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(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

WALTER H. SHANKS
209 PARK LAKE TRACE
HELENA, AL 35080

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 FORTY NINE THOUSAND NINE HUNDRED DOLLARS and 00/100 (\$249,900.00) 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 WALTER H. SHANKS and JUDY LYNN SHANKS, 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 478 ACCORDING TO THE SURVEY OF RIVERWOODS PHASE III 4TH SECTOR AS RECORDED IN MAP BOOK 31, PAGE 89 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. BUILDING LINES, RESTRICTIONS AND EASEMENTS AS SHOWN ON RECORDED MAP.
3. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO RECORDED IN REAL 112, PAGE 876; REAL 238, PAGE 1; REAL 247, PAGE 599 AND REAL 247, PAGE 636 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
4. OIL AND GAS LEASE AS RECORDED IN REAL 370, PAGE 923, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
5. RIGHT OF WAY TO SOUTHERN NATURAL GAS CORPORATION RECORDED IN INSTRUMENT 2001-54741 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. RESTRICTIONS APPEARING OF RECORD IN INSTRUMENT 2002-7338 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

\$199,900.00 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 25th day of May, 2004.

JOE ROSE HOMEBUILDERS, INC.

By: Joe Rose
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 25th day of May, 2004.

M. J. M. Vaughn
Notary Public

My commission expires: 9.29.06