13499

(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:

DARICK E. SIMMONS
1063 BALDWIN LANE
BIRMINGHAM, AL 35242

Shelby County, AL 11/16/2005
State of Alabama

Deed Tax:$25.00

20051116000599440 1/3 $42.00
Shelby Cnty Judge of Probate,AL
11/16/2005 02:34:41PM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
WARRANTY DEED

Know All Men by These Presents: That in consideration of FOUR HUNDRED NINETY SEVEN THOUSAND DOLLARS and 00/100 ($497,000.00) 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 DARICK E. SIMMONS and MARY BETH SIMMONS, 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 2823, ACCORDING TO THE SURVEY OF HIGHLAND LAKES, 28TH SECTOR, AN EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 34, PAGE 30, 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 INSTRUMENT NO. 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, 28TH SECTOR, RECORDED AS INSTRUMENT NO. 20041109000615190, 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. 20 FOOT EASEMENT ALONG REAR LOT LINE AS PER PLAT.

3. DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, WHICH PROVIDES, AMONG OTHER THINGS, FOR AN ASSOCIATION TO BE FORMED TO ASSESS AND MAINTAIN PRIVATE ROADWAYS, ETC. OF THE DEVELOPMENT; ALL OF SAID COVENANTS, RESTRICTIONS AND CONDITIONS BEING SET OUT IN INSTRUMENT RECORDED AS INSTRUMENT NO. 1994-07111, AMENDED IN INSTRUMENT NO.1996-17543 AND FURTHER AMENDED IN INSTRUMENT NO. 1999-31095, IN SAID PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, ALONG WITH ARTICLES OF INCORPORATION OF HIGHLAND LAKES RESIDENTIAL ASSOCIATION, INC, AS RECORDED IN INSTRUMENT NO. 9402/3947, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA.

4. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, 28TH SECTOR, AS RECORDED IN INSTRUMENT NO. 20041109000615190, IN SAID PROBATE OFFICE.

5. SUBDIVISION RESTRICTIONS, LIMITATIONS AND CONDITIONS AS SET OUT IN MAP BOOK 34, PAGE 30, IN SAID PROBATE OFFICE.

6. TITLE TO ALL OIL, GAS AND MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL OIL AND MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO, TOGETHER WITH ANY RELEASE OF LIABILITY FOR INJURY OR DAMAGE TO PERSONS OR PROPERTY AS A RESULT OF THE EXERCISE OF SUCH RIGHTS AS RECORDED IN DEED BOOK 28, PAGE 237 AND INSTRUMENT NO.1999-40620, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

7. SUBJECT TO PROVISIONS OF SECTIONS 2.3 AND 2.6 OF THE DECLARATION, THE PROPERTY SHALL BE SUBJECT TO THE FOLLOWING MINIMUM SETBACKS: (a) AS PER PLOT PLAN WHICH MUST BE APPROVED BY THE ARC.

8. LAKE EASEMENT AGREEMENT EXECUTED BY HIGHLAND LAKES PROPERTIES, LTD AND HIGHLAND LAKES DEVELOPMENT LTD, PROVIDING FOR EASEMENTS, USE BY OTHERS, AND MAINTENANCE OF LAKE PROPERTY AS SHOWN BY INSTRUMENT RECORDED IN INSTRUMENT NO.1993-15705.

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

10. CABLE AGREEMENT WITH SHELBY CABLE SET OUT IN INSTRUMENT #1997-19422 IN THE PROBATE OFFICE

11. 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.20040823000471380 AND INSTRUMENT NO. 20041216000687130 IN THE PROBATE OFFICE.

12. CONDITIONS, RESTRICTIONS AND LIMITATIONS AS SET FORTH IN THAT INSTRUMENT RECORDED AS INSTRUMENT NO. 20040823000471380.

13. RIGHT OF WAY TO SHELBY COUNTY AS RECORDED IN DEED BOOK 95, PAGE 503 AND DEED BOOK 196, PAGE 246, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

14. RIGHT OF WAY TO ALABAMA POWER COMPANY AS RECORDED IN DEED BOOK 111, PAGE 408; DEED BOOK 109, PAGE 70; DEED BOOK 149, PAGE 380; DEED BOOK 173, PAGE 364; DEED BOOK 276, PAGE 670; DEED BOOK 134, PAGE 408; DEED BOOK 133, PAGE 212; DEED BOOK 133, PAGE 210; REAL BOOK 31, PAGE 355 AND INSTRUMENT NO. 1994-1186, IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

$397,600.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

$74,550.00 of the consideration herein was derived from a second 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 PRESIDENT, JEFF BROWN who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 4th day of November, 2005.

DISTINCTIVE BUILDERS, INC

By: _____

JEFF BROWN, PRESIDENT

20051116000599440 2/3 $42.00
Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA)
COUNTY OF SHELBY)

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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 4th day of November, 2005.

Notary Public

My commission expires: 9.29.06

GEORGE M. VAUGHN
NOTARY
PUBLIC
ALABAMA STATE AT LARGE