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160,000.00

STATE OF ALABAMA )  
                          )  
JEFFERSON COUNTY )

W A R R A N T Y D E E D

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of TEN THOUSAND DOLLARS (\$10,000.00) and other valuable considerations, to the undersigned Grantors, Bryan A. Chace, Forrest Arthur Chace and George W. Chace, in hand paid by Bill L. Harbert and Edwin M. Dixon, as Joint Trustees under a certain Declaration of Trust, dated September 18, 1968, the receipt whereof is hereby acknowledged, we, the said Grantors, Bryan A. Chace, and wife Ruth Chace, Forrest Arthur Chace, and wife Dorothy Chace, and George W. Chace, and wife, Irene Chace, have sold, and we do hereby grant, bargain, sell and convey unto said Grantees, Bill L. Harbert and Edwin M. Dixon, as Joint Trustees, under a certain Declaration of Trust, dated September 18, 1968, and as above referred to the following described real property, situated as indicated, in Jefferson, Marshall and Shelby Counties, Alabama, viz:

TRACT 1

Part of the SE 1/4 of the NE 1/4 of Section 23, Township 19 South, Range 3 West, more particularly described as follows:

Begin at the Northeast corner of said 1/4-1/4 section; thence South and along East line of said 1/4-1/4 section for a distance of 283.2 feet to point of beginning of the Tract herein described; from the point of beginning thus obtained continue South and along East line of said 1/4-1/4 section for a distance of 285.45 feet; thence turn an angle to the right of 51° 44' 30" and run southwardly for a distance of 1203.6 feet to a point in the South line of said 1/4-1/4 section; thence West and along the South line of said 1/4-1/4 section to the Southwest corner of said 1/4-1/4 section; thence North and along the West line of said 1/4-1/4 section to the Southeast right of way line of that certain highway known as Bessemer-Montgomery Short Cut Highway; thence northeastwardly and along the Southeast right of way line of said highway to a point in the North line of said 1/4-1/4 section; thence southeastwardly for a distance of 420.8 feet to point of beginning. Minerals and mining rights excepted.

TRACT 2

Part of the SE 1/4, Section 23, Township 19 South, Range 3 West, more particularly described as follows:

Begin at the Northeast corner of said 1/4 section; thence South and along East line of said 1/4 section for a distance of 120 feet; thence 102° 19 1/2' right for a distance of 185.1 feet; thence 36° 52' left for a distance of 390.6 feet; thence 14° 14' left for a distance of 185 feet; thence 34° 43' left for a distance of 65 feet; thence 58° left for a distance of 301.3 feet; thence 87° right for a distance of 160 feet; thence 89° right for a distance of 347.94 feet; thence 98° left for a distance of 450.8 feet; thence 81° left for a distance of 300.63 feet; thence 92° left for a distance of 337.63 feet; thence 111° 16' right for a distance of 133.8 feet; thence 20° 31' left for a distance of 90.5 feet; thence 6° 03' right for a distance of 103.3 feet; thence 28° 55' right for a distance of 103.8 feet; thence 11° 40' left for a distance of 177.8 feet; thence 12° 38' right for a distance of 154 feet; thence 15° 15' left for a distance of 109.8 feet; thence 1° 46' left for a distance of 74.4 feet; thence 32° 08' left for a distance of 58 feet, more or less, to the Northwest bank of the Cahaba River; thence Southwesterly following the meandering of the Northwest bank of said river to the south line of said 1/4 section; thence Westwardly and along the South line of said 1/4 section for a distance of 630.15 feet, more or less, to the center of Patton Creek; thence in a Northwesterly and Westerly direction along the center of Patton Creek to the West line of the SW 1/4 of SE 1/4 of said section; thence North and along the West line of said 1/4 section to a point where said 1/4 section line intersects the Southeast right of way line of highway known as Bessemer-Montgomery Short Cut Highway; thence Northeasterly and along the Southeasterly right of way line of said highway to the intersection thereof with the North line of said 1/4 section; thence East and along the North line of said 1/4 section to the point of beginning.

