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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was  
prepared by:

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SEND TAX NOTICE TO:

JEFFERY PAUL NICHOLS  
1009 GRANDE VIEW PASS  
ALABASTER, AL 35114

STATE OF ALABAMA)  
COUNTY OF SHELBY)

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

**Know All Men by These Presents:** That in consideration of THREE HUNDRED FIFTEEN THOUSAND DOLLARS and 00/100 (\$315,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, JOE ROSE HOMEBUILDERS, INC. (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JEFFERY PAUL NICHOLS AND CANDI NICHOLS, 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 1503 Grande View Estates, Givianpour Addition to Alabaster, 15<sup>th</sup> Addition, as recorded in Map Book 32, page 126, in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. TAXES FOR THE YEAR 2004 WHICH CONSTITUTE A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2005.
2. DECLARATION OF PROTECTIVE COVENANTS AS RECORDED IN 1995/5892, 1<sup>ST</sup> AMENDMENT RECORDED IN INSTRUMENT 1995/28543, SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1995/28544, SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1996/0339, SUPPLEMENTARY DECLARATION OF

PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1996/29192, AMENDED BY INSTRUMENT 1996/37928 AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1996/37929, AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 2000/4501, AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 2000/1048, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

3. ARTICLES OF INCORPORATION OF GRANDE VIEW HOMEOWNERS ASSOCIATION, RECORDED IN INSTRUMENT 1995/5890 AND BY-LAWS RECORDED IN INSTRUMENT 1995/5891, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
4. MINERAL AND MINING RIGHTS AND RIGHTS INCIDENT THERETO, RIGHT OF FIRST REFUSAL, RELEASE OF DAMAGES, SINKHOLE AND COVENANT FOR STORM WATER RUN-OFF CONTROL RECORDED IN INSTRUMENT 20040323000146730, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
5. RIGHTS, EASEMENTS, RESTRICTIONS OR COVENANTS GRANTED TO ALABAMA POWER COMPANY, CITY OF ALABASTER AND FRANCIS M. RANDALL AND HARRIETT RANDALL AS REFERRED TO IN THAT CERTAIN DEED RECORDED IN INSTRUMENT 1994/26505 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.
6. DECREE OF CONDEMNATION CASE NO. 28-197, ALABAMA WATER AND GAS VS. KIMBERLY CLARK CORPORATION AS REFERRED TO IN THAT CERTAIN DEED RECORDED IN INSTRUMENT 1994/26505 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
7. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN DEED VOLUME 138, PAGE 170, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.
8. BUILDING LINE(S), AS SHOWN BY RECORDED MAP.
9. EASEMENTS, AS SHOWN BY RECORDED MAP
10. RESTRICTIONS OR COVENANTS RECORDED IN INSTRUMENT 20040206000061880 AND INSTRUMENT 20040223000092860, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.


\$283,500.00 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, JOE ROSE HOMEBUILDERS, INC., by JOE ROSE ITS PRESIDENT have hereunto set his, her or their signature(s) and seal(s), this the 23rd day of November, 2004.

JOE ROSE HOMEBUILDERS, INC.

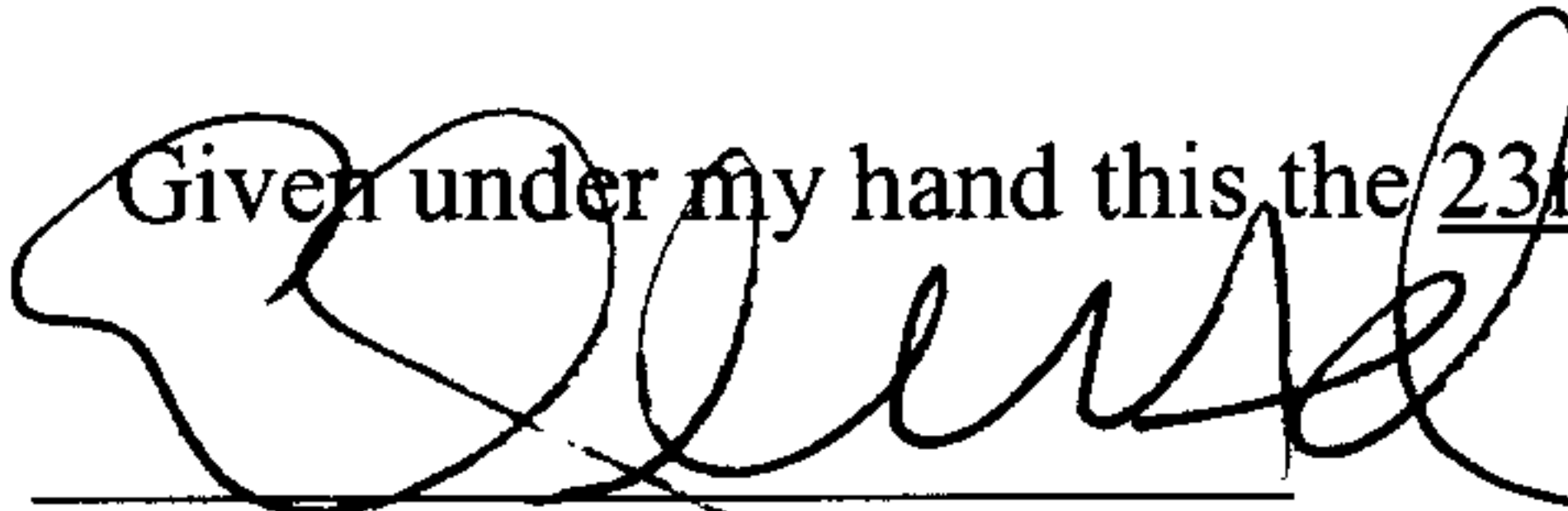
  
JOE ROSE, PRESIDENT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JOE ROSE HOMEBUILDERS, INC., BY JOE ROSE ITS PRESIDENT 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 23rd day of November, 2004.

  
Notary Public  
My commission expires: 10.1.05