

THIS INSTRUMENT PREPARED BY:  
W. L. Longshore, III  
2009 Second Avenue North  
Birmingham, Alabama 35203

1,000,000

SEND TAX NOTICE TO:  
Steve Upton  
P.O. Box 336  
Birmingham, AL 35201

WARRANTY DEED

STATE OF ALABAMA )  
SHELBY COUNTY )

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten and no/100 (\$10.00 DOLLARS) and other good and valuable consideration to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I, or we,

David Y. Upton, Steve D. Upton and Kent A. Upton, all married men


(herein referred to as grantor) does hereby grant, bargain, sell and convey unto

DAY, LLC, an Alabama Limited Liability Company

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

See attached legal description marked Exhibit "A"

SUBJECT TO: 1. 2012 taxes  
2. Easements and restrictions of record.


  
20111208000370660 1/3 \$1019.00  
Shelby Cnty Judge of Probate, AL  
12/08/2011 10:38:55 AM FILED/CERT


The above described property does not constitute the homestead of any of the grantors or their spouses


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

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said grantee, the 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 grantee, their heirs and assigns forever, against the lawful claims of all persons.


IN WITNESS WHEREOF, I or we have hereunto set my or our hand(s) and seal(s), this 6<sup>th</sup> day of Dec, 2011.


  
\_\_\_\_\_(Seal)  
Witness

  
\_\_\_\_\_(Seal)  
David Y. Upton

  
\_\_\_\_\_(Seal)  
Witness

  
\_\_\_\_\_(Seal)  
Steve D. Upton

  
\_\_\_\_\_(Seal)  
Witness

  
\_\_\_\_\_(Seal)  
Kent A. Upton


STATE OF ALABAMA )  
JEFFERSON COUNTY )

GENERAL ACKNOWLEDGMENT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that David Y. Upton, Steve D. Upton and Kent A. Upton whose names 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 6<sup>th</sup> day of December, 2011.

Shelby County, AL 12/08/2011  
State of Alabama  
Deed Tax: \$1000.00

  
\_\_\_\_\_  
Notary Public:  
My Commission Expires:

MY COMMISSION EXPIRES SEPTEMBER 1, 2015

Exhibit "A"

PARCEL 1:

A parcel of land situated in the S 1/2 of the N 1/2 and the N 1/2 of the S 1/2 of Section 34, Township 20 South, Range 2 West in Shelby County, Alabama and being more particularly described as follows:

BEGIN at the SW Corner of the NW 1/4 of the SW 1/4 of Section 34, Township 20 South, Range 2 West; thence S 86deg-49'-54" E along the southerly line of said 1/4-1/4 section a distance of 1316.70' to the SW Corner of the NE 1/4 of the SE 1/4 of said section; thence S 86deg-42'-28" E along the southerly line of said 1/4-1/4 section a distance of 25.20'; thence N 3deg-19'-13" E a distance of 840.49'; thence S 86deg-35'-37" E a distance of 1299.57' to the westerly line of the NW 1/4 of the SE 1/4 of said section; thence N 3deg-19'-13" E along said westerly line a distance of 17.78'; thence S 86deg-35'-37" E a distance of 1321.57' to the easterly line of said 1/4-1/4 section; thence N 3deg-17'-37" E along said easterly line a distance of 473.33' to the SE Corner of the SW 1/4 of the NE 1/4 of said section; thence N 3deg-33'-03" E along the easterly line of said 1/4-1/4 section a distance of 1331.11' to the NE Corner of said 1/4-1/4 section; thence N 86deg-37'-15" W a distance of 2642.36' to the NE Corner of the SW 1/4 of the NW 1/4 of said section; thence S 3deg-30'-59" W along the easterly line of said 1/4-1/4 section a distance of 694.01'; thence N 86deg-46'-44" W a distance of 667.73'; thence S 84deg-42'-37" W a distance of 548.30' to a point on the centerline of a dirt road, said point lying on a curve to the right (concave northwesterly) having a radius of 19.99' and a central angle of 49deg-29'-45"; thence along said centerline and the arc of said curve a distance of 17.27', said arc subtended by a chord which bears S 11deg-09'-59" W a distance of 16.74', to the end of said curve; thence S 35deg-54'-51" W along said centerline a distance of 16.57' to a point on a curve to the right having a radius of 501.23' and a central angle of 4deg-53'-49"; thence along said centerline and the arc of said curve a distance of 42.84', said arc subtended by a chord which bears S 38deg-21'-45" W a distance of 42.82', to the end of said curve; thence S 40deg-48'-40" W along said centerline a distance of 58.23' to a point on a curve to the left having a radius of 28.05' and a central angle of 34deg-22'-37"; thence along said centerline and the arc of said curve a distance of 16.83', said arc subtended by a chord which bears S 23deg-37'-21" W a distance of 16.58', to the end of said curve; thence S 6deg-26'-02" W along said centerline a distance of 56.01' to the centerline of a separate dirt road; thence S 79deg-24'-26" W along said centerline a distance of 48.13'; thence S 2deg-56'-28" W and leaving said centerline a distance of 388.08', to a point on the centerline of a separate dirt road, said point lying on a curve to the right (concave southwesterly) having a radius of 322.22' and a central angle of 37deg-45'-52"; thence along said centerline and the arc of said curve a distance of 212.38', said arc subtended by a chord which bears S 60deg-42'-13" E a distance of 208.56', to the end of said curve; thence S 41deg-49'-17" E along said centerline a distance of 36.09' to a point on a course lying 10' to the left of and parallel to the left edge of a separate dirt road; thence S 29deg-30'-46" E leaving said centerline and along said course a distance of 109.51'; thence S 3deg-07'-57" E along said course a distance of 46.33'; thence S 13deg-05'-29" W along said course a distance of 35.36'; thence S 31deg-58'-50" W along said course a distance of 42.18'; thence S 48deg-54'-52" W a distance of 36.93'; thence S 62deg-28'-12" W along said course a distance of 73.15'; thence S 44deg-19'-07" W a distance of 121.95'; thence S 57deg-52'-30" W along said course a distance 24.44'; thence S 89deg-30'-12" W along said course a distance of 30.33'; thence N 80deg-41'-43" W along said course a distance of 28.95'; thence S 2deg-56'-28" W and leaving said course a distance of 809.84' to the Point of Beginning. Said parcel contains 167.08 acres, more or less.



