13373

20051027000560610 1/2 $17.00
Shelby Cnty Judge of Probate,AL
10/27/2005 03:16:41PM FILED/CERT

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

Deed Tax:$3.00

(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:

HELLINER S. VESTRI
230 PARK LAKE TRACE
HELENA, AL 35080

STATE OF ALABAMA)

COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

WARRANTY DEED

Know All Men by These Presents: That in consideration of TWO HUNDRED SIXTY SIX THOUSAND NINE HUNDRED DOLLARS and 00/100 ($266,900.00) to the undersigned grantor, JOE ROSE HOMEBUILDERS, 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 HELLINER S. VESTRI and JOHN HILL, III, (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 467, according to the Final Plat of Riverwoods, Fourth Sector, Phase III, as recorded in Map Book 31, Page 89, in the Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

SUBJECT TO:

1. TAXES FOR THE YEAR 2005 WHICH CONSTITUTE A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2006.

2. BUILDING SETBACK LINE AS SHOWN BY PLAT, 25 FEET FROM PARK LANE TRACE.

3. EASEMENTS AS SHOWN BY RECORDED MAP, INCLUDING A 25 FOOT STORM SEWER EASEMENT ON THE SOUTHERLY SIDE OF SAID LOT.

4. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN INSTRUMENT(S) RECORDED IN INST. NO. 2002-73381 AND BY LAWS RECORDED IN INST. NO. 2002-35617.

5. EASEMENT(S) TO SOUTHERN NATURAL GAS AS SHOWN BY INSTRUMENT RECORDED IN INST. NO. 2001-51514 AND INST. NO. 2001-54741.

6. RELEASE(S) OF DAMAGES AS SET OUT IN INSTRUMENT(S) RECORDED IN INST. NO. 2000-36466 AND INST. NO. 2000-31940.

7. RESTRICTIONS, LIMITATIONS, CONDITIONS AND OTHER PROVISIONS AS SET OUT IN MAP BOOK 31, PAGE 89 AND MAP BOOK 32, PAGE 124.

8. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, INCLUDING RIGHTS SET OUT IN REAL 112 PAGE 876 AND CORRECTED BY REAL 328 PAGE 1 AND AS SET FORTH IN THAT CERTAIN DEFERRED INTEREST AGREEMENT OF RECORD IN REAL BOOK 247 PAGE 599 AND AMENDED IN REAL BOOK 247 PAGE 636, AS AFFECTED BY THE QUIT CLAIM DEED FROM CSX TRANSPORTATION, INC. TO RIVER OAKS PROPERTIES, LLC TO BE RECORDED IN THE PROBATE OFFICE.

20051027000560610 2/2 $17.00
Shelby Cnty Judge of Probate,AL
10/27/2005 03:16:41PM FILED/CERT

9. MEMORANDUM OF OIL AND GAS LEASE BETWEEN TOTAL MINATONE CORPORATION AND CABOT OIL & GAS CORPORATION, DATED AUGUST 8, 1991 IN REAL 370 PAGE 923 IN THE PROBATE OFFICE.

10. LESS AND EXCEPT ANY PORTION OBTAINED BY OR CONVEYED TO ALABAMA POWER COMPANY BY AND THROUGH CONDEMNATION PROCEEDINGS FILED IN CASE NO. 27-254 AND CASE NO. 28-57 IN THE PROBATE OFFICE.

11. RIGHTS OF OTHERS, IF ANY, IN AND TO THE USE OF THE CAHABA RIVER.

12. RAILROAD RIGHT OF WAY AS SET OUT IN DEED BOOK 311 PAGES 301 AND 297.

13. UNRECORDED LEASE DATED DECEMBER 1, 1992 BY AND BETWEEN WESTERN POCAHONTAS PROPERTIES LIMITED PARTNERSHIP AND DANIEL JOHNS, AS ASSIGNED BY ASSIGNMENT OF LEASE BY WESTER POCAHONTAS PROPERTIES LIMITED PARTNERSHIP TO RIVER OAKS PROPERTIES, LLC TO BE RECORDED.

14. RESTRICTIVE COVENANT AND GRANT OF LAND EASEMENT AS SET OUT IN INST. NO. 20040629000355380 IN THE PROBATE OFFICE.

$264,341.00 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, JOE ROSE HOMEBUILDERS, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 3rd day of October, 2005.

JOE ROSE HOMEBUILDERS, INC.

By: Joe Rose
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 JOE ROSE HOMEBUILDERS, 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 3rd day of October, 2005.

Notary Public

My commission expires: 9.27.09

ELIZABETH L. HENDERSON NOTARY PUBLIC ALABAMA STATE AT LARGE