

11289

(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

JEFFREY COLE  
4097 FALLISTON DR.  
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 THIRTY SIX THOUSAND NINE HUNDRED DOLLARS and 00/100 (\$236,900.00) to the undersigned grantor, GARY E. CARTER BUILDERS, 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 JEFFREY COLE and KIMBERLY COLE, (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 3, according to the Survey of The Highlands at Falliston, as recorded in Map Book 32, Page 6, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. PROPERTY TAXES FOR 2004 AND SUBSEQUENT YEARS WHICH ARE NOT YET DUE AND PAYABLE.
2. 30 FOOT BUILDING LINE FROM FALLISTON DRIVE, AS SHOWN ON RECORDED MAP.
3. RESTRICTIONS APPEARING OF RECORD IN INSTRUMENT # 2003-62527.

\$189,000.00 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 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, GARY E. CARTER BUILDERS, INC., by its PRESIDENT, GARY E. CARTER who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 11th day of August, 2004.

GARY E. CARTER BUILDERS, INC.

By: Gary E. Carter  
GARY E. CARTER, 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 GARY E. CARTER, whose name as PRESIDENT of GARY E. CARTER BUILDERS, 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 11th day of August, 2004.

George M. Vaughn

Notary Public

My commission expires: 9.29.06

