

✓ Town of Chelsea  
P.O. Box 111  
Chelsea, Alabama

Certification  
Of  
Annexation Ordinance

Ordinance Number: X-00-09-05-121

Property Owner(s): Scott A. Duca and Patricia J. Duca

Property Parcel No.: 09-05-21-0-000-001.278

I, Robert Wanninger, Town Clerk of the Town of Chelsea, Alabama, hereby certify the attached to be a true and correct copy of an Ordinance adopted by the Town Council of Chelsea, at the regular meeting held on September 5, 2000, as same appears in minutes of record of said meeting, and published by posting copies thereof on September 5, 2000 at the public places listed below, which copies remained posted for five business days (through September 11, 2000).

Chelsea Middle School, 901 Highway 39, Chelsea, Alabama 35043  
First National Bank of Shelby County, Chelsea Branch, Highway 280, Chelsea, Al 35043  
U.S. Post Office, Highway 280, Chelsea, Alabama 35043

  
Robert A. Wanninger, Town Clerk

Inst # 2000-32064

09/14/2000-32064  
02:35 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
010 MMB 31.00

Town of Chelsea, Alabama

Annexation Ordinance No. X-00-09-05-121

Property Owner(s): Scott A. Duca and Patricia J. Duca

Property Parcel No.: 09-05-21-0-000-001.278

Pursuant to the provisions of Section 11-42-21 of the Code of Alabama (1975),

**Whereas**, the attached written petition requesting that the above-noted property be annexed to the Town of Chelsea has been signed by the owners of said property; and

**Whereas**, said petition contains (as Petition Exhibits A&B) an accurate description of said property together with a map of said property (Exhibit C) showing the relationship of said property to the corporate limits of Chelsea; and

**Whereas**, said petition has been filed with the Chelsea Town Clerk; and

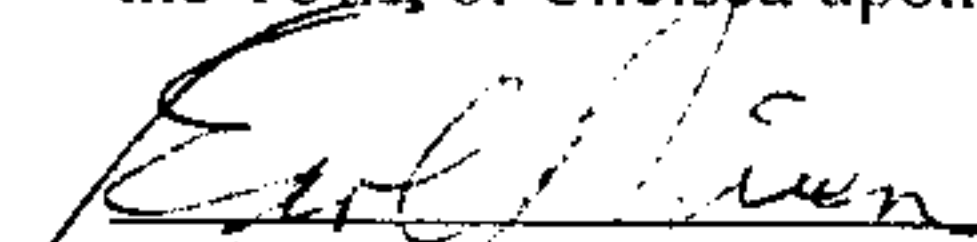
**Whereas**, said property is contiguous to the corporate limits of Chelsea, or is a part of a group of properties submitted at the same time for annexation which together is contiguous to the corporate limits of Chelsea; and

**Whereas**, said property does not lie within the corporate limits of any other municipality; and

**Whereas**, even though said property is located in an area where the police jurisdiction of Chelsea and the police jurisdiction of Pelham overlap, the said property is less-than-equidistant from the respective corporate limits of Chelsea and Pelham (i.e. it is closer to the corporate limits of Chelsea than to the corporate limits of Pelham).

**Therefore, be it ordained** that the town council of the Town of Chelsea assents to the said annexation; and

**Be it further ordained** that the corporate limits of Chelsea be extended and rearranged so as to embrace and include said property, and said property shall become a part of the corporate area of the Town of Chelsea upon the date of publication of this ordinance as required by law.

  
Earl Niven, Mayor

  
Bob Combs, Council Member

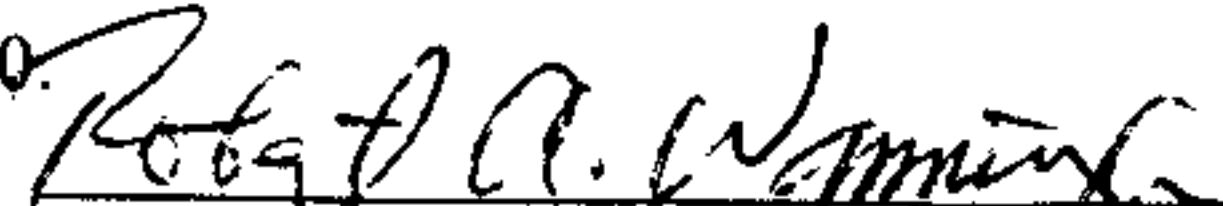
  
Glen Autry, Jr. Council Member

  
Earlene Isbell, Council Member

  
Shelby Blackerby, Council Member

  
John Ritchie, Council Member

Presented and approved 5<sup>TH</sup> day of SEPT., 2000.

