

This instrument was prepared by:
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STATE OF ALABAMA COUNTY OF SHELBY

## JOINT TENANTS WITH RIGHT OF SURVIVORSHIP WARRANTY DEED

Know All Men by These Presents: That in consideration of ONE HUNDRED FORTY THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$140,900.00) to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt where is acknowledged, We, WILLIAM DEAN MARVIN AND LEESAH E. MARVIN, HUSBAND AND WIFE, AND GREGORY SHEARS, A MARRIED MAN (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto WILLIAM DEAN MARVIN AND LEESAH E. MARVIN, HUSBAND AND WIFE, As Joint Tenants with Rights of Survivorship as to an undivided ½ interest, and GREGORY SHEARS AND DONNA SHEARS, HUSBAND AND WIFE, As Joint Tenants with Rights of Survivorship as to an undivided ½ interest, (herein referred to as grantees, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 125, according to the Survey of Grande View Garden & Townhomes, First Addition as recorded in Map Book 26, page 16 in the Probate Office of Shelby County, Alabama.

Subject to:

(1) Taxes or assessments for the year 2006 and subsequent years not yet due and payable; (2)Mineral and mining rights not owned by the Grantor (3) All easements, restrictions, covenants, and rights of way of record, including but not limited to: (a) Mineral and mining rights and rights incident thereto recorded in Instrument 20050624000314690, in the Probate Office of Shelby County, Alabama; (b) Declaration of Protective Covenants recorded in Inst. No. 1995-5892, First Amendment recorded in Instrument 1995-28543, Supplementary Declaration of Protective Covenants recorded in Instrument 1995-28544, Supplementary Declaration of Protective Covenants recorded in Instrument 1996-0339, Supplementary Declaration of Protective Covenants recorded in Instrument 1996-26258, Supplementary Declaration of Protective Covenants recorded in Instrument 1996-29192, amended by Instrument 1996-37928 and Supplementary Declaration of Protective Covenants recorded in Instrument 1996-37929, Supplementary Declaration of Protective Covenants recorded in Instrument 1999-38603, Supplementary Declaration of Protective Covenants recorded in Instrument 2000-4501, Supplementary Declaration of Protective Covenants recorded in Instrument 2000-1048, Supplementary Declaration of Protective Covenants recorded in Instrument 20031029000722160, Supplementary Declaration of Protective Covenants recorded in Instrument 20040223000092860, in the Probate Office of Shelby County, Alabama; (c) Articles of Incorporation of Grande View Homeowners Association, recorded in Instrument 1995-5890 and By-Laws recorded in Instrument 1995-5891, in the Probate Office of Shelby County, Alabama; (d) Mineral and mining rights and rights incident thereto, Release of Damages, recorded in Instrument 1999/45091, in the Probate Office of Shelby County, Alabama; (e) Rights, easements, restrictions or covenants granted to Alabama Power Company, City of Alabaster and Francis M. Randall and Harriett Randall as referred to in that certain deed recorded in Instrument 1994-26505 in the Probate Office of Shelby County, Alabama; (f) Right of way granted to Alabama Power Company recorded in Deed Volume 138, page 170, in the Probate Office of Shelby County, Alabama; (g) Mineral and mining rights and rights incident thereto recorded in Deed Book 5, page 355; Deed Book 4, page 442 and Deed Book 48, page 427, in the Probate Office of Shelby County, Alabama.

This is not the Homestead of any Grantor or his or her spouse.

To Have And To Hold to the said grantees, their heirs and assigns forever, as follows: with rights of survivorship among the married couples, but as tenants in common as between the married couples; it being the intention of the parties to this conveyance, that (unless the joint tenancy created is severed or terminated during the joint lives of the either of the married couples herein) in the event one grantee herein survives his or her spouse, the entire interest in fee simple of that spouse shall pass to the surviving spouse; if one spouse of a married couple does not survive the other, then the heirs and assigns of that married couple herein shall take as tenants in common; it also being the intention that, as between the two married couples, the property is held as tenants in common, and not with rights of survivorship;

And I (we) do, for myself (ourselves) and for my (our) heirs, executors and administrators, covenant with said grantee, his, her or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are fee from encumbrances, unless otherwise stated above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will, and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

In Witness Whereof, I (we) have hereunto set my (our) hand(s) and seal(s) this day of January, 2006.

WILLIAM DEAN MARVIN

LEESAH E. MARVIN

GREGORY SHEARS

STATE OF SANTA CLARA

I, ALCRE SOLMKHA a Notary Public in said and for said County, in said State, hereby certify that WILLIAM DEAN MARVIN, LEESAH E. MARVIN AND GREGORY SHEARS, 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 this conveyance, they executed the same voluntarily on the day the same bears date.

Notary Public

Given under my hand and official seal this \_\_\_\_\_ day of January, 2006.

(SEAL)

