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Westwo Shelby Cnty Judge of Probate, AL
10/27/2004 14:57:00 FILED/CERTIFIED
426 Thompson Road
Alabaster, AL 35007

STATE OF ALABAMA)
)
SHELBY COUNTY)

\$949,500⁰⁰

STATUTORY WARRANTY DEED

THIS STATUTORY WARRANTY DEED (this "Deed") executed and delivered this 26th day of October, 2004, by **SHELBY LAND PARTNERS, LLC**, an Alabama limited liability company ("Grantor"), to **WESTWOOD BAPTIST CHURCH** ("Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, Grantor does by these presents, grant, bargain, sell and convey unto Grantee **an undivided one-half interest** in and to that certain real property lying and being situated in the City of Alabaster, Shelby County, Alabama, as more particularly described on **Exhibit A** attached hereto and made a part hereof (the "Property");

TOGETHER WITH, all appurtenances thereto belonging or in any wise appertaining and all right, title and interest of Grantor in and to any and all roads, alleys and ways bounding the Property.

This conveyance is subject to the exceptions outlined on **Exhibit B** attached hereto and made a part hereof (the "Permitted Exceptions").

Grantee, by acceptance hereof, hereby expressly assumes and agrees to be bound by and to comply with all of the following covenants, terms, provisions, and conditions, which shall run with the land:

1. For a period of five (5) years following the date of this Deed, the Property shall be restricted to use as a Church together with all Church-related activities, including without limitation, Church recreational activities and Church school activities; and

2. For as long as Grantee owns any interest in the Property, Grantee shall not object in any forum, including a meeting of the City Council of the City of Alabaster, Alabama, concerning any rezoning efforts or applications for variances or for the issuance of licenses or permits for the sale of alcoholic beverages.

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

Grantor hereby covenants and agrees with Grantee, its successors and assigns, that Grantor, its successors and assigns, will warrant and defend the Property against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under Grantor, but not further or otherwise.

IN WITNESS WHEREOF, the undersigned Grantor has executed this Statutory Warranty Deed on the 26 day of October, 2004.

SHELBY LAND PARTNERS, LLC

By: James A. Jackson
Its: Manager

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James A. Jackson, whose name as Manager of Shelby Land Partners, LLC, an Alabama limited liability company, 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 said instrument, he/she, as such representative and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this the 26th day of October, 2004.

Robert J. Ahill
Notary Public

AFFIX SEAL

My commission expires: 3-9-08

(Signatures continue on following pages)

Grantee joins in signing this Deed for the purpose of acknowledging and binding itself to the covenants, terms, provisions, and conditions recited herein.

GRANTEE:

WESTWOOD BAPTIST CHURCH

By: Rollin L. Johnson
Rollin L. Johnson
Its: Trustee

By: Daniel M. Acker
Daniel M. Acker
Its: Trustee

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **ROLLIN L. JOHNSON**, as Trustee of **WESTWOOD BAPTIST CHURCH**, an Alabama church corporation, whose name is signed to the foregoing Statutory Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Statutory Warranty Deed, he, in his capacity as Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand this 26th day of October, 2004.

Roberta J. Cahill
Notary Public
My Commission Expires: 3-9-08

[NOTARIAL SEAL]

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **DANIEL M. ACKER**, as Trustee of **WESTWOOD BAPTIST CHURCH**, an Alabama church corporation, whose name is signed to the foregoing Statutory Warranty Deed and who is known to me, acknowledged before me on this day that, being informed of the contents of the Statutory Warranty Deed, he, in his capacity as Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand this 26th day of October, 2004.

Roberta J. Cahill
Notary Public
My Commission Expires: 3-9-08

[NOTARIAL SEAL]

This Instrument Was Prepared By:
Thomas C. Clark, III, Esq.
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2602
(205) 254-1000

EXHIBIT A

THE PROPERTY

A parcel of land situated in the Northwest $\frac{1}{4}$ of Section 6, Township 21 South, Range 2 West and the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of Section 6, Township 21 South, Range 2 West, Shelby County, Alabama; thence in an Easterly direction along the North line of said Section 6 a distance of 2464.52 feet to a point on the Westerly Right of way line of a proposed road, said point lying on a curve to the right having a radius of 267.50 feet and a central angle of 84 degrees, 35 minutes, 12 seconds; thence 80 degrees, 41 minutes, 54 seconds to the right (angle measured to tangent) in a Southerly and Southwesterly direction along the arc of said curve and along said Right of way line a distance of 394.91 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction along said Right of way line a distance of 316.54 feet to the P.C. (point of curve) of a curve to the left having a radius of 1032.50 feet and a central angle of 25 degrees, 27 minutes, 28 seconds; thence in a Southwesterly direction along the arc of said curve and along said Right of way line a distance of 458.76 feet to the P.T. (point of tangent) of said curve; thence tangent to said curve in a Southwesterly direction along said Right of way line a distance of 1042.50 feet to a point; thence 90 degrees to the right in a Northwesterly direction (leaving said Right of way line) a distance of 248.19 feet to a point; thence 18 degrees, 00 minutes, 32 seconds to the left in a Northwesterly direction a distance of 750.35 feet to a point, said point lying 70.00 feet West of the East line of Section 1, Township 21 South, Range 3 West; thence 55 degrees, 17 minutes, 11 seconds to the right in a Northerly direction parallel to and 70.00 feet West of the East line of said Section 1 a distance of 679.59 feet to a point, said point lying on the North line of said Section 1; thence 92 degrees, 24 minutes, 14 seconds to the right in an Easterly direction along the North line of said Section 1 a distance of 70.06 feet to the POINT OF BEGINNING.

Situated in Shelby County, Alabama.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Ad valorem taxes for tax year 2005 and subsequent years, not yet due and payable;
2. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to gas, oil, sand, and gravel in, on and under subject property;
3. Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 130, Page 89;
4. Right of Way granted to Alabama Power Company by instrument(s) recorded in Deed Book 220, Page 39; and
5. Declaration of Covenants and Restrictions dated as of October 26, 2004, and recorded on October _____, 2004, in Book _____, Page *_____, in the records of the Office of the Judge of Probate of Shelby County, Alabama.

* 20041027000594740