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20051027000560240 1/2 $228.50
Shelby Cnty Judge of Probate, AL
10/27/2005 03:02:18PM 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:

GARY C. DOWLING
319 HIGHLAND VIEW DRIVE
BIRMINGHAM, AL 35242

Shelby County, AL 10/27/2005
State of Alabama

Deed Tax:$214.50

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
WARRANTY DEED

Know All Men by These Presents: That in consideration of EIGHT HUNDRED FIFTY TWO THOUSAND DOLLARS and 00/100 ($852,000.00) to the undersigned grantor ,DISTINCTIVE BUILDERS, 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 GARY C. DOWLING and PATRICIA D. DOWLING, 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 1915, ACCORDING TO THE MAP OF HIGHLAND LAKES, 19TH SECTOR, AN EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 30, PAGE 121, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

TOGETHER WITH NONEXCLUSIVE EASEMENT TO USE THE PRIVATE ROADWAYS, COMMON AREA ALL AS MORE PARTICULARLY DESCRIBED IN THE DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS FOR HIGHALND LAKES, A RESIDENTIAL SUBDIVISION, AS RECORDED IN INSTRUMENT #1994-07111 AND AMENDED IN INSTRUMENT #1996-17543 AND FURTHER AMENDED IN INSTRUMENT #1999-31095 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, 19TH SECTOR, RECORDED AS INSTRUMENT #20030103000004930 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA (WHICH, TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREINAFTER COLLECTIVELY REFERRED TO AS , THE "DECLARATION").

SUBJECT TO:

1. TAXES FOR THE YEAR 2006, A LIEN, BUT NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2006.

2. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT RECORDED IN INSTRUMENT #1994-7111 AMENDED IN INSTRUMENT #1996-17543 IN THE PROBATE OFFICE.

3. TRANSMISSION LINE PERMIT TO ALABAMA POWER COMPANY AS SHOWN BY INSTRUMENT RECORDED IN DEED BOOK 111, PAGE 408 IN THE PROBATE OFFICE.

4. RIGHT OF WAY GRANTED TO BIRMINGHAM WATER WORKS AND SEWER BOARD BY INSTRUMENT RECORDED IN INSTRUMENT #1997-4027 AND INSTRUMENT #1996-25667 IN THE PROBATE OFFICE.

5. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY BY INSTRUMENT RECORDED IN DEED BOOK 276, PAGE 670 IN THE PROBATE OFFICE.

6. LAKE EASEMENT AGREEMENT AS SET OUT IN INSTRUMENT #1993-15705 IN THE PROBATE OFFICE.

7. EASEMENT FOR INGRESS AND EGRESS TO SERVE HIGHLAND LAKES DEVELOPMENT AS SHOWN BY INSTRUMENT RECORDED IN INSTRUMENT #1993-15704 IN THEPROBATE OFFICE.

8. DECLARATION OF EASEMENT BY HIGHLAND LAKES DEVELOPMENT LTD. AND HIGHLAND LAKES RESIDENTIAL ASSOCIATION INC AS SET OUT IN INSTRUMENT #1995-18135 IN THE PROBATE OFFICE.

9. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL

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MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RIGHTS SET OUT IN DEED BOOK 81 PAGE 417 IN THE PROBATE OFFICE.

10. CABLE AGREEMENT WITH SHELBY CABLE SET OUT IN INSTRUMENT #1997-33476 IN THE PROBATE OFFICE

11. RESTRICTIONS, LIMITATIONS AND CONDITIONS AS SET OUT IN MAP BOOK 30 PAGE 121 IN THE PROBATE OFFICE.

12. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, NINTEENTH SECTOR, AS SET OUT IN INSTRUMENT NO. 200301030000004930 IN THE PROBATE OFFICE.

13. RELEASE OF DAMAGES, RESTRICTIONS, MODIFICATIONS, COVENANTS, CONDITIONS, RIGHTS, PRIVILEGES, IMMUNITIES, AND LIMITATIONS, AS APPLICABLE, AS SET OUT IN AND AS REFERENCED IN DEED RECORDED IN INSTRUMENT NO. 20040308000118360 IN THE PROBATE OFFICE.

$637,500.00 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.

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, DISTINCTIVE BUILDERS, INC., by its , who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 21st day of October, 2005.

DISTINCTIVE BUILDERS, INC.

By: _____
JEFF BROWN, 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 JEFF BROWN , whose name as PRESIDENT of DISTINCTIVE BUILDERS, 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 21st day of October, 2005.

_____
Notary Public

My commission expires: 1-5-09