

This instrument prepared by:
ROBERT C. BARNETT
100 Age Herald Building
2107 5th Avenue North
Birmingham, AL 35203

Send tax notice to:
Brandon T. Smith
104 Sommersby Circle
Birmingham, AL 35214

DEED WITH JOINT RIGHT OF SURVIVORSHIP

STATE OF ALABAMA)
SHELBY COUNTY)

That in consideration of One Dollar (\$1.00) and the execution of a purchase money mortgage in the amount of \$106,000.00, Robert C. Barnett, a married man does hereby grant, bargain, sale, and convey to Brandon T. Smith and Kymbrelie C Smith as joint tenants, with the right of survivorship, the following described real estate situated in Shelby County, Alabama to wit:

Lot 54 according to the survey of Sommersby Townhouses, as recorded in Map Book 20, Page 112, in the office of the Judge of Probate of Shelby County, Alabama.

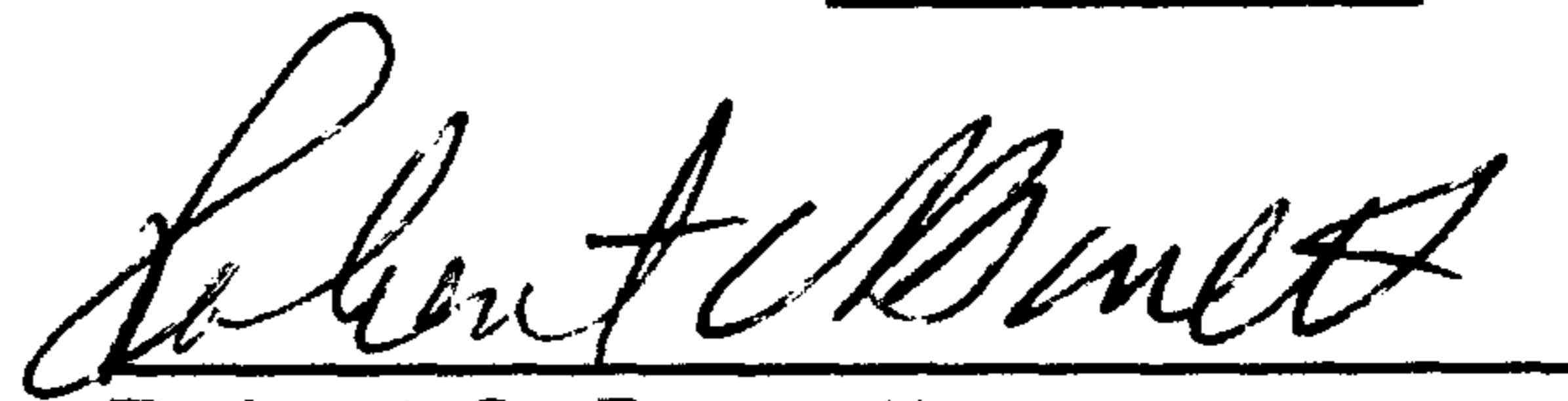
Subject to:

1. Tax due October 1, 2005, not yet a lien which grantor agrees to pay.
2. A 10 foot building set back line as shown by record plat.
3. Restrictions, conditions and covenants as set out in Instrument #1194-0484.
4. Transmission line permits to Alabama Power Company in Deed Book 194, Page 67; Deed Book 198, Page 509; Deed Book 119, Page 111; Deed Book 103, Page 146; Deed Book 161, Page 143; Deed Book 179, Page 384; Deed Book 135, Page 366 and Deed Book 135, Page 362.
5. Mineral and mining rights recorded in Instrument #1994-26798.
6. Restrictions, conditions and limitations as set out in Map Book 20, Page 112.
7. Location of power pole and lines shown on survey by Amos Corey dated 3-15-88.
8. Right of way in favor of Shelby County recorded in Deed Book 135, Page 362 and Deed Book 135, Page 366.

TO HAVE AND TO HOLD, unto the 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 the said Robert C. Barnett. does for himself, convent with Brandon T. Smith and Kymbrelie C Smith that it is lawfully seized in fee simple of said premises.

This property does not constitute the homestead of the grantor or his spouse.

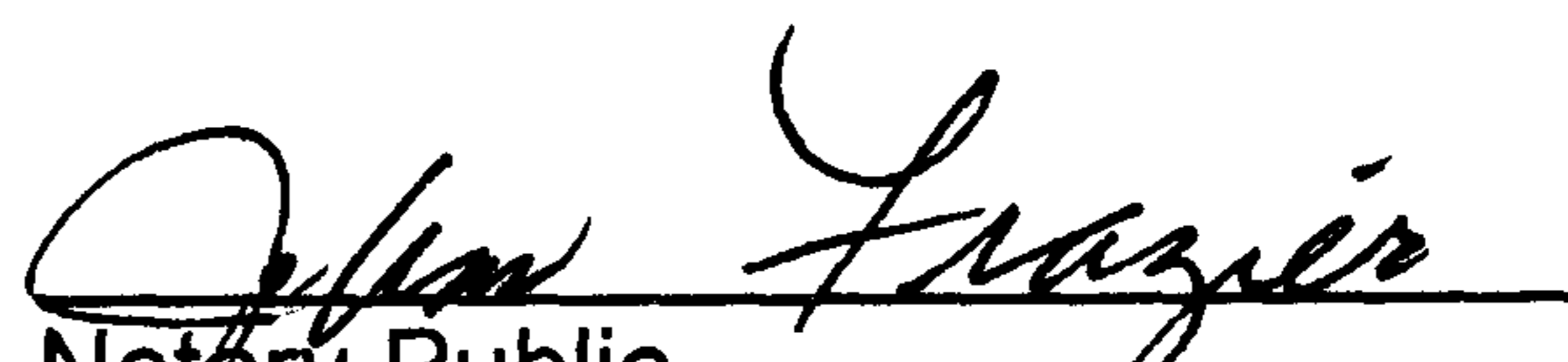
IN WITNESS WHEREOF, the said Robert C. Barnett., a married man authorized to execute this conveyance, has set his signature and seal this the 24th day of September, 2005.


Robert C. Barnett,

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert C. Barnett, a married man, has signed the foregoing conveyance, and whom is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, with full authority, executed the same voluntarily .

Given under my hand and official seal, this the 24th day of September 2005.


Notary Public

My Commission expires: 11-3-08

[SEAL}