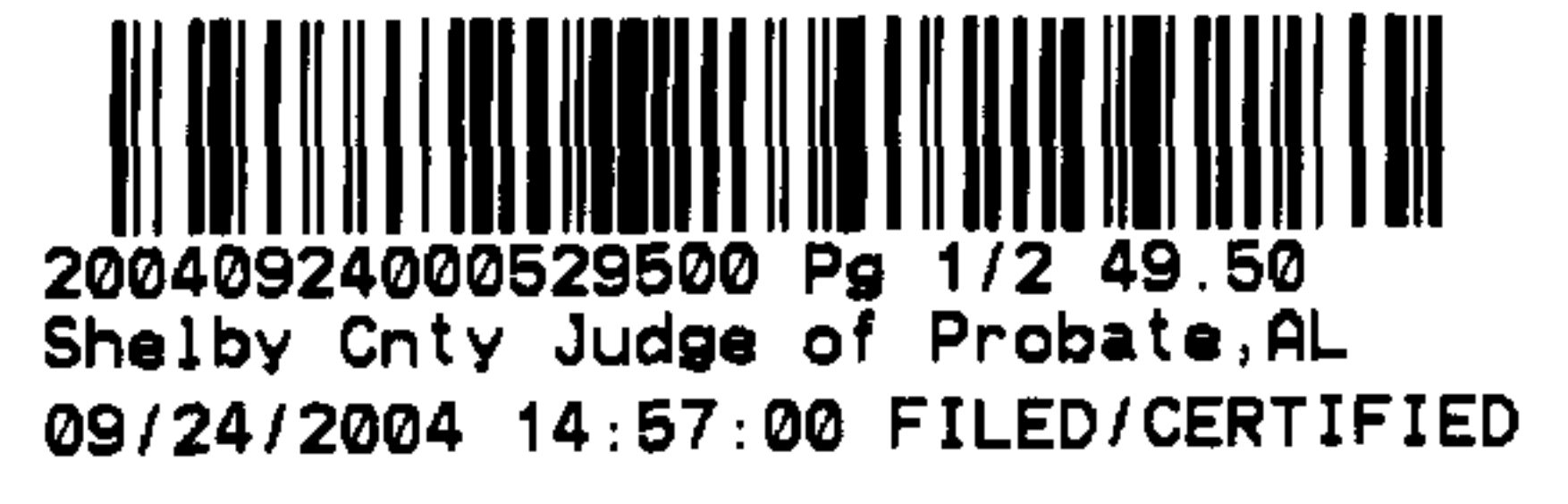


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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

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

TIMOTHY L. FITZPATRICK
671 WYNLAKE COVE
MONTEVALLO, AL 35115

STATE OF ALABAMA)

COUNTY OF SHELBY)

WARRANTY DEED

Know All Men by These Presents: That in consideration of ONE HUNDRED SEVENTY SIX THOUSAND DOLLARS and 00/100 (\$176,000.00) to the undersigned grantor, JOE ROSE HOMEBUILDERS, INC. a corporation, 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 TIMOTHY L. FITZPATRICK, AN UNMARRIED MAN, (herein referred to as GRANTEES, whether one or more) the following described real estate, situated in SHELBY County, Alabama, to-wit:

Lot 134, according to the subdivision plat map of Wynlake Phase 4C as recorded in Map Book 29, Page 15, in the Probate Office of SHELBY County, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2003 WHICH CONSTITUTE A LIEN BUT ARE NOT DUE AND PAYABLE UNTIL OCTOBER 1, 2004.
2. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL HERETO OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
3. 30-FOOT BUILDING LINE ALONG WYNLAKE COVE AS SHOWN ON RECORDED MAP.
4. TRANSMISSION LINE PERMIT TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT RECORDED IN DEED 101, PAGE 75 AND DEED 121, PAGE 191.
5. TITLE TO ALL OIL, GAS AND MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL OIL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, TOGETHER WITH ANY RELEASE OF LIABILITY FOR INJURY OR DAMAGE TO PERSONS OR PROPERTY AS A RESULT OF THE EXERCISE OF SUCH RIGHTS AS RECORDED IN REAL 15, PAGE 375 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
6. COVENANTS, CONDITIONS, AND RESTRICTIONS (PROVISIONS, IF ANY, BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN ARE OMITTED) AS SET FORTH IN INSTRUMENT DOCUMENT RECORDED IN MAP BOOK 29, PAGE 15.
7. RIGHTS GRANTED TO ALABAMA POWER COMPANY BY INSTRUMENT RECORDED IN REAL 40, PAGE 202.

