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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

JENNIFER H. BATTLE
119 CAHABA CLUB DR
HELENA, AL 35080

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of ONE HUNDRED SEVENTY SEVEN THOUSAND DOLLARS and 00/100 (\$177,000.00) to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, we, JAMES AUBREY SMITH and PENNY PRICE SMITH, HUSBAND AND WIFE (herein referred to as GRANTORS) do grant, bargain, sell and convey unto JENNIFER H. BATTLE and MICHAEL B. BATTLE, WIFE AND HUSBAND, (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 905, according to the Survey of Old Cahaba Sector 9, as recorded in Map Book 26, Page 149, in the Probate Office of SHELBY County, Alabama.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2004 AND SUBSEQUENT YEARS WHICH CONSTITUTES A LIEN BUT ARE NOT DUE AND PAYABLE UNTIL OCTOBER 1, 2005.
2. EASEMENT(S) AND BUILDING LINE(S) AS SHOWN ON RECORDED MAP.
3. EASEMENT(S)/RIGHT(S) OF WAY GRANTED ALABAMA POWER COMPANY RECORDED IN DEED BOOK 138, PAGE 309; DEED BOOK 131, PAGE 447; DEED BOOK 247, PAGE 853; DEED BOOK 127, PAGE 408; DEED BOOK 134, PAGE 85; DEED BOOK 230, PAGE 113; DEED BOOK 139, PAGE 238; DEED BOOK 257, PAGE 213 AND REAL 46, PAGE 69.
4. EASEMENT(S)/RIGHT(S) OF WAY GRANTED SHELBY COUNTY, ALABAMA RECORDED IN DEED BOOK 155, PAGE 331; DEED BOOK 155, PAGE 425; LIS PENDENS BOOK 2, PAGE 165 AND DEED BOOK 156, PAGE 203.
5. RESTRICTIONS APPEARING OF RECORD 2000-17453. NOTE: THIS EXCEPTION OMITTS 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(S) 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.
6. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES

RELATING THERETO.

7. 100 FOOT RIGHT OF WAY TO BIRMINGHAM MINERAL RAILROAD COMPANY AS RECORDED IN DEED BOOK 12, PAGE 449.
8. RESERVATIONS OF MINERALS AND MINING RIGHTS RECORDED IN DEED BOOK 15, PAGE 415; DEED BOOK 61, PAGE 164; REAL VOLUME 133, PAGE 277 AND REAL VOLUME 321, PAGE 629, TOGETHER WITH APPURTENANT RIGHTS TO USE THE SURFACE.
9. EASEMENT(S)/RIGHT(S) OF WAY GRANTED TO PLANTATION PIPE LINE RECORDED IN DEED BOOK 112, PAGE 584 AND DEED BOOK 257, PAGE 213.

\$177,000.00 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, JAMES AUBREY SMITH and PENNY PRICE SMITH, HUSBAN AND WIFE, have hereunto set his, her or their signature(s) and seal(s), this the 13th day of January, 2005.


JAMES AUBREY SMITH

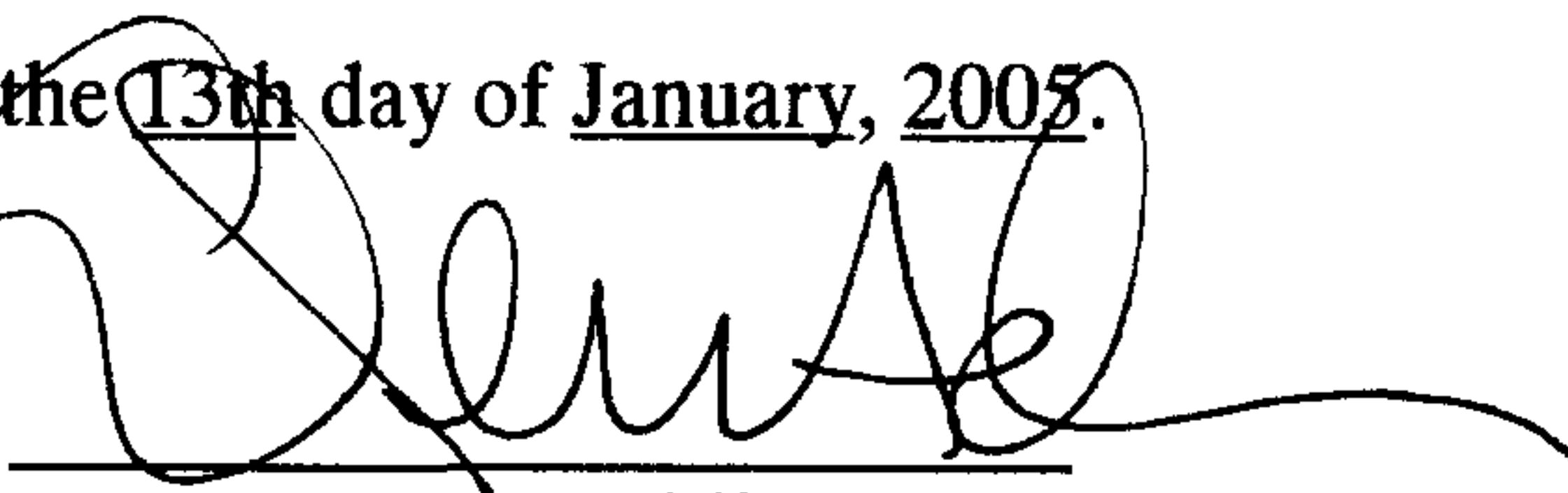

PENNY PRICE SMITH

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JAMES AUBREY SMITH and PENNY PRICE SMITH, HUSBAN AND WIFE, 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 13th day of January, 2005.


Notary Public

My commission expires: 10.2.05