12590

20050603000271200 1/2 $87.00
Shelby Cnty Judge of Probate,AL
06/03/2005 03:15:19PM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

R. Shan Paden
PADEN & PADEN
Attorneys at Law
Five Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

MARY B. WARD
3029 ARBOR BEND
HOOVER, AL 35244

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 THREE HUNDRED SIXTY THREE THOUSAND FOUR HUNDRED DOLLARS and 00/100 ($363,400.00) DOLLARS to the undersigned grantor, HPH PROPERTIES, LLC, 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 MARY B. WARD AND KENNETH W. SMITHERMAN, 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 94, according to the Final Plat of Arbor Hill Phase III, as recorded in Map Book 33, Page 142, in the Probate Office 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. 20-FOOT BUILDING LINE AS SHOWN ON RECORDED MAP.

3. EASEMENT(S), BUILDING LINE(S) AND RESTRICTION(S) AS SHOWN ON RECORDED MAP.

4. ASSIGNMENT OF DEVELOPERS RIGHTS AS RECORDED IN INSTRUMENT NO. 2002-30821.

5. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN REAL 65, PAGE 1 AND DEED BOOK 332, PAGE 554.

6. AGREEMENT WITH ALABAMA POWER COMPANY AS TO UNDERGROUND CABLE AS RECORDED IN REAL 69, PAGE 445, AND COVENANTS PERTAINING THERETO AS RECORDED IN REAL 69, PAGE 458.

7. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES RELATING THERETO INCLUDING RIGHTS SET OUT IN DEED BOOK 121, PAGE 294; DEED BOOK 127, PAGE 140; DEED BOOK 9, PAGE 302; DEED BOOK 255, PAGE 168; DEED BOOK 6, PAGE 16; AND DEED BOOK 111, PAGE 625.

8. TRANSMISSION LINE PERMITS TO ALABAMA POWER COMPANY AS RECORDED IN

20050603000271200 2/2 $87.00
Shelby Cnty Judge of Probate,AL
06/03/2005 03:15:19PM FILED/CERT

DEED BOOK 136, PAGE 34; DEED BOOK 151, PAGE 449; DEED BOOK 136, PAGE 28 AND DEED BOOK 108, PAGE 363.

9. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN DEED BOOK 332, PAGE 554.

10. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES RELATING THERETO INCLUDING RELEASE OF DAMAGES INCLUDING RIGHTS SET OUT IN DEED BOOK 121, PAGE 294; DEED BOOK 127, PAGE 140; DEED BOOK 9, PAGE 302; DEED BOOK 255, PAGE 188; DEED BOOK 6, PAGE 16; DEED BOOK 111, PAGE 625 AND DEED BOOK 268, PAGE 344.

11. RESTRICTIONS AND COVENANTS APPEARING OF RECORD IN INST. NO. 2003-59578

12. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN INST. NO. 2004-12713.

$290,720.00 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 DAVID BONAMY, JR. AS CLOSING MANAGER OF HPH PROPERTIES, LLC, has hereunto subscribed her name on this the 20th day of May, 2005.

HPH PROPERTIES, LLC

David Bonamy Jr.

DAVID BONAMY, JR., CLOSING MANAGER

STATE OF ALABAMA)
COUNTY OF SHELBY)

Shelby County, AL 06/03/2005
State of Alabama

Deed Tax:$73.00

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that DAVID BONAMY, JR., whose name as CLOSING MANAGER of HPH PROPERTIES, LLC, 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 20th day of May, 2005.

NOTARY PUBLIC

Notary Public

My commission expires: 9.29.06