



20070221000078290 1/2 \$15.00  
Shelby Cnty Judge of Probate, AL  
02/21/2007 08:20:36AM FILED/CERT

(RECORDING INFORMATION ONLY ABOVE THIS LINE)

This instrument was prepared by:

SEND TAX NOTICE TO:

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

JARED B. OTTE  
525 THORN BERRY LANE  
BIRMINGHAM, AL 35242

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 FIFTY NINE THOUSAND NINE HUNDRED DOLLARS 00/100 (\$259,900.00)** to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt of which is acknowledged, I/we, **JACK W. GARDNER, JR. and LILY R. GARDNER, HUSBAND and WIFE** (herein referred to as GRANTORS) do grant, bargain, sell and convey unto **JARED B. OTTE and ROBIN G. OTTE**, (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 46, according to the Survey of Thorn Berry Subdivision as recorded in Map Book 25, Page 129, in the Office of the Judge of Probate of Shelby County, Alabama.**

SUBJECT TO:

1. TAXES FOR THE YEAR BEGINNING OCTOBER 1, 2006 WHICH CONSTITUTES A LIEN BUT ARE NOT YET DUE AND PAYABLE UNTIL OCTOBER 1, 2007.
2. ANY PRIOR RESERVATION OR CONVEYANCE OF MINERALS OF EVERY KIND AND CHARACTER, INCLUDING BUT NOT LIMITED TO, OIL, GAS, SAND AND GRAVEL IN, ON AND UNDER THE SUBJECT PROPERTY.
3. EASEMENTS AND RIGHTS-OF-WAY OF RECORD, AFFECTING THE LAND.
4. SUBJECT TO MATTERS SHOWN ON RECORDED MAP BOOK 25 AT PAGE 129.
5. SUBJECT TO HOMEOWNERS ASSOCIATION AS RECORDED IN INSTRUMENT NO. 20050228000094130.
6. RESTRICTIONS APPEARING OF RECORD IN INSTRUMENT NO. 19990716000299081.
7. RIGHTS OF CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
8. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, VARIATIONS OR SHORTAGES IN AREA OR CONTENT AND ANY OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND/OR INSPECTION OF THE PREMISES.
9. ROADS, STREAMS, WAYS OR EASEMENTS OR CLAIMS OR EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS, RIPARIAN RIGHTS AND TITLE TO ANY FILLED IN LAND.

\$259,900.00 of the consideration herein was derived from a mortgage closed simultaneously herewith.

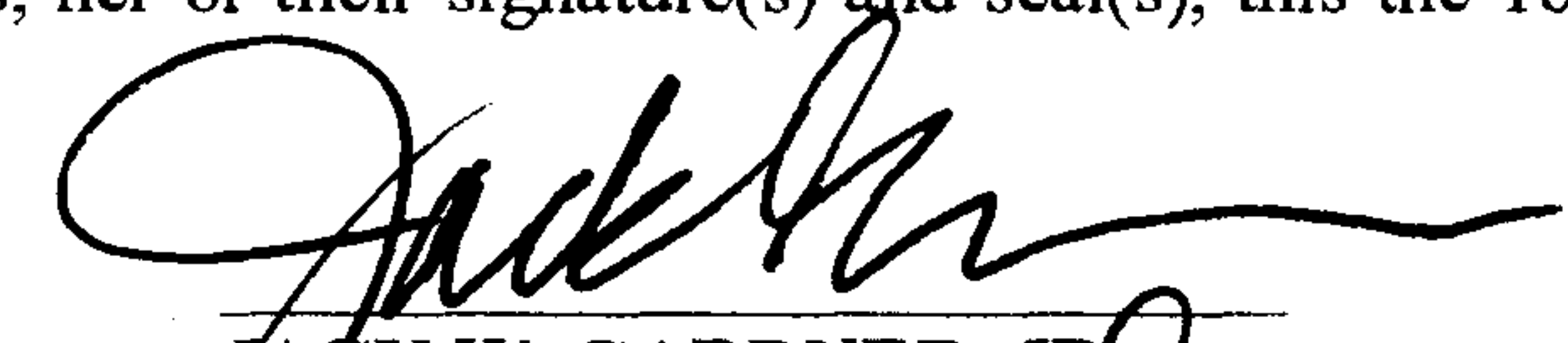
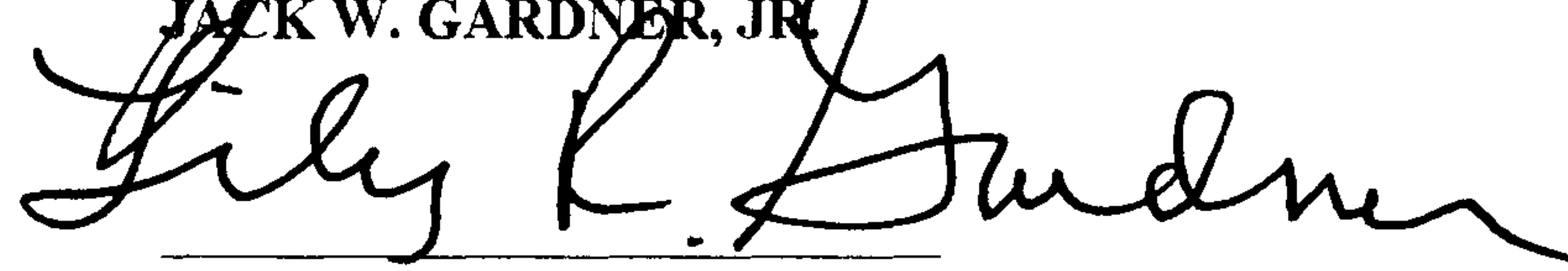


