

This instrument was prepared by:

John L. Hartman, III
P. O. Box 846
Birmingham, Alabama 35201

Send Tax Notice To:

Thomas H. Schwendeman
Kirsten L. Schwendeman
1295 Eagle Park Road
Birmingham, AL 35242

WARRANTY DEED - Joint Tenants with Right of Survivorship



20051028000561560 1/1 \$90.50
Shelby Cnty Judge of Probate, AL
10/28/2005 10:12:11AM FILED/CERT

STATE OF ALABAMA

COUNTY OF Shelby

That in consideration of Three Hundred Eighteen Thousand and 00/100 (\$318,000.00) Dollars to the undersigned grantor in hand paid by the grantees herein, the receipt whereof is hereby acknowledged, we, **Joseph McGee** and wife, **Victoria McGee**, do hereby grant, bargain, sell and convey unto **Thomas H. Schwendeman** and **Kirsten L. Schwendeman**, as joint tenants with right of survivorship (herein referred to as Grantees), the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 59, according to the Survey of Eagle Point 12th Sector, Phase III, as recorded in Map Book 24, page 102, in the Probate Office of Shelby County, Alabama.

SUBJECT TO: (1) Current taxes; (2) Building line(s) as shown by recorded map; (3) Easement(s) as shown by recorded map; (4) Restrictions as shown by recorded map; (5) Sink Hole Prone Areas as set forth in Map Book 24, page 102; (6) Restrictions or Covenants appearing of record in Instrument 1998-49270 in the Probate Office of Shelby County, Alabama; (7) Right of way to Southern Bell Telephone and Telegraph Company, recorded in Volume 324, page 837, in the Probate Office of Shelby County, Alabama; (8) Mineral and mining rights and rights incident thereto recorded in Volume 331, page 262 in the Probate Office of Shelby County, Alabama; (9) Release of damages as recorded in Instrument recorded in Real 106, page 237 and Instrument 1993-3817 in the Probate Office of Shelby County, Alabama.

\$238,500 of the purchase price recited above has been paid from the proceeds of a mortgage loan 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 we do for ourselves and for our heirs, executors, and administrators covenant with the said Grantees, their heirs and assigns, that we are lawfully seized in fee simple of said premises, that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and 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, we have hereunto set our hands and seals this 20th day of October, 2005.

Shelby County, AL 10/28/2005
State of Alabama
Deed Tax: \$79.50

Joseph McGee

Victoria McGee

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Joseph McGee** and wife, **Victoria McGee**, whose names are signed to the foregoing conveyance and who are known to me, 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 20th day of October, 2005.

My Commission Expires:

8/14/09

Notary Public