12854

20050725000372410 1/2 $15.00
Shelby Cnty Judge of Probate,AL
07/25/2005 03:52:05PM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This Instrument was prepared by:

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

SEND TAX NOTICE TO:

TIM CROSS
580 WATERFORD LANE
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 ONE HUNDRED FORTY TWO THOUSAND NINE HUNDRED DOLLARS and 00/100 ($142,900.00) to the undersigned grantor, ROSE CREEK HOMES, 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 TIM CROSS AND ALLISON CROSS, 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 563 ACCORDING TO THE SURVEY OF WATERFORD HIGHLANDS SECTOR 4 PHASE 1 AS RECORDED IN MAP BOOK 34, PAGE 73 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2004 WHICH CONSTITUTE A LIEN, BUT ARE NOT DUE AND PAYABLE UNTIL OCTOBER 1, 2005.

2. EASEMENTS AS SHOWN BY PLAT IN MAP BOOK 34, PAGE 73.

3. RESTRICTIONS TO BE FILED OF RECORD.

4. ORDINANCE WITH CITY OF CALERA, AS RECORDED IN INST. NO. 2001-36236.

5. RESTRICTIVE COVENANT AND EASEMENT TO ALABAMA POWER COMPANY AS RECORDED IN 20040910000505570.

6. 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 INST. NO. 20030604000346100 AND 1995-1640.

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

8. TERMS AND CONDITIONS, AS RECORDED IN INST. 1995, PAGE 1640 AND 20030604000346120.

9. ARTICLES OF WATERFORD HOMEOWNERS ASSOCIATION AS RECORDED IN INST. 1999-49065.

$142,900.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

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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, ROSE CREEK HOMES, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 7th day of July, 2005.

ROSE CREEK HOMES, INC.

By: _____
JOE ROSE, PRESIDENT

STATE OF ALABAMA)
COUNTY OF SHELBY)

ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that JOE ROSE, whose name as PRESIDENT of ROSE CREEK HOMES, 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 7th day of July, 2005.

_____
Notary Public

ELIZABETH L. HENDERSON NOTARY PUBLIC ALABAMA STATE AT LARGE

My commission expires: 10-2-05