12777

20050707000339440 1/2 $64.00
Shelby Cnty Judge of Probate,AL
07/07/2005 09:19:47AM FILED/CERT

(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:

CASE R. POTHUISJE
4040 OLD CAHABA PKWY

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 NINETY TWO THOUSAND SEVEN HUNDRED FORTY DOLLARS and 00/100 ($192,740.00) 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 CASE R. POTHUISJE and LESLY F. POTHUISJE, 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 1792 ACCORDING TO THE SURVEY OF OLD CAHABA IV, 2ND ADDITION, PHASE 5, AS RECORDED IN MAP BOOK 34 AT PAGE 53 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR 2005, A LIEN, BUT NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2005.

2. SUBJECT TO MATTERS SHOWN ON RECORDED MAP BOOK 34 AT PAGE 53.

3. RESTRICTIONS APPEARING OF RECORD IN INSTRUMENT #20041209000673670.

4. EASEMENTS AND RIGHT OF WAY OF RECORD, AFFECTING INSURED PREMISES.

5. ANY PRIOR RESERVATION OR CONVEYANCE OF MINERALS OF EVERY KIND AND CHARACTER,. INCLUDING BUT NOT LIMITED TO, OIL, GAS, SAND AND GRAVEL IN, ON AND UNDER THE SUBJECT PROPERTY.

$142,740.00 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.

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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, AMERICAN HOMES AND LAND CORPORATION, by its CLOSING AGENT, GEORGE M. VAUGHN who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 24th day of June, 2005.

AMERICAN HOMES AND LAND CORPORATION

By: _____
GEORGE M. VAUGHN, CLOSING AGENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

Shelby County, AL 07/07/2005
State of Alabama

Deed Tax:$50.00

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, 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 24th day of June, 2005.

_____
Notary Public

My commission expires: 10-2-05

ELIZABETH L. HENDERSON
NOTARY
PUBLIC
ALABAMA STATE AT LARGE