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PARCEL 3:

A parcel of land situated in the SW 1/4 of the NW 1/4 of Section 34, Township 20 South, Range 2 West in Shelby County, Alabama and being more particularly described as follows:

Commence at the NE Corner of the SW 1/4 of the NW 1/4 of Section 34, Township 20 South, Range 2 West; thence S 3deg-30'-59" W a distance of 594.01' to the POINT OF BEGINNING; thence continue along the last described course a distance of 100.00'; thence N 86deg-46'-44" W a distance of 667.73'; thence N 84deg-42'-37" E a distance of 675.68' to the Point of Beginning. Said parcel contains 0.77 acres, more or less.

PARCEL 5:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 33, Township 20 South, Range 2 West in Shelby County, Alabama and being more particularly described as follows:

Commence at the NE Corner of the SE 1/4 of the NE 1/4 of Section 33, Township 20 South, Range 2 West; thence S 2deg-56'-28" W a distance of 950.76' to the POINT OF BEGINNING; thence continue along the last described course a distance of 61.77'; thence S 81deg-12'-23" W a distance of 142.04' to the centerline of a dirt road; thence N 49deg-32'-54" E along said centerline a distance of 54.28' to a point on a curve to the right having a radius of 215.26' and a central angle of 29deg-51'-32"; thence along said centerline a distance of 112.18', said arc subtended by a chord which bears N 64deg-28'-40" E a distance of 110.91', to the end of said curve; thence N 79deg-24'-26" E along said centerline a distance of 2.18' to the Point of Beginning. Said parcel contains 5,670 square feet, more or less.

PARCEL 6:

A parcel of land situated in the E 1/2 of the E 1/2 of Section 33, Township 20 South, Range 2 West in Shelby County, Alabama and being more particularly described as follows:

Commence at the NE Corner of the SE 1/4 of the NE 1/4 of Section 33, Township 20 South, Range 2 West; thence S 2deg-56'-28" W a distance of 1012.53' to the POINT OF BEGINNING; thence continue along the last described course a distance of 326.31' to a point on the centerline of a dirt road, said point lying on a curve to the left (concave southwesterly) having a radius of 322.22' and a central angle of 0deg-09'-36"; thence along said centerline and the arc of said curve a distance of 0.90', said arc subtended by a chord which bears N 79deg-39'-57" W a distance of 0.90', to the end of said curve; thence N 79deg-44'-45" W along said centerline a distance of 110.24' to a point on a curve to the right having a radius of 123.23' and a central angle of 18deg-17'-26"; thence along said centerline and the arc of said curve a distance of 39.34', said arc subtended by a chord which bears N 70deg-36'-02" W a distance of 39.17', to the end of said curve; thence N 61deg-27'-19" W along said centerline a distance of 32.78' to a point on a curve to the right having a radius of 33.65' and a central angle of 31deg-34'-36"; thence along said centerline and the arc of said curve a distance of 18.55', said arc subtended by a chord which bears N 45deg-40'-01" W a distance of 18.31', to a point on a compound curve to the right having a radius of 153.79' and a central angle of 27deg-26'-17"; thence along said centerline and the arc of said curve a distance of 73.65', said arc subtended by a chord which bears N 16deg-09'-35" W a distance of 72.95', to the end of said curve; thence N 2deg-26'-26" W along said centerline a distance of 140.02' to a point on the centerline of a separate dirt road; thence N 80deg-39'-46" E along said centerline a distance of 65.52' to a point on the centerline of a separate dirt road; thence N 49deg-32'-54" E along said centerline a distance of 34.41'; thence N 81deg-12'-23" E and leaving said centerline a distance of 142.04' to the Point of Beginning. Said parcel contains 1.38 acres, more or less.