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Shelby Cnty Judge of Probate, AL  
06/23/2004 10:10:00 FILED/CERTIFIED

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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:

M. GARDNER MCCOLLUM JR.  
101 CHANDLER DRIVE  
ALABASTER, ALABAMA 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 SEVENTEEN THOUSAND DOLLARS and 00/100 (\$217,000.00) DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, PAUL R. FRANK and SUE K. FRANK, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto M. GARDNER MCCOLLUM JR. and SANDRA W. MCCOLLUM, 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 133, ACCORDING TO THE MAP AND SURVEY OF WEATHERLY CHANDLER, SECTOR 16, AS RECORDED IN MAP BOOK 19, PAGE 151, 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. EASEMENTS AND BUILDING LINES AS SHOWN ON RECORDED MAP.
3. 10 FOOT EASEMENT ON REAR AS SHOWN BY RECORD PLAT.
4. EASEMENT PROVIDING PUBLIC ACCESS, INCLUDING INGRESS AND EGRESS, INSTALLATION OF UTILITIES AND ANY OTHER PURPOSE NECESSARY FOR THE DEVELOPMENT OF ADJACENT LANDS.
5. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN VOLUME 127, PAGE 410 AND VOLUME 194, PAGE 30.
6. AGREEMENT FOR INGRESS AND EGRESS RECORDED IN VOLUME 289, PAGE 858.
7. MINERAL AND MINING RIGHTS AND ALL RIGHTS INCIDENT THERETO INCLUDING RELEASE OF DAMAGES AS RECORDED IN INSTRUMENT NO. 1995-13603.



8. AGREEMENT AS RECORDED IN INSTRUMENT NO. 1995-6003.
9. RIGHT OF WAY TO BELL SOUTH COMMUNICATION RECORDED IN INSTRUMENT NO. 9407-356.
10. RESTRICTIVE COVENANTS AS RECORDED IN INSTRUMENT NO. 1995-13054.
11. A 20 FOOT SET BACK LINE AS SHOWN BY RECORD PLAT.

\$173,600.00 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, PAUL R. FRANK and SUE K. FRANK, HUSBAND AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 14th day of June, 2004.

  
PAUL R. FRANK

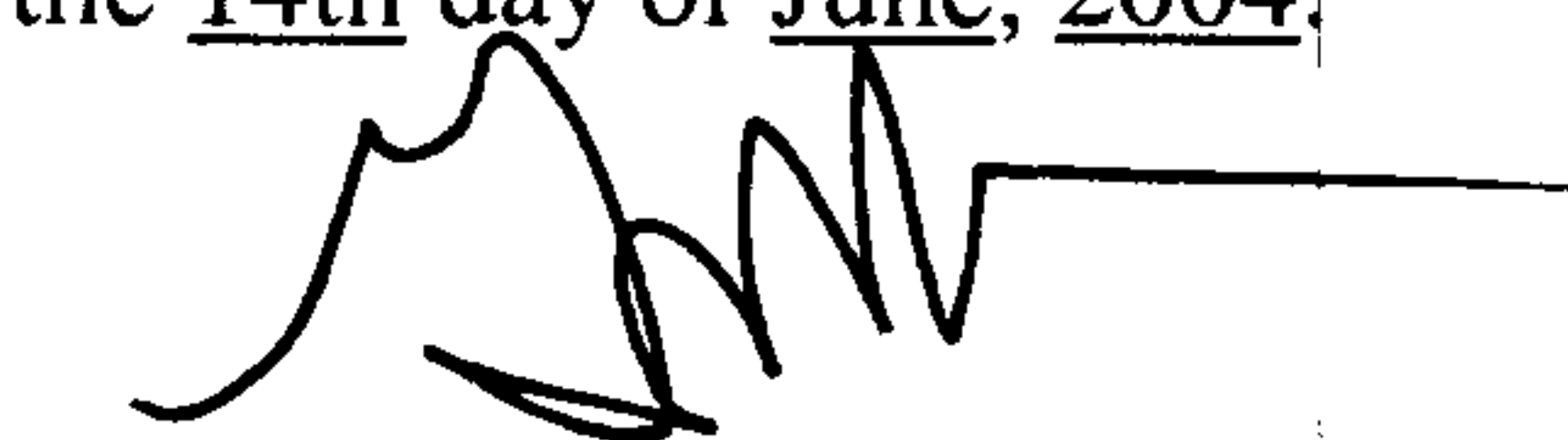
  
SUE K. FRANK

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that PAUL R. FRANK and SUE K. FRANK, 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 14th day of June, 2004.

  
Notary Public

My commission expires: 9.29.06

