4385

20060523000242420 1/2 $43.50
Shelby Cnty Judge of Probate,AL
05/23/2006 08:38:26AM FILED/CERT

Shelby County, AL 05/23/2006
State of Alabama

Deed Tax:$29.50

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This instrument was prepared by:

R. Shan Paden
PADEN & PADEN, PC
5 Riverchase Ridge, Suite 100
Birmingham, Alabama 35244

SEND TAX NOTICE TO:

GARY STOKES
3128 HIDDEN FOREST COVE
MONTEVALLO, AL 35115

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 SIX THOUSAND NINE HUNDRED DOLLARS 00/100 ($146,900.00)** to the undersigned grantor, in hand paid by the GRANTEES herein, the receipt of which is hereby acknowledged, the said GRANTOR, **ROSE CREEK HOMES, INC., Corporation** does by these presents, grant, bargain, sell and convey unto **GARY STOKES AND JOHNALEE O. STOKES**, (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 58, according to the Survey of Hidden Forest, as recorded in Map Book 35, Page 117 in the Probate Office of Shelby County, Alabama.

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2005 WHICH CONSTITUTE A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2006.

2. EASEMENTS AND BUILDING LINE AS SHOWN ON RECORDED MAP.

3. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN INST NO 20050803000393990.

4. RIGHT OF WAY GRANTED TO BELLSOUTH RECORDED IN INST NO. 20051014000536930.

5. RESTRICTIONS APPEARING OF RECORD IN INST NO 20051102000570720.

6. TITLE TO ALL MINERALS WITHIN AND UNDERLYING THE PREMISES TOGTHER WITH ALL MINING RIGHTS AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES RELATING THERETO INCLUDING RELEASE OF DAMAGES.

7. RIGHT OF WAY GRANTED TO ALABAMA POWER COMPANY RECORDED IN INST. NO 2005-39399 REAL VOLUME 235 PAGE 318 AND REAL VOLUME 236 PAGE 825.

$117,520.00 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

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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 **JOE ROSE** its **PRESIDENT**, who is authorized to execute this conveyance, has hereunto set its signature and seal, this the 17th day of May, 2006.

ROSE CREEK HOMES, INC.

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/an **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 17th day of May, 2006.

Notary Public

My commission expires: 9.29.06

GEORGE M. VAUGHN NOTARY PUBLIC