

THIS INSTRUMENT PREPARED BY: 620

Send Tax Notice To:

NAME: Jesse P. Evans, III

ADDRESS: 2125 Morris Avenue, Birmingham, AL

WARRANTY DEED (Without Survivorship) **Alabama Title Co., Inc.** BIRMINGHAM, ALA.

STATE OF ALABAMA }
JEFFERSON COUNTY } KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Two Hundred Fifty-Two Thousand Seven Hundred Eighty Dollars (\$252,780.00)

to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we,

SHOAL CREEK ASSOCIATION, a Partnership

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

BIRMINGHAM REALTY COMPANY

(herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

See Exhibit "A" attached for legal description

This property is conveyed subject to the following:

- (1) General and special taxes for the current year and subsequent years.
- (2) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges, immunities and release of damages relating thereto. (As to SW $\frac{1}{4}$ and SW/SE of Section 3, Township 18, Range 1 East).
- (3) Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 103, Page 426, Deed Book 82, Page 205, Deed Book 134, Page 16, Deed Book 82, Page 203, Deed Book 114, Page 12, Deed Book 103, Page 473, Deed Book 138, Page 326, Deed Book 138, Page 327, Deed Book 86, Page 553, Deed Book 223, Page 108, Deed Book 103, Page 471, Deed Book 133, Page 363, Deed Book 103, Page 471 and Deed Book 138, Page 459.
- (4) Right of Way to Shelby County as recorded in Probate Minute 23, Page 265; Deed Book 158, Page 422, Deed Book 158, Page 423 and Deed Book 167, Page 244.
- (5) Railroad right of way as recorded in Deed Book 8, Page 561.
- (6) Riparian and other rights created by the fact that the subject property fronts on Shoal Creek.

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Together with and subject to all appurtenant easements, rights and privileges and title to the center line of any public roadways adjacent to the said real estate.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And X (we) do for ~~ourselves~~ (ourselves) and for ~~our~~ (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that ~~we~~ (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that X (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, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands(s) and seal(s), this 17th day of August, 1989

SHOAL CREEK ASSOCIATION, a Partnership
by: Charles L. Denaburg, General Partner
by: Francis H. Hare, Jr., General Partner

(Seal)
(Seal)
(Seal)

STATE OF ALABAMA }
JEFFERSON COUNTY } General Acknowledgment

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Shoal Creek Association, a Partnership, by Charles L. Denaburg and Francis H. Hare, Jr., its General Partners, whose name 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 the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 17th day of August, A. D., 1989

KOWITZ, Lefkovits, Isom & Kushner

EXHIBIT A

A parcel of land situated part in the S.W. 1/4 of the N.E. 1/4, part in the N.W. 1/4 of the S.E. 1/4, all that part of the East 1/2 of the S.E. 1/4 lying North of the center of Shoal Creek, part in the S.W. 1/4 of the S.E. 1/4, all being Section 4, Township 18 South, Range 1 East, described as follows:

Beginning at the S.W. Corner of the S.W. 1/4 of the N.E. 1/4 of Section 4 go South 87 Degrees 59 Minutes 48 Seconds East along the South Boundary of said 1/4 - 1/4 Section for 384.34 feet to an existing iron pin;

thence North 02 Degrees 00 Minutes 54 Seconds East for 567.04 feet to an existing iron pin;

thence North 32 Degrees 37 Minutes 45 Seconds East for 98.77 feet to an existing iron pin;

thence North 20 Degrees 11 Minutes 11 Seconds West for 350.46 feet to an existing iron pin on a curve to the right on the South Boundary of Shelby County Highway No. 41, said curve having a central angle of 07 Degrees 33 Minutes 39 Seconds and a radius of 2407.18 feet;

thence Northeasterly along said curve and said South Boundary for 317.65 feet to the Point of Tangent;

thence North 81 Degrees 18 Minutes 56 Seconds East along said South Boundary for 699.81 feet to the East Boundary of the S.W. 1/4 of the N.E. 1/4 of said Section 4;

thence South 00 Degrees 22 Minutes 33 Seconds West along the East Boundary of said 1/4 - 1/4 Section for 1179.91 feet to the N.W. Corner of the N.E. 1/4 of the S.E. 1/4 of said Section 4;