TRACT 3

Part of the SE 1/4 of SE 1/4, Section 23, Township 19 South, Range 3 West, more particularly described as follows:

Begin at the Northeast corner of the NE 1/4 of the SE 1/4 of said section; thence South and along East line of said 1/4-1/4 section for a distance of 120 feet; thence 102° 19 1/2' right for a distance of 185.1 feet; thence 36° 52' left for a distance of 390.6 feet; thence 14° 14' left for a distance of 185 feet; thence 34° 43' left for a distance of 65 feet; thence 58° left for a distance of 301.3 feet; thence 87° right for a distance of 160 feet; thence 89° right for a distance of 347.94 feet; thence 98° left for a distance of 450.8 feet; thence 81° left for a distance of 300.63 feet; thence 92° left for a distance of 337.63 feet; thence 111° 16' right for a distance of 133.8 feet; thence 20° 31' left for a distance of 90.5 feet; thence 6° 03' right for a distance of 103.3 feet; thence 28° 55' right for a distance of 103.8 feet; thence 11° 40' left for a distance of 177.8 feet; thence 12° 38' right for a distance of 154 feet; thence 15° 15' left for a distance of 109.8 feet; thence 1° 46' left for a distance of 7.6 feet to point of beginning of the Tract herein described; from the point of beginning thus obtained, turn an angle of 97° 51' left for a distance of 122.2 feet; thence turn an angle of 18° 02' left for a distance of 227.8 feet to a point in the Westerly right of way line of the Old Montgomery Highway; thence turn an angle to the right and run Southwardly along the Westerly right of way line of said highway for a distance of 30 feet; thence turn an angle to the right and run southerly and parallel to the above mentioned 227.8 foot line for a distance of 227.8 feet; thence turn an angle of 18° 02' right for a distance of 123 feet, more or less, to a point 30 feet Southerly of point of beginning if the line determining the point of beginning be extended Southerly along the same bearing; thence turn an angle to the right and run Northwardly for a distance of 30 feet to the point of beginning.

TRACT 4

West 1/2 of SW 1/4, Section 34, Township 19 South, Range 3 West.

TRACT 5

That part of NE 1/4 of SE 1/4, Section 34, Township 19 South, Range 3 West, lying East of the Cahaba River.

BIRMINGHAM DIVISION, JEFFERSON COUNTY, ALABAMA

TRACT 6

That part of Section 24, Township 19 South, Range 3 West, more particularly described as follows:

Begin at Southwest corner of NW 1/4 of SW 1/4 of said section; thence North and along the West line of said section for a distance of 496.68 feet to the intersection of the southeasterly right of way line of the Old Montgomery Highway; thence turn an angle to the right 38° 20' and run Northeasterly and along the southeasterly right of way line of said highway for a distance of 316.5 feet; thence turn an angle to the right of 79° 02' and run southeasterly for a distance of 200 feet; thence turn an angle to the left of 79° 02' and run northeasterly for a distance of 125 feet; thence turn an angle to the right of 79° 02' and run southeasterly for a distance of 50 feet; thence turn an angle to the left 77° 02' and run northeasterly for a distance of 182.46 feet; thence turn an angle to the left of 98° 11' and run northwesterly for a distance of 46.5 feet; thence turn an angle right 91° 10' and run northeasterly and parallel with the southeasterly right of way line of the Old Birmingham Montgomery Highway for a distance of 1160.12 feet; thence turn an angle to the right of 141° 50' and run in a southerly direction for a distance of 338.27 feet; thence turn an angle to the left 140° 02' and run northeasterly for a distance of 424.75 feet; thence turn an angle to the right 140° and run in a southerly direction for a distance of 397.19 feet; thence turn an angle to the left of 77° 53' and run in an easterly direction for a distance of 419.11 feet; thence turn an angle to the left of 102° 07' and run in a northerly direction for a distance of 1100.25 feet to a point on the north line of the SE 1/4 of NW 1/4 of said section; thence East and along the North line of said 1/4-1/4 section for a distance of 947.16 feet, more or less, to the Southwest corner of the NW 1/4 of the NE 1/4 of said section; thence North and along the West line of the said NW 1/4 of the NE 1/4 to the northwest corner of said 1/4-1/4 section; thence East and along the North line of said section to the Northeast corner of the NE 1/4 of the NE 1/4 of said section; thence South and along the East line of said section to the Southeast corner of the NE 1/4 of said section; thence West and along the South line of the said NE 1/4 to the Southwest corner thereof; thence South and along the East line of the NE 1/4 of the SW 1/4 of said section to the North bank of the Cahaba River; thence run Westerly and along the meanderings of the North bank of said river to the intersection thereof with the South line of the NW 1/4 of the SW 1/4 of said section; thence West and along the South line of the said NW 1/4 of the SW 1/4 to the point of beginning.

