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20041004000544990 Pg 1/2 148.00
Shelby Cnty Judge of Probate, AL
10/04/2004 08:25:00 FILED/CERTIFIED

7/c

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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

SEND TAX NOTICE TO:

R. Shan Paden
PADEN & PADEN
5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

LEONARD CANDELARIA
3168 BRADFORD PLACE
BIRMINGHAM, ALABAMA 35242

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS and 00/100 (\$475,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, J.A. VANOCHTEN, A MARRIED WOMAN *** (herein referred to as GRANTORS) do grant, bargain, sell and convey unto LEONARD A. CANDELARIA and KATHRYN L. FOUSE, 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 79, according to the Survey of Meadowbrook 18th Sector-Phase I, as recorded in Map Book 10, Page 26, in the Probate Office of Shelby County, Alabama.

THE SUBJECT PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTOR NOR HER RESPECTIVE SPOUSE

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. RIGHTS OF PARTIES IN POSSESSION.
3. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.
4. ANY LIEN, OR RIGHT TO LIEN, FOR SERVICES LABOR, OR MATERIALS HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW NOT SHOWN BY THE PUBLIC RECORDS.
5. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
6. TAXES OR SPECIAL ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
7. EASEMENT(S), BUILDING LINE(S) AND NOTES AS SHOWN ON RECORDED MAP.

8. RESTRICTIONS APPEARING OF RECORD IN REAL VOLUME 87, PAGE 482. NOTE: THIS EXCEPTION OMITS ANY COVENANT, CONDITION OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS PROVIDED IN 42 U.S.C. SECTION 3604, UNLESS AND ONLY TO THE EXTENT THAT THE COVENANT (A) IS NOT IN VIOLATION OF STATE AND FEDERAL LAW (B) IS EXEMPT UNDER 42 U.S.C. SECTION 3607, OR (C) RELATES TO A HANDICAP, BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PEOPLE.
9. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RELEASE OF DAMAGES, AS RECORDED IN DEED BOOK 57, PAGE 584.
10. RELEASE OF DAMAGES AS SET OUT IN INSTRUMENT RECORDED IN REAL VOLUME 147, PAGE 99.
11. AGREEMENT WITH ALABAMA POWER COMPANY AS RECORDED IN REAL VOLUME 89, PAGE 987.

\$341,000.00 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 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, J.A. VANOCHTEN, have hereunto set his, her or their signature(s) and seal(s), this the 21st day of September, 2004.

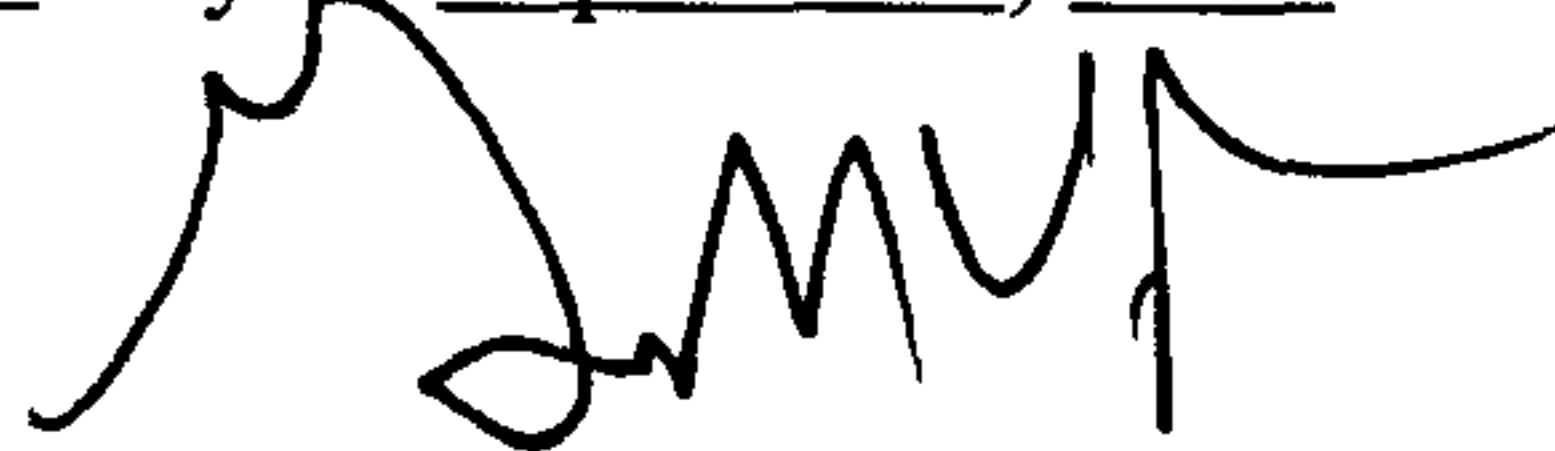

J.A. VANOCHTEN

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that J.A. VANOCHTEN, 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 21st day of September, 2004.



Notary Public

My commission expires: 9.29.06