  
Robert A. Wanninger, Town Clerk

Town Clerk  
Town of Chelsea  
P.O. Box 111  
Chelsea, Alabama 35043

## Petition for Annexation

The undersigned owner(s) of the property which is described in the attached "Exhibit A" and which either is contiguous to the corporate limits of the town of Chelsea, or is a part of a group of properties which together are contiguous to the corporate limits of Chelsea, do hereby petition the town of Chelsea to annex said property into the corporate limits of the municipality.

Done the 17<sup>th</sup> day of July, 2000.

Adrianne E. Curran  
Witness

Scott A. Deuca  
Owner

86 Woodbury Dr. Starnett AL 35147  
Mailing Address

Property Address ( if different)

(205) 678-7443  
Telephone Number

Adrianne E. Curran  
Witness

Patricia J. Deuca  
Owner

86 Woodbury Dr.  
Mailing Address Starnett, Al 35147

Property Address

(205) 678-7443  
Telephone Number

(All owners listed on the deed must sign)

Petition Exhibit A

Property owner(s): Scott A. Duca and Patricia J. Duca

Property: Parcel No. 09-05-21-0-000-001.278

**Property Description**

The above-noted property, for which annexation into Chelsea is requested in this petition, is described in the attached copy of the deed (Petition Exhibit B). Which was recorded with the Shelby County judge of probate as Instrument Number 2000-07685. Further, the said property for which annexation into Chelsea is requested in this petition is shown in the indicated shaded area on the attached map in Petition Exhibit C. Said map also shows the contiguous relationship of said property to the corporate limits of Chelsea.

The said property, for which annexation into Chelsea is requested in this petition, does not lie within the corporate limits of any other municipality, but said property is located in an area where the police jurisdiction of Chelsea and the police jurisdiction of Pelham overlap. However, said property is less-than-equidistant- from the respective corporate limits of Chelsea and Pelham (i.e. said property is closer the corporate limits of Chelsea than to the corporate limits of Pelham) pursuant to Section 11-42-21, Code of Alabama (1975).



*Copy*

Page 1

This instrument was prepared by:  
Clayton T. Sweeney, Attorney  
2700 Highway 280 East, Suite 290E.  
Birmingham, AL 35223

Send Tax Notice To:  
Scott A. Duca and Patricia J. Duca  
86 Woodbury Drive  
Sterrett, AL 35147

STATE OF ALABAMA

)

**JOINT SURVIVORSHIP DEED**

COUNTY OF SHELBY

)

**KNOW ALL MEN BY THESE PRESENTS:** That, for and in consideration of **Two Hundred Four Thousand Nine Hundred and 00/100 (\$204,900.00)**, and other good and valuable consideration, this day in hand paid to the undersigned **Lewis Integrity Homes, Inc., an Alabama corporation** (hereinafter referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES, **Scott A. Duca and Patricia J. Duca**, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of **Shelby**, State of Alabama, to-wit:

**Lot 801, according to the Survey of Forest Parks, 8th Sector, Phase 1, as recorded in Map Book 25, Page 130 and Instrument #1999-28778, in the Office of the Judge of Probate of Shelby County, Alabama.**

Subject To:

Ad valorem taxes for 2000 and subsequent years not yet due and payable until October 1, 2000. Existing covenants and restrictions, easements, building lines and limitations of record.

