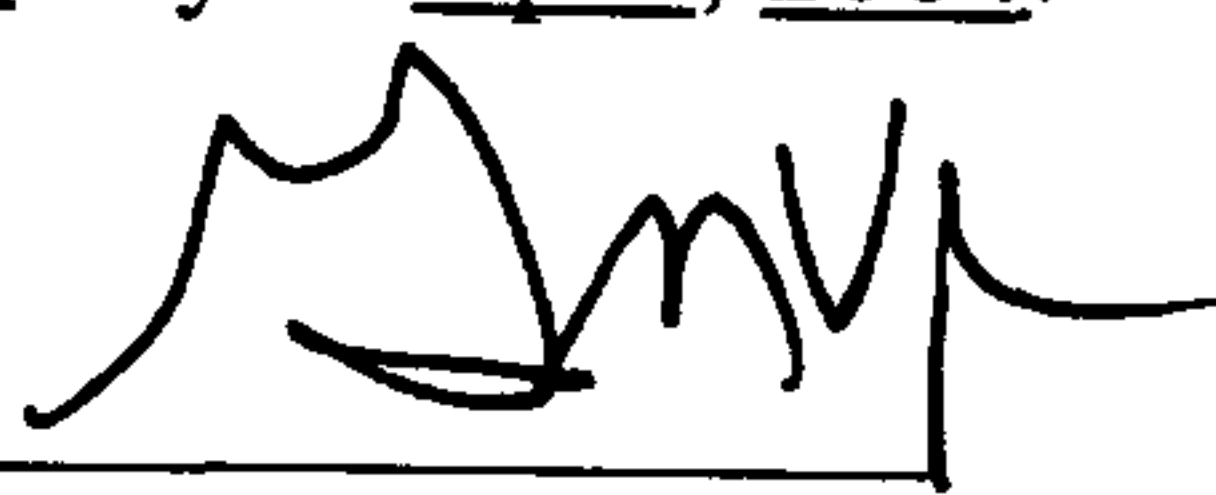
By  \_\_\_\_\_  
JOE ROSE, PRESIDENT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JOE ROSE, whose name as PRESIDENT of JOE ROSE HOMEBUILDERS, INC., a 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 29th day of April, 2004.

  
\_\_\_\_\_  
Notary Public

My commission expires: 9.29.06