

11485

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

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

SEND TAX NOTICE TO:

JILLIAN S. SMITH
481 FOREST LAKES DRIVE
CHELSEA, ALABAMA 35043

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

STATUTORY WARRANTY DEED

Know All Men by These Presents: That in consideration of ONE HUNDRED NINETY THREE THOUSAND DOLLARS and 00/100 (\$193,000.00) DOLLARS to the undersigned grantor, AMERICAN HOMES AND LAND 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 JILLIAN S. SMITH and RUSSELL O. SMITH, (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 189 ACCORDING TO THE SURVEY OF FOREST LAKES SUBDIVISION 3RD SECTOR 2ND PHASE AS RECORDED IN MAP BOOK 32, PAGE 26 A AND B 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. MATTERS SHOWN OF RECORD IN MAP BOOK 32, PAGE 26 A AND B.
3. BUILDING SETBACK LINES OF 15 FEET AS SHOWN ON THE RECORDED PLAT OF SUBDIVISION WHICH SETBACK HAS NOT BE VIOLATED.
4. EASEMENT TO ALABAMA POWER COMPANY RECORDED IN BOOK 126, AT PAGE 191, BOOK 16, PAGE 323; AND BOOK 236, PAGE 829.
5. EASEMENT TO SHELBY COUNTY RECORDED IN INSTRUMENT NO. 1993-03955; 1993-03957; 1993-03959; 1993-03960; 1993-03961; 1993-03964; 1993-03965 AND 1993-03966.
6. EASEMENT TO ALABAMA POWER COMPANY RECORDED IN INSTRUMENT NO. 2004010200000390.
7. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES RELATING THERETO AS RESERVED IN BOOK 53, AT PAGE 262 AND DEED BOOK 331, AT PAGE 262.

\$154,400.00 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.

IN WITNESS WHEREOF, the said R. SHAN PADEN AS CLOSING AGENT OF AMERICAN HOMES AND LAND CORPORATION, has hereunto subscribed her name on this the 24th day of September, 2004.

AMERICAN HOMES AND LAND CORPORATION



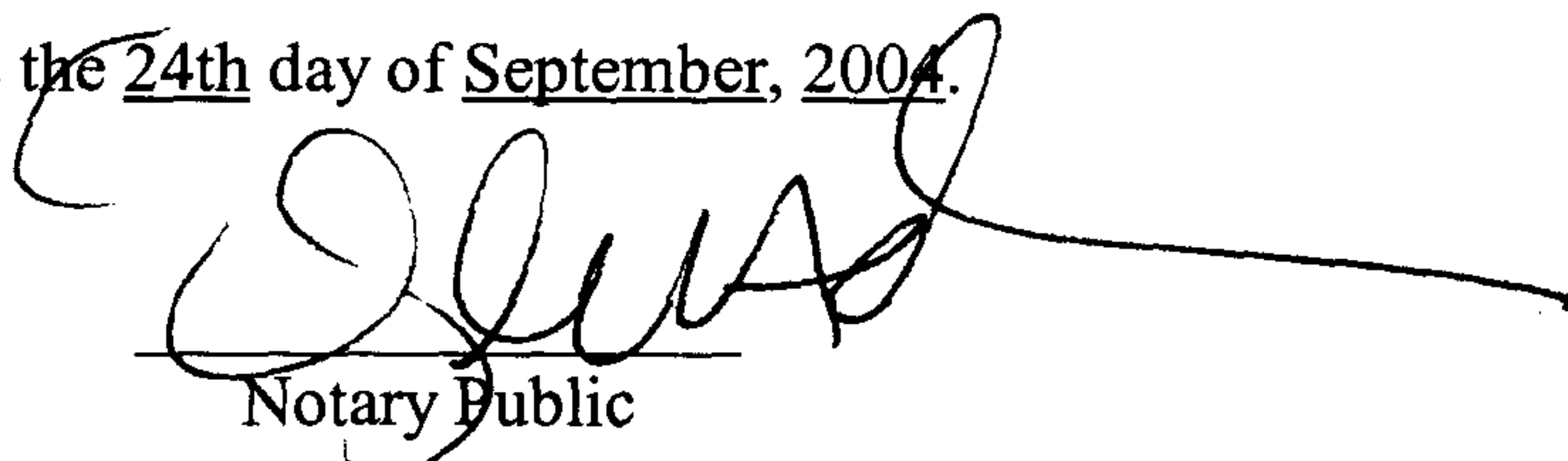
R. SHAN PADEN, CLOSING AGENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that R. SHAN PADEN, whose name as CLOSING AGENT of AMERICAN HOMES AND LAND CORPORATION, an Alabama Limited Liability Company, 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 limited liability company.

Given under my hand this the 24th day of September, 2004.


Notary Public

My commission expires: 10.2.05