

STATE OF ALABAMA )

SHELBY COUNTY )

**EXECUTOR'S DEED**

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the the terms of the Last Will and Testament of William L. Cole, and other good and valuable consideration in hand paid to

**KATHLEEN H. COLE, AS EXECUTRIX OF THE  
ESTATE OF WILLIAM L. COLE, DECEASED**

(solely in its capacity as executor) (the "Grantor"), the receipt and sufficiency of which is hereby acknowledged, the Grantor does by these presents, grant, bargain, sell and convey unto

**KATHLEEN H. COLE AND REGIONS BANK  
(AS SUCCESSOR TO FIRST ALABAMA BANK  
OF BIRMINGHAM), AS CO-TRUSTEES OF  
THE FAMILY TRUST CREATED UNDER  
ARTICLE ELEVEN OF THE LAST WILL AND  
TESTAMENT OF WILLIAM L. COLE,  
DECEASED**

(the "Grantee"), fee simple interest in the real estate situated in the Town of Calera, Shelby County, Alabama, together with all improvements located thereon, more particularly described on Exhibit "A" attached hereto and made a part hereof.

**SUBJECT TO:**

1. Ad valorem taxes for 1998, which are not due and payable until October 1, 1998, and taxes for all subsequent years.
2. Transmission Line Permits(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 138, Page 94, in the Office of the Judge of Probate of Shelby County, Alabama.
3. Right(s)-of-Way(s) granted to State of Alabama by instrument(s) recorded in Deed Book 197, Page 390, in the Office of the Judge of Probate of Shelby County, Alabama.

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4. Easement(s) to Town of Calera as shown by instrument(s) recorded in Deed Book 278, Page 510, in the Office of the Judge of Probate of Shelby County, Alabama.

As to Parcel II

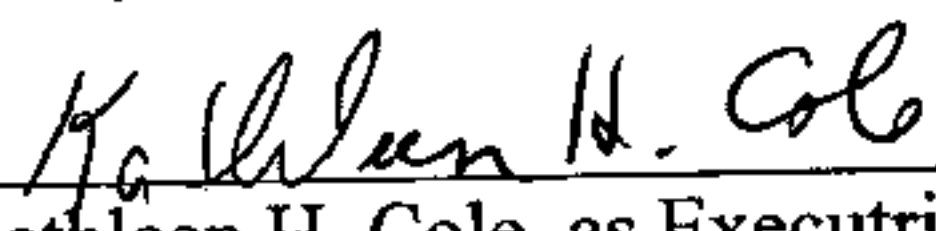
5. Right(s)-of-Way(s) granted to Shelby County by instrument(s) recorded in Deed Book 86, Page 218, in the Office of the Judge of Probate of Shelby County, Alabama.
6. Right(s)-of-Way(s) granted to State of Alabama by instrument(s) recorded in Deed Book 193, Page 333, in the Office of the Judge of Probate of Shelby County, Alabama.
7. Right(s)-of-Way(s) granted to Town of Calera by instrument(s) recorded in Deed Book 278, Page 510, in the Office of the Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the Grantee, its successors and assigns, forever.

Grantor, as Executrix, and not for herself individually, hereby conveys said real estate subject to the limitations described above. Nothing herein contained shall be construed as a warranty by the Trustee that title to the property described above is free of encumbrances and/or restrictions.

The within deed is executed by Kathleen H. Cole solely in her capacity as Executrix and under the powers and authority contained in the Last Will and Testament of William Cole, dated July 10, 1978, to which reference is made for a description of said powers and authority. It is understood that Kathleen H. Cole in her individual capacity is not a party hereto and shall not be liable hereunder on any account whatsoever.

IN WITNESS WHEREOF, the said Grantor has executed this EXECUTOR'S DEED as of the 12 day of June, 1998.

  
Kathleen H. Cole, as Executrix of the Estate of  
William L. Cole, Deceased, Case No. 155261, in the  
Probate Court of Jefferson County, Alabama

STATE OF ALABAMA     )

JEFFERSON COUNTY     )

I, the undersigned Notary Public in and for said County in said State, hereby certify that Kathleen H. Cole, whose name as Executrix of the Estate of William Cole, Deceased, is signed to the foregoing Executor's Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, she, as such Executrix and with full authority, executed the same as the act of the said Estate.

