

THIS INSTRUMENT WAS PREPARED BY:  
Richard W. Theibert, Attorney  
NAJJAR DENABURG, P.C.  
2125 Morris Avenue  
Birmingham, Alabama 35203

SEND TAX NOTICE TO:  
Cesar M. Hernandez  
Carolina Hernandez  
365 Old Cahaba Trail  
Helena, Alabama 35080

**GENERAL WARRANTY DEED  
JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

THE STATE OF ALABAMA )  
SHELBY COUNTY )

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Four Hundred Ninety-nine Thousand and no/100 Dollars (\$499,000.00), in hand paid to the undersigned, Claude A. Smeraglia, a married man (hereinafter referred to as "GRANTOR"), by Cesar M. Hernandez and Carolina Hernandez (hereinafter referred to as "GRANTEES"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents, grant, bargain, sell and convey unto GRANTEES the following described real estate, located and situated in Shelby County, Alabama, to wit:

Lots 9 & 10, according to the Survey of Shire Valley Farms, as recorded in Map Book 31, Page 70, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

**SUBJECT TO:**

1. Ad valorem taxes for the current year, 2005.
2. Easements, Restrictions, Reservations, Rights of Way and Restrictions of Record or visible on said property.
3. Title to all minerals within and underlying the premises, together with all 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.
4. Restrictive Covenants for Shire Valley Farms, dated May 15, 2003, recorded May 16, 2003, as Instrument Number 20030516000307910.

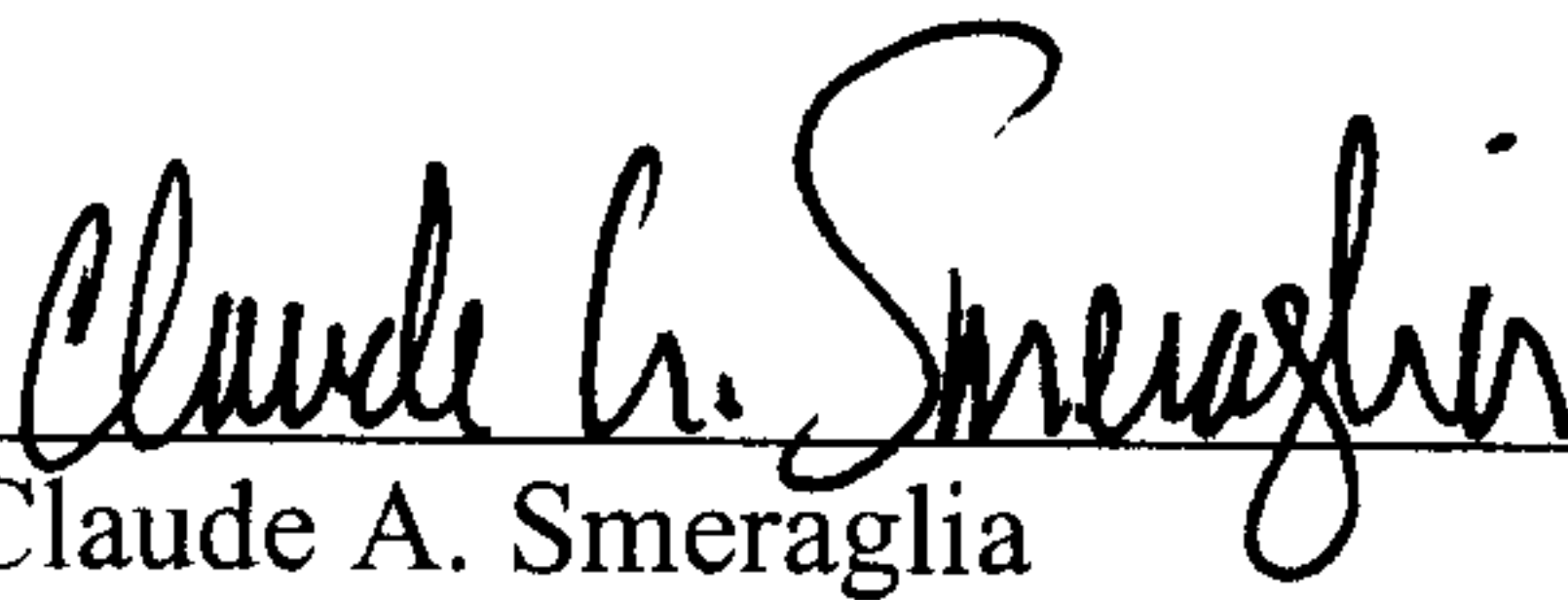
\$300,000.00 of the purchase price recited above was paid by a mortgage loan executed simultaneously with delivery of this deed.

**The property described herein is not the homestead of Claude A. Smeraglia or his spouse.**

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 do for myself and for my heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 9th day of December, 2004.


  
\_\_\_\_\_  
Claude A. Smeraglia

GRANTOR

THE STATE OF ALABAMA     )  
COUNTY OF JEFFERSON     )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Claude A. Smeraglia, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 9<sup>th</sup> day of December, 2004.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires:  
**My Commission Expires 5/21/2008**