8. DECLARATION OF MARKETING AND CONVEYANCE COVENANTS AS SET OUT IN INSTRUMENT #2002-02006.
9. RELEASE OF DAMAGES AS SET OUT IN INSTRUMENT #2002-09165.
10. COVENANTS, CONDITIONS, AND RESTRICTIONS (PROVISIONS, IF ANY, BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN ARE OMITTED) AS SET FORTH IN INSTRUMENT DOCUMENT RECORDED IN INSTRUMENT #1995-30874 AND AMENDED IN INSTRUMENT #2002-6857.

\$140,800.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

TO HAVE AND TO HOLD Unto the said GRANTEES, their heirs and assigns, forever.

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 15th day of September, 2004.

JOE ROSE HOMEBUILDERS, INC.

By: 
JOE ROSE, PRESIDENT

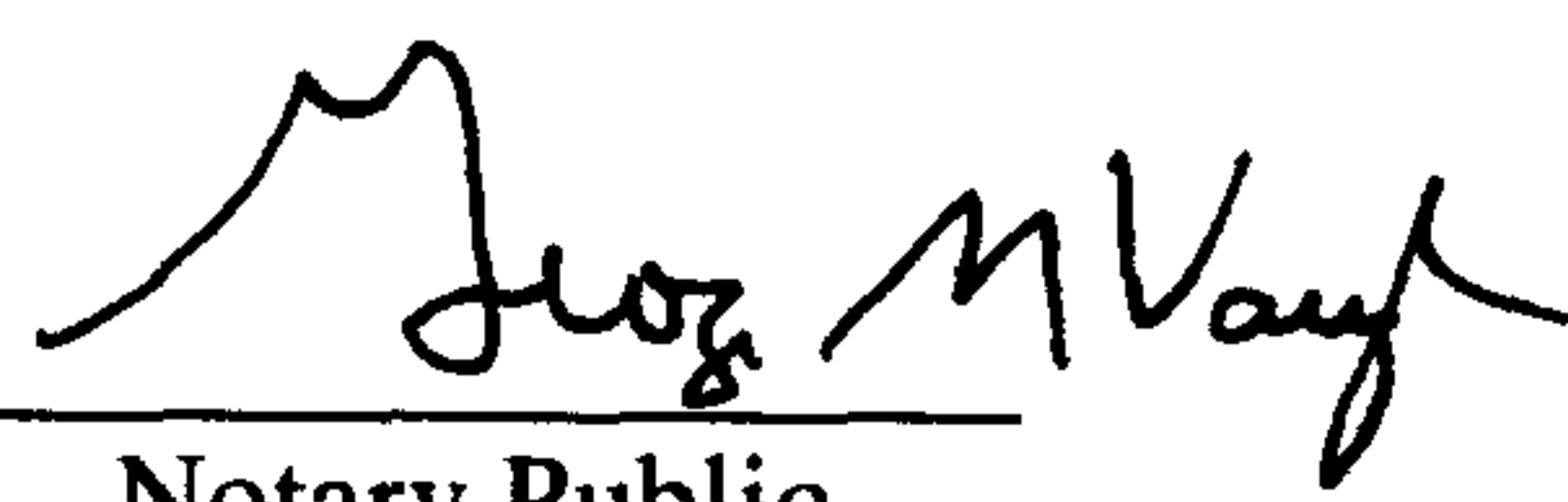
STATE OF ALABAMA)

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 15th day of September, 2004.


Notary Public

My commission expires: 9.29.06