EXCEPT that part conveyed to Vivian Strickland Timmons, and recorded in Deed Volume 7035, Page 459, in the Probate Office of Jefferson County, Alabama.

MINERALS AND MINING RIGHTS EXCEPTED. (as to the SW 1/4 of the NW 1/4)

TRACT 7

That part of the NW 1/4 of the SW 1/4 and that part of the SW 1/4 of the NW 1/4, of Section 24, Township 19, South, Range 3 West, more particularly described as follows:

Begin at the Northwest corner of said NW 1/4 of SW 1/4 and run thence Southwardly along the West line thereof for a distance of 189.84 feet; thence turn an angle to the left of 62 degrees 38 minutes and run Southeastwardly for a distance of 398.51 feet to a point on the Southeasterly line of the right-of-way of the Old Montgomery Highway; thence turn an angle to the left of 88 degrees 50 minutes from the last described course and run Northeastwardly along the Southeast line of said right-of-way for a distance of 463.5 feet to the point of beginning of the parcel here described; from the point of beginning thus obtained turn an angle to the right of 88 degrees 50 minutes from the last described course and run Southeastwardly for a distance of 209 feet; thence turn an angle to the left of 88 degrees 50 minutes and run Northeastwardly and parallel with the Southeasterly line of the right of way of said highway for a distance of 105 feet; thence turn an angle to the left of 91 degrees 10 minutes and run Northwestwardly for a distance of 209 feet to a point on the Southeasterly line of the right-of-way of said highway; thence turn an angle to the left of 88 degrees 50 minutes from the last described course and run Southwestwardly along the Southeasterly line of said right-of-way for a distance of 105 feet to the point of beginning.

Minerals and mining rights excepted.

TRACT 8

The North 1/2 of the NW 1/4 of Section 24, Township 19, Range 3 West.

TRACT 9

Part of the NW 1/4 of the SW 1/4 of Section 24, Township 19, Range 3 West, more particularly described as follows:

Commence at the Northwest corner of said NW 1/4 of the SW 1/4 and run South along the west line of said NW 1/4 of SW 1/4 189.94 feet; thence at an angle to the left of 62° 38' run Southeasterly 397.93 feet to a point on the Southeasterly right of way line of the Old Montgomery Highway (said right of way being 50 feet wide at this point of intersection), which is the point of beginning of the property hereby conveyed; thence continue Southeasterly along the last named course 250 feet; thence at an angle to the right of 98 degrees 11 minutes, run Southwesterly 137 feet; thence at an angle to the right of 81° 49' run Northwesterly 250 feet to the Southeasterly right of way line of said Highway; thence Northeasterly along the Southeasterly right of way line of said Highway 137 feet to the point of beginning.

TRACT 10

Part of the NW 1/4 of the SW 1/4 and part of the SW 1/4 of the NW 1/4 of Section 24. Township 19 South, Range 3 West, more particularly described as follows: Commence at the northwest corner of NW 1/4 of SW 1/4; run South along the West line of said 1/4-1/4 section 133.53 feet; thence an angle to the left of 62 degrees and 38 minutes run 424.81 feet to a point in the Southeasterly right of way line of the Old Montgomery Highway; thence continue southeasterly along the last named course 209 feet; thence an angle to the left of 88 degrees and 50 minutes run northeasterly and parallel with said highway 418.5 feet; thence an angle to the left of 91 degrees 10 minutes run northwesterly 209 feet to the said Southeasterly right of way line of said highway; thence southwesterly along said right of way line 418.5 feet to the point of beginning.