thence South 87 Degrees 53 Minutes 46 Seconds East along the North Boundary of said 1/4 - 1/4 Section for 945.00 feet to the centerline of Shoal Creek;

thence Sixteen Courses (16) along said centerline as follows :

go South 58 Degrees 04 Minutes 53 Seconds West for 23.11 feet;

thence South 18 Degrees 10 Minutes 44 Seconds West for 213.38 feet;

thence South 55 Degrees 02 Minutes 55 Seconds West for 72.89 feet;

thence South 14 Degrees 41 Minutes 15 Seconds West for 49.90 feet;

thence South 78 Degrees 10 Minutes 48 Seconds West for 122.29 feet;

thence South 68 Degrees 27 Minutes 45 Seconds West for 151.35 feet;

thence South 55 Degrees 09 Minutes 53 Seconds West for 56.39 feet;

thence South 63 Degrees 02 Minutes 53 Seconds West for 329.70 feet;

thence South 10 Degrees 13 Minutes 24 Seconds East for 47.95 feet;

thence South 57 Degrees 55 Minutes 09 Seconds East for 215.87 feet;

thence South 29 Degrees 03 Minutes 47 Seconds East for 136.75 feet;

thence South 7 Degrees 30 Minutes 27 Seconds West for 58.88 feet;

thence South 35 Degrees 56 Minutes 27 Seconds West for 330.93 feet;

thence South 10 Degrees 23 Minutes 52 Seconds West for 133.49 feet;

thence South 3 Degrees 02 Minutes 04 Seconds West for 277.46 feet;

thence South 37 Degrees 58 Minutes 22 Seconds West for 328.80 feet to the Point of Intersection of the Centerline of Shoal Creek and the Northerly Boundary of Highway 25;

thence North 56 Degrees 12 Minutes 10 Seconds West along the Northerly Boundary of said Highway for 988.13 feet to the beginning of a curve to the left having a central angle of 71

Degrees 30 Minutes 01 Seconds and a radius of 150.43 feet thence Westerly along said curve for 187.72 feet to the Point of Intersection of the North Boundary of Highway No. 25 and the

Easterly Boundary of Norfolk Southern Railway;

thence North 54 Degrees 05 Minutes 05 Seconds West along the Easterly Boundary of said Railway for 299.03 feet;

thence North 00 Degrees 24 Minutes 50 Seconds East for 797.24 feet;

thence North 13 Degrees 36 Minutes 45 Seconds West for 412.34 feet to the Point of Beginning

Southern Railway and the Westerly Boundary of Shelby County Highway No.25 situated in the S.W.1/4 of the S.E.1/4 of Section 4, Township 18 South, Range 1 East, described as follows:

Commence at the N.E.Corner of the S.W.1/4 of the S.E.1/4 of Section 4 go South 00 Degrees 36 Minutes 09 Seconds West along the East Boundary of said 1/4 - 1/4 Section for 653.72 feet to the Westerly Boundary of Shelby County Highway No.25 and the Point of Beginning;

thence continue South 00 Degrees 36 Minutes 09 Seconds West along the East Boundary of said 1/4 - 1/4 Section for 37.01 feet to the Easterly Boundary of Norfolk Southern Railway; thence North 54 Degrees 05 Minutes 05 Seconds West along the Easterly Boundary of said Railway for 235.21 feet;

thence South 35 Degrees 54 Minutes 55 Seconds West along the Easterly Boundary of said Railway for 35.00 feet;

thence North 54 Degrees 05 Minutes 05 Seconds West along the Easterly Boundary of said Railway for 857.06 feet to the Point of Intersection of the Westerly Boundary of Highway No.25 and the Easterly Boundary of Norfolk Southern Railway, said Point of Intersection beining a point on a curve to the right havng a central angle of 50 Degrees 46 Minutes 25 Seconds and a radius of 70.43 feet;

thence Easterly along said curve for 62.41 feet to the Point of Tangent;

thence South 56 Degrees 12 Minutes 10 Seconds East along the Westerly Boundary of Shelby County Highway No.25 for 1017.84 feet to the Point of Beginning.

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

89 AUG 21 PM 3:16

J. Thomas W. Snowden, Jr.
JUDGE OF PROBATE

1. Deed Tax	\$ 253.00
2. Mtg. Tax	
3. Recording Fee	7.50
4. Indexing Fee	3.00
TOTAL	264.50