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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

SEND TAX NOTICE TO:

R. Shan Paden

JOSEPH P. KOWILICH
225 GRANDE VIEW CIRCLE

PADEN & PADEN
Attorneys at Law
5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

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 THREE HUNDRED FORTY THOUSAND DOLLARS and 00/100 (\$340,000.00) 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 JOSEPH P. KOWILICH and CYNTHIA J. KOWILICH, (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 634, ACCORDING TO THE SURVEY OF GRANDE VIEW ESTATES, GIVIANPOUR ADDITION TO ALABASTER, 6^T ADDITION, AS RECORDED IN MAP BOOK 232, PAGE 48, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2003 WHICH CONSTITUTES ALIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. BUILDING LINES AND EASEMENTS, AS SHOWN BY RECORDED MAP.
3. DECLARATION OF PROTECTIVE COVENANTS AS RECORDED IN 1995-5892, 1ST AMENDMENT RECORDED IN INSTRUMENT 1995-28543, SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1995-28544, SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1996-29192, AMENDED BY INSTRUMENT 1996-37929, AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 2000-1048, IN THE PROBATE OFFICE OF SHELBY COUNT, ALABAMA.
4. ARTICLES OF INCORPORATION OF GRANDE VIEW HOMEOWNERS ASSOCIATION, RECORDED IN INSTRUMENT 1995-5890 AND BY-LAWS RECORDED IN INSTRUMENT 1995-5891, IN THE PROBATE OFFICE OF SHELBY COUNTY ALABAMA.
5. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO, RIGHT OF FIRST REFUSAL, RELEASE OF DAMAGES, SINKHOLE AND COVENANT FOR STORM WATER RUN-OFF CONTROL, AS RECORDED IN INSTRUMENT 2031117000754780, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. 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, AL.

7. 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.
8. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN DEED VOLUME 138, PAGE 170, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
9. RESTRICTIONS REGARDING ALABAMA POWER COMPANY RECORDED IN INSTRUMENT 20040206000061880, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA
10. RESTRICTIONS APPEARING OF RECORDED IN INSTRUMENT 20031029000722160, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

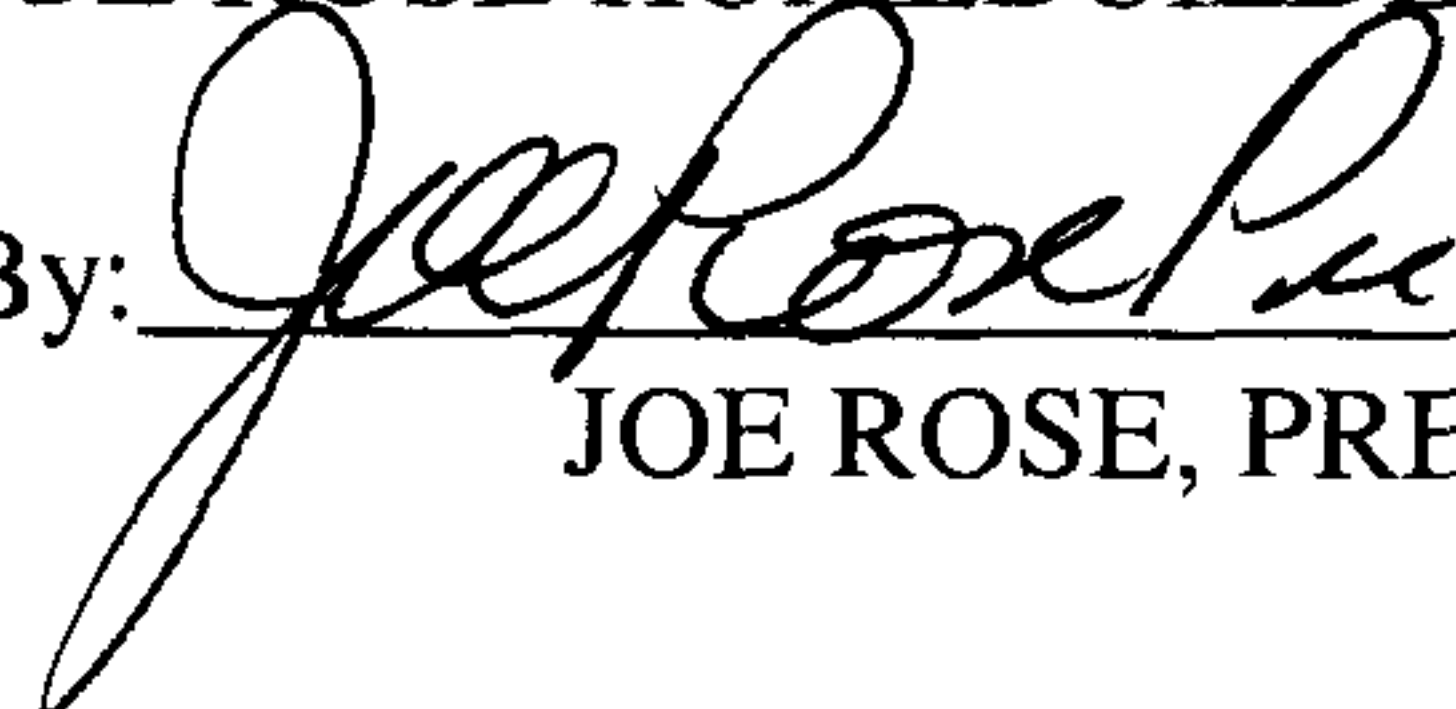
\$272,000.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