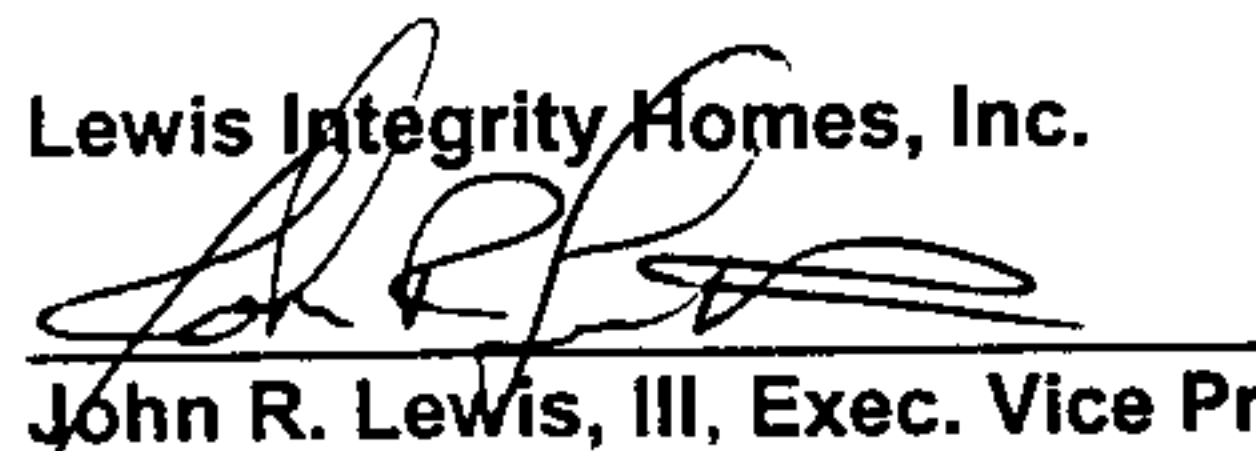
\$163,920.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

AND SAID GRANTOR, for said GRANTOR, GRANTOR'S heirs, successors, executors and administrators, covenants with GRANTEES, and with GRANTEES' heirs and assigns, that GRANTOR is lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that GRANTOR will, and GRANTOR'S heirs, executors and administrators shall, warrant and defend the same to said GRANTEES, and GRANTEES' heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said GRANTOR has hereunto set his hand and seal this the 3rd day of March, 2000.

**Lewis Integrity Homes, Inc.**



**John R. Lewis, III, Exec. Vice President**

This instrument was prepared by:  
Clayton T. Sweeney, Attorney  
2700 Highway 280 East, Suite 290E  
Birmingham, AL 35223

Send Tax Notice To:  
Scott A. Duca and Patricia J. Duca  
86 Woodbury Drive  
Sterrett, AL 35147

EXHIBIT B

Page 2

STATE OF ALABAMA

JOINT SURVIVORSHIP DEED

COUNTY OF SHELBY

**KNOW ALL MEN BY THESE PRESENTS.** That, for and in consideration of **Two Hundred Four Thousand Nine Hundred and 00/100 (\$204,900.00)**, and other good and valuable consideration this day in hand paid to the undersigned **Lewis Integrity Homes, Inc., an Alabama corporation** (hereinafter referred to as GRANTOR), in hand paid by the GRANTEES herein, the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES **Scott A. Duca and Patricia J. Duca**, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of **Shelby**, State of Alabama, to-wit:

**Lot 801, according to the Survey of Forest Parks, 8th Sector, Phase 1, as recorded in Map Book 25, Page 130 and Instrument #1999-28778, in the Office of the Judge of Probate of Shelby County, Alabama.**

Subject To:

Ad valorem taxes for 2000 and subsequent years not yet due and payable until October 1, 2000. Existing covenants and restrictions, easements, building lines and limitations of record.

\$163,920.00 of the consideration was paid from the proceeds of a mortgage loan closed simultaneously herewith.

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor, forever.

AND SAID GRANTOR, for said GRANTOR, GRANTOR'S heirs, successors, executors and administrators, covenants with GRANTEES, and with GRANTEES' heirs and assigns, that GRANTOR is lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that GRANTOR will, and GRANTOR'S heirs, executors and administrators shall, warrant and defend the same to said GRANTEES, and GRANTEES' heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said GRANTOR has hereunto set his hand and seal this the 3rd day of March 2000.

Lewis Integrity Homes, Inc.

