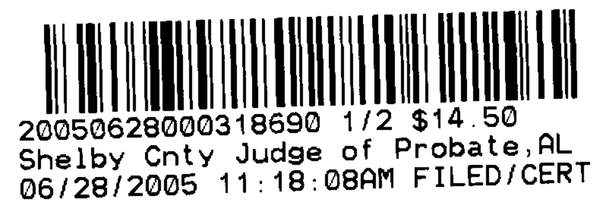
12749



(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

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

SEND TAX NOTICE TO:

DUSTAN GASS
440 WATERFORD COVE TRAIL
CALERA, AL 35040

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
WARRANTY DEED

Know All Men by These Presents: That in consideration of TWO HUNDRED THIRTY SIX THOUSAND THREE HUNDRED SEVENTY SEVEN DOLLARS and 00/100 ($236,377.00) to the undersigned grantor,MUNGER, BLALOCK & COMPANY, INC. 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 DUSTAN GASS and LINDSAY GASS, 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 709, ACCORDING TO THE SURVEY OF WATERFORD COVE-SECTOR 3, AS RECORDED IN MAP BOOK 31, PAGE 146, 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. 7.5 FOOT EASEMENT ON THE NORTH SIDE OF SAID PROPERTY.

3. DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS, AS RECORDED IN INSTRUMENT #2000-40215 AND AMENDED IN INSTRUMENT #2001-12819.

4. ARTICLES OF ORGANIZATION OF WATERFORD, LLC, AS RECORDED IN INSTRUMENT #1999-49065.

5. ORDINANCE WITH CITY OF CALERA, AS RECORDED IN INSTRUMENT #2000-0006

6. RIGHT OF WAY TO SHELBY COUNTY, AS RECORDED IN DEED BOOK 240, PAGE 36.

7. GRANT TO THE STATE OF ALABAMA FOR RAILROAD, AS RECORDED IN REAL 278, PAGE 5.

8. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO AS RECORDED IN INSTRUMENT #1995-1640 AND REAL 345 PAGE 744.

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Shelby Cnty Judge of Probate, AL
06/28/2005 11:18:08AM FILED/CERT

9. TERMS AND CONDITIONS, AS RECORDED IN INSTRUMENT #1995-1640.

10. RELEASE OF DAMAGES, AS RECORDED IN INSTRUMENT #1995-1640 AND REAL 345 PAGE 744.

11. ARTICLES OF WATERFORD HOME OWNERS ASSOCIATION, AS RECORDED IN INSTRUMENT #2001-12817.

12. 15 FOOT DIRT ROAD, AS SHOWN ON SURVEY OF R.C. FARMER & ASSOCIATES, DATED 05/10/99.

$189,101.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

$47,275.00 of the consideration herein was derived from a second 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 said GRANTOR does for itself, its successors and assigns, covenant with the said GRANTEES, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that it has a good right to sell and convey the same as aforesaid, and that it will and its successors and assigns 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 GRANTOR, MUNGER, BLALOCK & COMPANY, INC., by its VICE PRESIDENT, J. HARRY BLALOCK who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 21st day of June, 2005.

MUNGER, BLALOCK & COMPANY, INC.

By: _____
J. HARRY BLALOCK, VICE PRESIDENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

Shelby County, AL 06/28/2005
State of Alabama

Deed Tax:$.50

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that J. HARRY BLALOCK, whose name as VICE PRESIDENT of MUNGER, BLALOCK & COMPANY, INC., a corporation, 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 corporation.

Given under my hand this the 21st day of June, 2005.

_____
Notary Public

My commission expires: 10-2-05

ELIZABETH L. HENDERSON
NOTARY PUBLIC
ALABAMA STATE AT LARGE