20050824000435480 1/2 \$47.00 Shelby Cnty Judge of Probate, AL 08/24/2005 09:26:31AM FILED/CERT

## SEND TAX NOTICE TO:

Joseph Habshey and Greg Garmon 3807 Helena Road Helena, Alabama 35080

This instrument was prepared by Richard B. McClelland Attorney at Law 300 Office Park Drive, Suite 230 Birmingham, Alabama 35223

WARRANTY DEED

STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

## SHELBY COUNTY

That in consideration of Thirty Thousand and No/100 Dollars (\$30,000.00)

To the undersigned GRANTOR(S) in hand paid by the GRANTEE(S) herein, the receipt whereof is acknowledged, Julia A. Bonifay nka Julia A. Smith, an unmarried woman and Barry L. Cotney by Julia A. Bonifay nka Julia A. Smith, Attorney in Fact and Shirley J. Horne by Julia A. Bonifay nka Julia A. Smith, Attorney in Fact and Betty J. Newsome by Julia A. Bonifay nka Julia A. Smith, Attorney in Fact (herein referred to as GRANTOR(S)), do grant, bargain, sell and convey unto Joseph Habshey and Greg Garmon (herein referred to as GRANTEE(S)), as joint tenants, with right of survivorship, the following described real estate, situated in Shelby County, Alabama, to-wit:

LOT 1, ACCORDING TO SURVEY OF COTNEY'S ADDITION TO HELENA, AS RECORDED IN MAP BOOK 18, PAGE 77, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

SITUATED IN SHELBY COUNTY, ALABAMA.

This property does not represent the homestead of the grantors nor their spouses, if any.

Julia A. Bonifay is one and the same person as Julia A. Smith.

See Power of Attorney recorded in Instrument 1994-17310 in the Probate Office of Shelby County, Alabama.

Subject to: (1) Taxes for the year 2005 and subsequent years (2) Easements, Restrictions, reservations, rights-of-way, limitations, convenants and conditions of record, if any (3) Mineral and mining rights, if any. (4) Building lines, right of ways, easements, restrictions, reservations and conditions, if any, as recorded in Map Book 18, Page 77. (5) 35' setback lines on the front and rear on the lot line as shown on recorded plat. (6) 12' building setback line on the side on the lot line as shown on recorded plat. (7) 50' power and telephone line easement on the lot line as shown on recorded plat.

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, 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, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR(S) have hereunto set my (our) hand(s) and seal(s), this August 3, 2005.

Shirles Morne by Julia A. Bonifay nka Julia A. Smith, Attorney in Fact

Betty Newsome by Julia A. Bonifay nka Julia A. Smith, Attorney in Fact

Attorney in Fact

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STATE OF ALABAMA

General Acknowledgement

JEFFERSON COUNTY

I, the udnersigned authority, a Notary Public in and for said County, in said State, hereby certify that Julia A. Bonifay nka Julia A. Smith, whose name(s) was (were) signed to the foregoing conveyance, and who is (are) known to me (or satisfactorily proven), acknowledged before me on this day, that, being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 3rd day of August, 2005.

Notary Public.

My Commission Expires:

(Seal)

I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that, Barry L. Cotney, Shirley J. Horne, and Betty J. Newsome, whose names are signed by Julia A. Bonifay nka Julia A. Smith, as Attorney in Fact, to the foregoing conveyance and who is known to me, acknowledged before me this date that, being informed of the conveyance, he (she), in his (her) capacity as such Attorney in Fact, and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and official seal this 3rd day of August, 2005.

Notary Public

My Commission Expires:

(Seal)

Shelby County, AL 08/24/2005 State of Alabama

Deed Tax:\$30.00