  
John R. Lewis, III, Exec. Vice President

Inst # 2000-07685

03/10/2000-07685  
08:47 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 CJ1 32.00

EXHIBIT B

Page 3

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that John R. Lewis, III, whose name as Exec. Vice President of Lewis Integrity Homes, Inc., an Alabama corporation is signed to the foregoing Instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the Instrument, he as such Officer and with full authority, signed the same voluntarily for and as the act of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 3rd day of March, 2000

  
NOTARY PUBLIC  
My Commission Expires 6/5/03

Inst # 2000-07685

03/10/2000-07685  
08:47 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 C11 52.00

THIS INSTRUMENT PREPARED BY:  
JOHN B. DAVIS, JR.  
1031 SOUTH 21<sup>ST</sup> STREET  
BIRMINGHAM, ALABAMA 35205

751360  
SEND TAX NOTICE TO:  
Lewis Integrity Homes, Inc.  
2048 Cahaba Crest Drive  
Birmingham, Alabama 35292

STATE OF ALABAMA )  
COUNTY OF SHELBY )

Inst. # 1999-32088

08/02/1999-32088  
11:00 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
12:00

Inst. # 1999-32088

EXHIBIT B  
Page 4

**STATUTORY WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS THAT in consideration of Three Hundred  
Forty - Two Thousand Five Hundred \_\_\_\_\_ and No/100 Dollars (\$ 342,500.00) and other  
good and valuable consideration, paid to the undersigned grantor, Forest Parks, LLC, an  
Alabama limited liability company ("Grantor"), by Lewis Integrity Homes, Inc., ("Grantee"), the  
receipt and sufficiency whereof are hereby acknowledged, Grantor does by these presents, grant,  
bargain, sell and convey unto the Grantee the following described real estate situated in Shelby  
County, Alabama (the "Premises"), to-wit:

Lots 801, 803, 805, 806, 807, 808, 809, 810, 812, 813, according to the Survey of Forest Parks -  
8<sup>th</sup> Sector 1<sup>st</sup> Phase, as recorded in Map Book 25, at Page 130, and Instrument No. 1999-28778,  
in the Probate Office of Shelby County, Alabama.

SUBJECT TO: (1) Current taxes; (2) Easements, restrictions and exceptions as shown  
on the Record Map of Forest Parks, 9<sup>th</sup> Sector, (3) Easement for Alabama Power Company  
recorded in Volume 236, at Page 829, in the Probate Office of Shelby County, Alabama,  
(4) Right of Way granted to Alabama Power Company by instrument(s) recorded in Volume  
139, Page 127; Volume 236, Page 829; Volume 133, Page 210; Volume 31, Page 255; Volume  
126, Page 191; Volume 126, Page 192; Volume 126, Page 323; Volume 236, Page 829; Volume  
124, Page 519; Volume 126, Page 191; Volume 139, Page 127, and Volume 236, Page 829 (5)  
Title to all mineral within and underlying the premises, together with all mining rights and other  
rights, privileges, and immunities relating thereto, together with any release of liability for injury  
or damage to persons or property as a result of the exercise of such rights as recorded in Volume  
53, at Page 262, in the Probate office of Shelby County, Alabama; (6) Covenants and  
Restrictions as set out in Instrument No. 1999-28779.

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

IN WITNESS WHEREOF, the undersigned has executed this conveyance on the 15<sup>th</sup>  
day of July, 1999.

WITNESS:

Forest Parks, LLC, an Alabama limited  
liability company

Rolyn E. Cain

By:

John B. Davis, Jr.  
John B. Davis, Jr., as its Manager


\$342,500.00 of the purchase price recited above was paid from mortgage loans  
closed simultaneously herewith.



STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John B. Devia, Jr., whose name as Manager of Forest Parka, LLC, an Alabama limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that, being informed the contents of the conveyance, he, in his capacity as such Manager and with full authority, executed the same voluntarily on the day the same bears date.

Give under my hand and official seal this 15<sup>th</sup> day of July, 1999.