Given under my hand and official seal this the 12TH day of June, 1998.



Notary Public

My Commission Expires MY COMMISSION EXPIRES DECEMBER 5, 2001

This Instrument Prepared By:

Joseph W. Mathews, Jr.

Lange, Simpson, Robinson & Somerville LLP

417 North 20<sup>th</sup> Street, Suite 1700

Birmingham, Alabama 35203

## Exhibit "A"

Two parcels of land situated in the NW 1/4 of NW 1/4 and the NE 1/4 of the NW 1/4 of Section 22 and the SE 1/4 of the SW 1/4 of Section 15, Township 22 South, Range 2 West, being more particularly described as follows:

### Parcel I

Commence at the SW corner of the NW 1/4 of the NW 1/4 of Section 22, Township 22 South, Range 2 West, said point also being the point of beginning; thence North 00 deg. 45 min. 12 sec. West along the West line of said 1/4 1/4 Section for a distance of 30.09 feet to a point on the Southerly right of way line of Southern Railway (200 feet right of way); thence North 66 deg. 25 min. 46 sec. East along said right of way line for a distance of 346.76 feet to a point on a curve to the right having a central angle of 24 deg. 30 min. 29 sec. and a radius of 2764.79 feet; said curve subtended by a chord bearing North 78 deg. 41 min. 00 sec. East and a chord distance of 1173.63 feet; thence along the arc of said curve and along said right of way line for a distance of 1182.62 feet to the intersection of said right of way and the Westerly right of way line of U. S. Highway No. 65; thence South 07 deg. 05 min. 18 sec. East and leaving said Southern Railway right of way and along said U. S. Highway No. 65 right of way line for a distance of 140.72 feet; thence South 07 deg. 42 min. 51 sec. West along said right of way for a distance of 292.13 feet to the intersection of said right of way line and the South line of the NE 1/4 of the NW 1/4 of Section 22, Township 22 South, Range 2 West; thence North 88 deg. 46 min. 29 sec. West along the South line of said 1/4 1/4 Section line and leaving said right of way for a distance of 138.09 feet to the SE corner of the NW 1/4 of the NW 1/4 of Section 22, Township 22 South, Range 2 West; thence North 88 deg. 48 min. 43 sec. West along the South line of said 1/4 1/4 Section for a distance of 1308.62 feet to the point of beginning; being situated in Shelby County, Alabama.

### Parcel II

Commence at the NW corner of Section 22, Township 22 South, Range 2 West, said point also being the point of beginning; thence South 88 deg. 10 min. 32 sec. East along the North line of said Section for a distance of 1319.88 feet to the SW corner of the SE 1/4 of the SW 1/4 of Section 15, Township 22 South, Range 2 West; thence North 01 deg. 24 min. 23 sec. East along the West line of said 1/4 1/4 Section for a distance of 351.67 feet to the intersection of said West line and the Westerly right of way line of U. S. Highway No. 65; thence South 07 deg. 05 min. 18 sec. East along said right of way for a distance of 1081.12 feet to the intersection of said right of way and the Northerly right of way line of Southern Railway, said point also on a curve to the left having a central angle of 23 deg. 57 min. 48 sec. and a radius of 2964.79 feet, said curve subtended by a chord bearing South 78 deg. 24 min. 40 sec. West and a chord distance of 1230.97 feet; thence along the arc of said curve and along said Southern Railway right of way and leaving said U. S. Highway No. 65 right of way for a distance of 1239.99 feet; thence South 66 deg. 25 min. 46 sec. West along said



right of way for a distance of 262.62 feet to the intersection of said right of way and the West line of Section 22, Township 22 South, Range 2 West; thence North 00 deg. 45 min. 12 sec. West along the West line of said Section and leaving said right of way for a distance of 1115.72 feet to the point of beginning; being situated in Shelby County, Alabama.

**LESS AND EXCEPT:**

Less and except Fourth, Second and First Streets and Seventh Avenue, according to the Map of Calera by John H. Dunstan dated October 1, 1886.

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