TRACT 11

That part of the South 1/2 of the SW 1/4 of Section 13, Township 19 South, Range 3 West, being more particularly described as follows:

Begin at the Southwest corner of the said South 1/2 of the SW 1/4; thence run North 56° 05' East along the top of the mountain for a distance of 1916 feet; thence turn an angle of 70° 17' to the right and run southeasterly for a distance of 1150 feet to a point on the south line of said SW 1/4 which is 86 feet West of the southeast corner of said quarter section; thence west and along the south line of the South 1/2 of the SW 1/4 of said Section for a distance of 2545.7 feet to the point of beginning.

TRACT 12

NE 1/4 of the SE 1/4 in Section 13, Township 19 South, Range 3 West, lying Southeast of the Old U.S. Highway 31 South, ALSO the SE 1/4 of the SE 1/4 of Section 13, Township 19 South, Range 3 West.

TRACT 13

The SW 1/4 of the SW 1/4 of Section 18, Township 19, Range 2 West.

TRACT 14

All that part of the NW 1/4 of NW 1/4, Section 19, Township 19 South, Range 2 West, lying North of the Cahaba River, except the following described tract: Begin at the Northwest corner of Section 19, Township 19 South, Range 2 West, run thence in a southerly direction along the West line of said Section 19, 520 feet, more or less, to an iron pin at a point where a Branch crosses the West line of said Section 19; run thence in a Southeasterly direction along the meanderings of said Branch to a point where said Branch flows into the Cahaba River; run thence in an Easterly direction along the meanderings of the Cahaba River to a point where said River crosses the South line of the NW 1/4 of NW 1/4 of said Section 19; run thence in an Easterly direction along the Southern line of said NW 1/4 of NW 1/4 to the Southeast corner of said NW 1/4 of NW 1/4; run thence in a Northerly direction along the East line of said NW 1/4 of NW 1/4 to the Northeast corner of said NW 1/4 of NW 1/4; run thence in a Westerly direction along the Northerly line of said Section 19 to the point of beginning.

SHELBY COUNTY, ALABAMA

TRACT 15

All of the NE 1/4 of the SW 1/4, Section 17, Township 19 South, Range 2 West, lying Northeast of Cahaba River.

MINERALS AND MINING RIGHTS EXCEPTED.

TRACT 16

The S 1/2 of Section 19, Township 19 South, Range 2 West.

TRACT 17

The NE 1/4 of the NE 1/4; SW 1/4 of NE 1/4 EXCEPT West 719.60 feet; the SW 1/4 of SW 1/4; All that part of the NE 1/4 of NW 1/4 lying East of Cahaba River in Section 20, Township 19 South, Range 2 West.

TRACT 18

The NW 1/4 of Section 30, Township 19 South, Range 2 West.

TRACT 19

The E 1/2 of SE 1/4 of Section 24, Township 19 South, Range 3 West.

TRACT 20

The NE 1/4; N 1/2 of SE 1/4; S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Section 25, in Township 19 South, Range 3 West.

TRACT 21

The SW 1/4 of SE 1/4 and SE 1/4 of SW 1/4 of Section 26, Township 19 South, Range 3 West.

TRACT 22

The W 1/2 of Section; NW 1/4 of NE 1/4; N 1/2 of SE 1/4 and SW 1/4 of SE 1/4 of Section 35, Township 19 South, Range 3 West.

TRACT 23

The NW 1/4 of NE 1/4 of Section 30, Township 19 South, Range 2 West.

TRACT 24

The E 1/2 of SE 1/4 of NE 1/4 of Section 26, Township 19 South, Range 3 West, Excepting that part conveyed to John H. Hale as described in Deed recorded in Deed Book 130, Page 203, in Probate Office.

TRACT 25

The East 576.1 feet of the North 756 feet of the NE 1/4 of the NW 1/4, Section 25, Township 19 South, Range 3 West.

TRACT 26

Lots 1, 2 and 3 in the Survey of Cahaba River Estates as recorded in Map Book 3, on page 11, in Probate Office of Shelby County, Alabama. Minerals and mining rights excepted.

TRACT 27

A part of the SW 1/4 of SE 1/4 of Section 24, Township 19 South, Range 3 West, described as follows:

Commence at the SW corner of said forty acres and run East along the South line of said forty for a distance of 630 feet for point of beginning of tract hereby described; thence continue East along South line of said forty acres 420 feet; thence North 420 feet; thence West 420 feet; thence South 420 feet to point of beginning, EXCEPT 210 feet by 210 feet in NW corner of said tract, as described in Deed recorded in Deed Book 239 on page 439 in Probate Office of Shelby County, Alabama.