  
Notary Public

My commission expires: 3/19/2000

Inst # 1999-32088

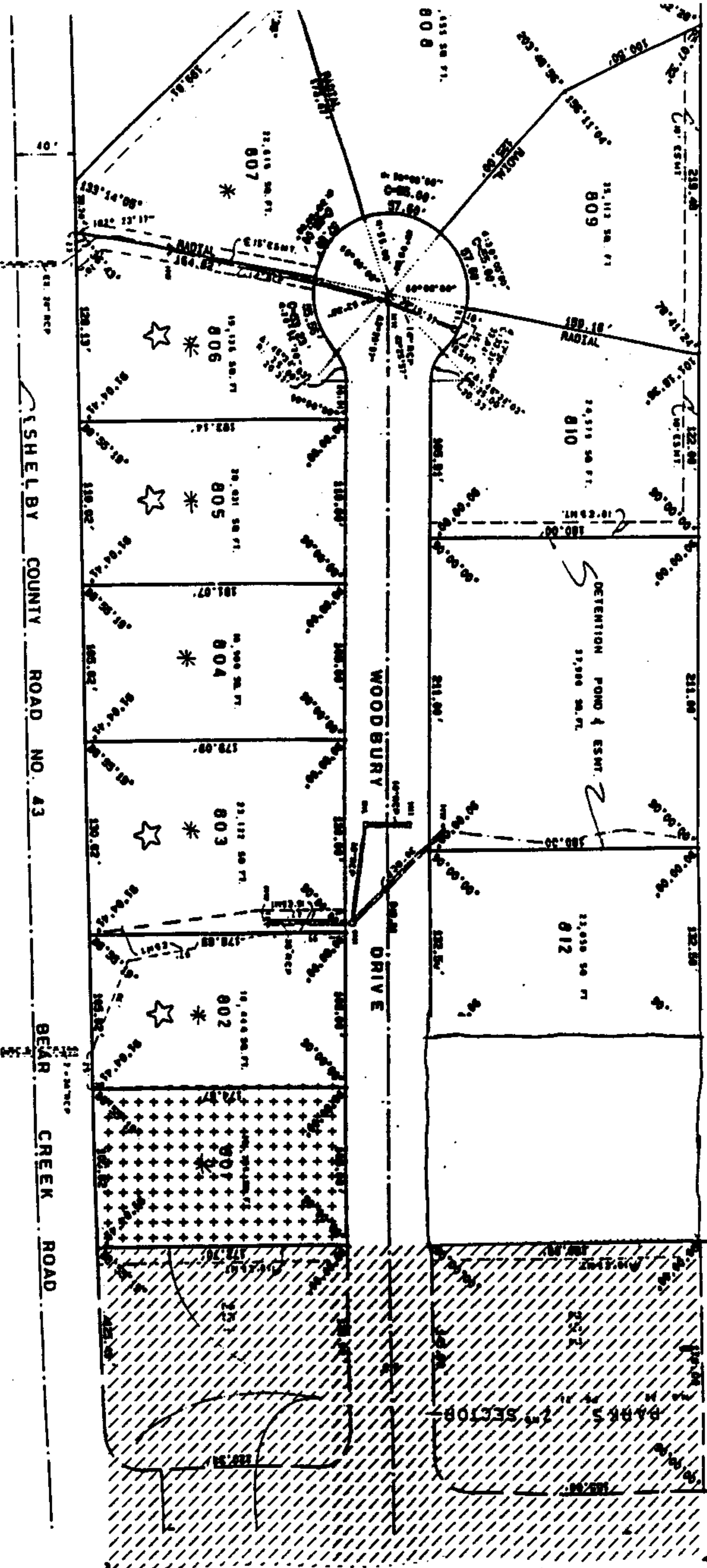
08/02/1999-32088  
11:00 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 NWS 12.00

EXHIBIT B  
Page 5

ORDINANCE: X-00-09-05-121  
 Property: 09-05-21-0-000-001,278

Petition Exhibit C

FUTURE DEVELOPMENT



Inst # 2000-32064

Area to be annexed

Corporate Limits of Chelsea

Taken from Map# 58-09-5

09/14/2000-32064  
 02:35 PM CERTIFIED  
 SHELBY COUNTY JUDGE OF PROBATE  
 010 MMB 31.00