20050830000448740 1/2 $37.50
Shelby Cnty Judge of Probate,AL
08/30/2005 03:14:30PM FILED/CERT

This instrument was prepared by:
HARRY W. GAMBLE
105 Owens Parkway, Suite B
Birmingham, Alabama 35244

Send tax notice to:
105 Kilberry Way
Pelham, Alabama 35124

STATE OF ALABAMA
COUNTY OF SHELBY

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP WARRANTY DEED

Know All Men by These Presents: That in consideration of **FOUR HUNDRED SIXTY SIX THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NO/100 ($466,115.00)** to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt where is acknowledged, I or we, **LOWERY HOMES, INC.** (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto **DON L. BENNETT AND LINDA S. BENNETT** (herein referred to as grantees, whether one or more), the following described real estate, situated in Jefferson County, Alabama, to-wit:

Lot 707, according to the survey of Kilkerran at Ballantrae, Phase 1, as recorded in Map Book 33 Page 93 and Map Book 33 Page 99 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Subject to:
(1)Taxes or assessments for the year 2005 and subsequent years not yet due and payable; (2)Mineral and mining rights not owned by the Grantor (3) All easements, restrictions, covenants, and rights of way of record, including but not limited to: (a) Building setback line of 35 feet reserved from Kilberry Way, as shown by plat (b) Public utility easements as shown by recorded plat, including a 5 foot easement within the building setback line (c) Declaration of Protective Covenants of said subdivision as set out in Inst. No. 20040707000374760 in said Probate Office (d) Restrictions, limitations and conditions as set out in Map Book 33 Page 93 and 99 in said Probate Office (e) Covenant for storm water runoff recorded in Inst. No. 2004-46525 in Probate Office (f) Articles of Incorporation of Ballantrae Residential Association, Inc. recorded in Inst. No. 2003-66776 in Probate Office (g) Release of damages and certain conditions, all as set out in detail in Inst. No. 20040819000465250 in Probate Office (h) Underground Alabama Power Company permit and agreement recorded in Inst. No. 20040910000505550 in Probate Office (i) Agreement recorded in Inst. No. 2001-49511 and 2001-44895 in Probate Office (j) Nonexclusive road easement recorded as Inst. No. 1996-39741 in Probate Office.

$442,809.00 of the purchase price recited above was paid from mortgage loan closed simultaneously herewith.

To Have And To Hold to 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 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 grantees, and, if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

The grantor covenants and agrees with the grantees that it is seized of an indefeasible estate in fee simple of said property, and that the grantor has the lawful right to sell and convey the same in fee simple; that the grantor is executing this Deed in accordance with the Articles of Incorporation and Bylaws of Lowery Homes, Inc., which have not been modified or amended; that the property is free from encumbrances, and that the grantor will forever warrant and defend that title to the same and that the possession thereof unto the grantees, his, her or their heirs and assigns, against the lawful claims and demands of all persons.

Shelby County, AL 08/30/2005
State of Alabama

Deed Tax:$23.50

20050830000448740 2/2 $37.50
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In Witness Whereof, I (we) have hereunto set my (our) hand(s) and seal(s) this 26th day of August, 2005.

Lowery Homes, Inc.

By: _____(SEAL)
John Lowery
Its: President

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said State and County, hereby certify that **John Lowery**, whose name as **President** of **Lowery Homes, Inc**. 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, as such officer and with full authority, he executed the same voluntarily and as the act of said entity, on the day the same bears date.

Given under my hand and official seal this 26th day of August, 2005.

_____
Notary Public
My Commission Expires: 3/11/08