TRACT 28

All that part of the NW 1/4 of SE 1/4 Section 24, Township 19 South, Range 3 West, that lies North of Cahaba River.

TRACT 29

A part of the W 1/2 of NW 1/4 of Section 29, Township 19 South, Range 2 West, described as follows:

Commence at the SW corner of W 1/2 of NW 1/4 of said Section 29 and run in an Easterly direction along South boundary of said W 1/2 of NW 1/4, 800.00 feet to point of beginning of tract of land here in described; thence turn an angle of 91 degrees 13' 45" to the left in a Northerly direction 1550.44 feet to point of intersection with Southeast boundary of Valleydale County road right of way; thence turning an angle of 46 degrees 12' 26" to the right in a Northeasterly direction along said right of way 498.42 feet to the point of beginning of a curve turning to the right in a Northeasterly direction and having a radius of 3,689.85 feet, said arc being subtended by a central angle of 3 degrees 24' 08" and having a chord of 219.08 feet in length; thence along said arc of said curve, which is the Southeast boundary of said right of way, 219.10 feet to the point of intersection with East boundary of said W 1/2 of NW 1/4; thence turning an angle of 132 degrees 01' 30" to the right from last mentioned chord having a length of 219.08 feet in a Southerly direction along the East boundary of said W 1/2 of NW 1/4, 2,053.57 feet to the Southeast corner thereof; thence turning an angle of 91 degrees 17' 45" to the right in a Westerly direction along the South boundary of said W 1/2 of NW 1/4, 524.87 feet to point of beginning. MINERALS AND MINING RIGHTS EXCEPTED.

TRACT 30

Part of NE 1/4 of NE 1/4 of Section 30, Township 19 South, Range 2 West, described as follows:

Begin at the NW corner of said 1/4-1/4 section and run Easterly along North line, 1000 feet; thence Southwesterly to a point on West line of said 1/4-1/4 section, 1000 feet South of the point of beginning; thence North along West line, 1000 feet to point of beginning.

MINERALS AND MINING RIGHTS EXCEPTED.

TRACT 31

The E 1/2 of SE 1/4 of Section 26, Township 19 South, Range 3 West.

TRACT 32

Lots 34 to 49, both inclusive and lot 35-A according to Map of Cahaba River Estates, as recorded in Map Book 3, on page 11, in the Probate Office of Shelby County, Alabama, and in Map Book 3, Page 32, in the Bessemer Division of the Probate Office of Jefferson County, Alabama, which such lots include all of SW 1/4 of SW 1/4 lying east of river, of Section 26, and that part of North 1/2 of SW 1/4, and NW 1/4 of SE 1/4, of Section 26, located South of Cahaba River, and that part of East 1/2 of SE 1/4 of Section 27, located East of Cahaba River, all in Township 19 South, Range 3 West.

MINERALS AND MINING RIGHTS EXCEPTED, however, as to the land in the NW 1/4 of the SW 1/4 Section 26, Township 19 South, Range 3 West, and as to the land in East 1/2 of SE 1/4 of Section 27, Township 19 South, Range 3 West.

NOTE: That part of Lots 36 and 37 referred to above and included in the East 1/2 of SE 1/4 of Section 27, Township 19 South, Range 3 West, is situated in Jefferson County, Alabama, Bessemer Division.

MARSHALL COUNTY, ALABAMA

TRACT 33

The West 1/2 of the NW 1/4 of Section 34, Township 7 South, Range 4 East.

MINERALS AND MINING RIGHTS EXCEPTED.

TRACT 34

Part of the East 1/2 of the NE 1/4 of Section 33, Township 7 South, Range 4 East, more particularly described as follows:

Begin at the Northeast corner of Section 33; thence South 43° West for a distance of 1140 feet; thence South 2° 30' West for a distance of 1850 feet to the South line of the East 1/2 of NE 1/4 of said section; thence East and along the South line of the said East 1/2 of NE 1/4 to the Southeast corner thereof; thence North and along the East line of the said E 1/2 of the NE 1/4 to the point of beginning.