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, 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 12th day of August, 2004.

JOE ROSE HOMEBUILDERS, INC.

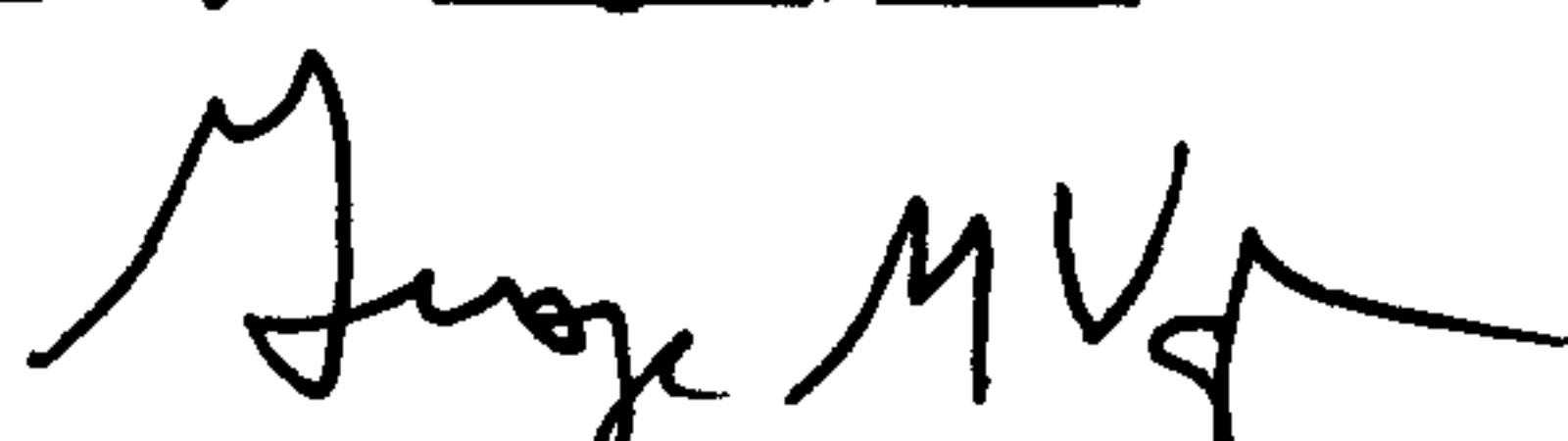
By: 
JOE ROSE, PRESIDENT

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 12th day of August, 2004.


Notary Public

My commission expires: 9.29.06

