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(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was
prepared by:

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SEND TAX NOTICE TO:

WESLEY SMITH
17696 COPPER QUEEN LN
PERRIS, CA., 92570

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 FORTY ONE THOUSAND FOUR HUNDRED DOLLARS and 00/100 (\$141,400.00) 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 WESLEY SMITH and COLLEEN 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 352, ACCORDING TO THE SURVEY OF FOREST LAKES, SECTOR 4, AS RECORDED IN MAP BOOK 33 AT PAGE 25 A, B, & C IN THE OFFICE OF THE JUDGE OF PROBATE COURT OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2004 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2005.
2. SUBJECT TO MATTERS SHOWN OF RECORDED MAP BOOK 33 PAGE 25, A, B, & C.
3. EASEMENTS AND/OR RIGHTS OF WAY TO ALABAMA POWER COMPANY RECORDED IN BOOK 126, PAGE 191, BOOK 126, PAGE 323 AND BOOK 236, PAGE 829.
4. RIGHTS OF OTHERS FOR INGRESS AND EGRESS PURPOSES IN AND TO THE USE OF SHELBY COUNTY LOCATED ON INSURED PREMISES AS RECORDED IN INSTRUMENT NO. 1993-03955; 1993-03957; 1993-03959; 1993-03960; 1993-03961; 1993-03964; 1993-03965 AND 1993-03966.
5. EASEMENTS AND RIGHTS OF WAY OF RECORD, AFFECTION INSURED PREMISES.
6. TITLE TO ALL MINERALS. OIL AND GAS 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, PAGE 262.
7. LOSS OR DAMAGE BY REASON OF THE FOLLOWING:

- A. RIGHTS OF CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
- B. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, VARIATIONS OR SHORTAGES IN AREA OR CONTENT AND ANY OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND/OR INSPECTION OF THE PREMISES.
- C. ROADS, STREAMS, WAYS OR EASEMENTS OR CLAIMS OR EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS, RIPARIAN RIGHTS AND TITLE TO ANY FILLED-IN LAND.
- D. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIALS HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- E. ANY ASSESSMENT WHICH IS A LIEN, BUT NOT YET CERTIFIED TO PROPER TAX AUTHORITY.

\$134,300.00 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 GEORGE M. VAUGHN AS CLOSING AGENT OF AMERICAN HOMES AND LAND CORPORATION, has hereunto subscribed her name on this the 6th day of January, 2005.

AMERICAN HOMES AND LAND CORPORATION



GEORGE M. VAUGHN, 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 GEORGE M. VAUGHN, 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 6th day of January, 2005.



Notary Public

My commission expires: 10-2-05