20051104000575890 1/2 $138.50
Shelby Cnty Judge of Probate,AL
11/04/2005 02:09:51PM FILED/CERT

Shelby County, AL 11/04/2005
State of Alabama

Deed Tax:$124.50

This instrument was prepared by:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 160
Birmingham, AL 35223

Send Tax Notice To:
Michael B. Smith and Kimberly M. Smith
145 Sheffield Lane
Birmingham, AL 35242

STATE OF ALABAMA)
: **STATUTORY JOINT SURVIVORSHIP DEED**
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of **Five Hundred Twenty-Four Thousand One Hundred Sixty-Nine and 33/100 ($524,169.33)**, and other good and valuable consideration, this day in hand paid to the undersigned **Sterling Companies, LLC, an Alabama Limited Liability Company,** (hereinafter referred to as GRANTORS), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTORS do hereby give, grant, bargain, sell and convey unto the GRANTEES, Michael B. **Smith and Kimberly M. Smith,** (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of **Shelby**, State of Alabama, to-wit:

Lot 2205, according to the Map of Highland Lakes, 22nd Sector, Phase I, an Eddleman Community, as recorded in Map Book 33, Page 79 A & B, 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 Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 and amended in Inst. #1996-17543 and further amended in Inst. # 1999-31095 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 22nd Sector, Phase I, recorded as Instrument No. 20040823000471390 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration"). Mineral and mining rights excepted.

Michael B. Smith is one and the same person as M. Brandon Smith.

Subject To:
Ad valorem taxes for 2005 and subsequent years not yet due and payable until October 1, 2005.
Existing covenants and restrictions, easements, building lines and limitations of record.

$400,000.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

THIS INSTRUMENT IS EXECUTED AS REQUIRED BY THE ARTICLES OF ORGANIZATION AND OPERATIONAL AGREEMENT OF SAID LLC AND SAME HAVE NOT BEEN MODIFIED OR AMENDED.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

IN WITNESS WHEREOF, said GRANTORS have hereunto set their hands and seals this the **25th** day of **October, 2005.**

Sterling Companies, LLC,
an Alabama Limited Liability Company
By: Tynes Development Corporation,
an Alabama Corporation, member

BY: Ingram D. Tynes
Ingram D. Tynes, President

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STATE OF ALABAMA)
:
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Ingram D. Tynes, whose name as President of Tynes Development Corporation, an Alabama Corporation, as member of Sterling Companies, LLC, an Alabama Limited Liability Company, is signed to the foregoing Instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the Instrument, he as such Officer and with full authority, signed the same voluntarily for and as the act of said corporation acting in its capacity as Member of said Limited Liability Company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 25th day of October, 2005.

NOTARY PUBLIC
My Commission Expires: 6-5-2007

CLAYTON T. SWEENEY
NOTARY PUBLIC