:3954

20060301000096230 1/2 $15.00
Shelby Cnty Judge of Probate,AL
03/01/2006 10:17:37AM FILED/CERT

(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:

JOE ROSE
1005 GRANDVIEW PASS
ALABASTER, AL 35007

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 SEVENTY FIVE THOUSAND DOLLARS and 00/100 ($275,000.00) to the undersigned grantor,ROSE CREEK HOMES, 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 JOE ROSE and CHERIE ROSE, (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 1502, Grande View Estates, Givianpour Addition to Alabaster, as recorded in Map Book 32, Page 126, in the Probate Office of 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. DECLARATION OF PROTECTIVE COVENANTS AS RECORDED IN 1995/5892, 1ST 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 1996/29192, AMENDED BY INSTRUMENT 1996/37928 AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1996/37929, AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 1999-38803, AND SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS RECORDED IN INSTRUMENT 2000/1048, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

3. 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.

4. ARTICLES OF INCORPORATION OF GRANDE VIEW HOMEOWNERS ASSOCIATION, RECORDED IN INST. NO. 1995-5890 AND BY-LAWS, RECORDED IN INST. NO. 1995-5891.

5. 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.

6. DECREE OF CONDEMNATION CASE NO. 28-197, ALABAMA WATER AND GAS VS. KIMBERLY CLARK CORPORATION AS REFERRED TO IN THAT CERTAIN DEED RECORDED IN INSTRUMENT 1994/26505 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

7. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN DEED VOLUME 138, PAGE 170, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

20060301000096230 2/2 $15.00
Shelby Cnty Judge of Probate,AL
03/01/2006 10:17:37AM FILED/CERT

8. BUILDING LINE(S), AS SHOWN BY RECORDED MAP.

9. RIGHT OF WAY TO ALABAMA POWER COMPANY, AS SET FORTH IN INST. NO. 20040206000061880.

10. RESTRICTIONS OR COVENANTS RECORDED IN INSTRUMENT 20040206000061880 AND INSTRUMENT 20040223000092860, IN THE PROBATE OFFICE OF SHELBY COUNTY , ALABAMA.

11. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES, TOGETHER WITH ALL MINING RIGHTS AND OTHER RIGHTS, PRIVILEGES AND IMMUNITIES RELATING THERETO AS RECORDED IN INST. NO. 20040325000151630.

12. SINKHOLE COVENANT FOR STORM WATER RUN OFF CONTROL AS, RECORDED IN INST. NO. 20040325000151630.

$275,000.00 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, ROSE CREEK HOMES, INC., by its PRESIDENT, JOE ROSE who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 21st day of February, 2006.

ROSE CREEK HOMES, INC.

By: _____
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 ROSE CREEK HOMES, 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 21st day of February, 2006.

_____
Notary Public

My commission expires: 9.27.07

ELIZABETH L. HENDERSON
NOTARY
PUBLIC
ALABAMA STATE AT LARGE