

This instrument was prepared by:
HARRY W. GAMBLE
4290 Hwy 52, Suite G
Helena, Alabama 35080

Send tax notice to:
Yvonne Mitchell and Scott Mitchell
1060 Stoneykirk Road
Pelham, Alabama 35124

**STATE OF ALABAMA
COUNTY OF SHELBY**

WARRANTY DEED

Know All Men by These Presents: That in consideration of **THREE HUNDRED TWENTY FIVE THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$325,900.00)** to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt where is acknowledged, I or we, **LOWERY HOMES, INC.** (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto **YVONNE MITCHELL AND SCOTT MITCHELL** (herein referred to as grantees, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 423 according to the survey of final Plat of Stoneykirk at Ballantrae, Phase 1, as recorded in Map Book 32 Page 11 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

SUBJECT TO easements, reservations, restrictions and covenants, set back lines and rights of way, if any, of record.

\$ 260,720.00 of the consideration recited herein is from the proceeds of a purchase money mortgage.

To Have And To Hold to 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 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 grantees, and, if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

The grantor covenants and agrees with the grantees that it is seized of an indefeasible estate in fee simple of said property, and that the grantor has the lawful right to sell and convey the same in fee simple; that the grantor is executing this Deed in accordance with the Articles of Incorporation and Bylaws of Lowery Homes, Inc., which have not been modified or amended; that the property is free from encumbrances, and that the grantor will forever warrant and defend that title to the same and that the possession thereof unto the grantees, his, her or their heirs and assigns, against the lawful claims and demands of all persons.

In Witness Whereof, I (we) have hereunto set my (our) hand(s) and seal(s) this 2nd day of November, 2004.

By: Lowery Homes, Inc. (SEAL)
John Lowery
Its: President

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said State and County, hereby certify that **JOHN LOWERY**, whose name as **PRESIDENT** of **LOWERY HOMES, INC.** 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, as such officer and with full authority, he executed the same voluntarily and as the act of said entity, on the day the same bears date.

Given under my hand and official seal this 2nd day of November, 2004.

Notary Public

My Commission Expires: 3/1/08