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**TO HAVE AND TO HOLD** Unto the said GRANTEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated 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 I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, his, her, or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted 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 GRANTEES, his, her, or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTORS, **JACK W. GARDNER, JR. and LILY R. GARDNER**, have hereunto set his, her or their signature(s) and seal(s), this the 16th day of February, 2007.

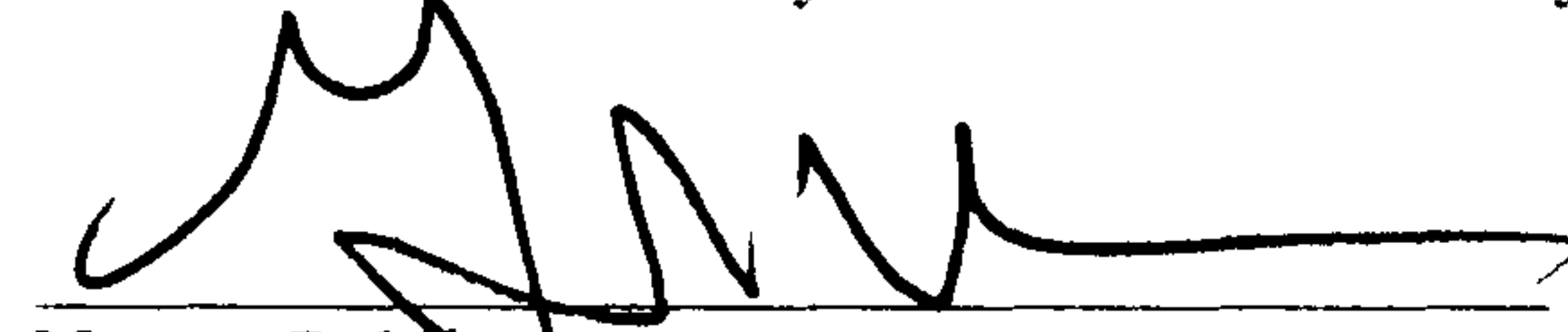
  
JACK W. GARDNER, JR.  
  
LILY R. GARDNER

STATE OF ALABAMA  
COUNTY OF SHELBY

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that **JACK W. GARDNER, JR. and LILY R. GARDNER**, whose name(s) is (are) signed to the foregoing conveyance, and who is (are) known to me, acknowledged before me on this day that, being informed of the contents of the conveyance he, she, or they executed the same voluntarily on the day the same bears date.

Given under my hand this the 16th day of February, 2007.

  
Notary Public

My commission expires: 9.29.2010