MINERALS AND MINING RIGHTS EXCEPTED.

TRACT 35

The West one third of the Southeast fourth of the North west fourth of Section 34, Township 7 South, Range 4 East, containing 13 1/3 acres, more or less, said land being of even width across said forty acre tract;

ALSO, 6 2/3 acres off the west side of the Northeast fourth of the North west fourth of Section 34, Township 7 South, Range 4 East, and being of even width and running a distance of 220 yards in a northern direction from the south boundary line of said forty acre tract.

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Also, the easement as was conveyed to the Grantors by the Deed of Clyde E. Rutherford and wife Florence L. Rutherford, dated June 12, 1962, and recorded in Deed Book 223, Page 415 in the Probate Office of Shelby County, Alabama; and,

Also, the easement as was conveyed to the Grantors by the Deed of P. L. Wright and wife Winifred F. Wright, dated May 20, 1960, and recorded in Deed Book 210, at Page 246 in the Probate Office of Shelby County, Alabama;

There is excepted out of the property hereinbefore described, and reserved to the Grantors, and not hereby conveyed, the following lots and parcels of land, viz:

1. A lot being a part of Tract No. 6 aforesaid, situated in Jefferson County, Alabama, and particularly described as follows: A parcel of land located in the NE 1/4 of Section 24, Township 19, South, Range 3 West, and more particularly described as follows: Commence at the NE corner of SW 1/4 of NE 1/4 of Section 24 and run thence in a Southeasterly direction for a distance of 246.90 feet to a point (said point being perpendicular to and 88.15 feet East of Westerly R.O.W. line of U.S. Highway - New Montgomery Highway); thence turn an angle right of 90 degrees 54 minutes 30 seconds a distance of 263.15 feet; thence turn an angle right of 90 degrees 00 minutes a distance of 125.00 feet; thence turn an angle left of 16 degrees 30 minutes a distance of 265.37 feet; thence turn an angle right of 85 degrees 12 minutes a distance of 15.00 feet; thence turn an angle left of 103 degrees 32 minutes a distance of 100.05 feet; thence turn an angle left of 51 degrees 08 minutes a distance of 133.25 feet; thence turn an angle right of 102 degrees 10 minutes a distance of 37.00 feet to point of beginning; thence turn an angle right of 180 degrees 00 minutes a distance of 139.76 feet; thence turn an angle right of 73 degrees 25 minutes a distance of 200.83 feet to the Easterly edge of Chace Lake; thence Northerly along Easterly edge of Chace Lake as it meanders a distance of 225 feet, more or less, to a point of 149.61 feet Westerly of point of beginning; thence Easterly a distance of 149.61 feet to point of beginning.

2. A lot or parcel of land conveyed to Vivian Strickland Timmons, by Grantors, and particularly described in Warranty deed recorded in Deed Book 7035, Page 459, in the Probate Office of Jefferson County, Alabama. Said lot or parcel of land being a part of Tract No. 6 above described.

3. A lot or parcel of land reserved by Forrest Arthur Chace, consisting of four acres, more or less, and improvements, being a part of Tract No. 2 above described, which said lot or parcel of land is being conveyed contemporaneously herewith by Forrest Arthur Chace and wife Dorothy Chace, to Grantees by a separate conveyance, and which said lot or parcel of land is described as follows: Part of the NW 1/4 of SE 1/4 of Section 23, Township 19 South, Range 3 West more particularly described as follows: Commence at SE corner of said 1/4 - 1/4 Section and run West along South line thereof a distance of 100 feet; then turn at angle to right of 89 degrees 05 minutes 15 seconds and go a distance of 150 feet to the point of beginning; thence continue North along said line a distance of 450 feet; then turn at an angle left of 89 degrees 05 minutes 15 seconds and go a distance of 400 feet; thence turn at an angle to the left of 90 degrees 54 minutes 45 seconds and go a distance of 450 feet; thence turn angle left of 89 degrees 05 minutes 15 seconds and go a distance of 400 feet to the point of beginning.

4. All oil, gas, petroleum and Sulphur and other rights, privileges and immunities relating thereto as shown by instruments recorded in Volume 3642, Page 258, Birmingham Division of the Probate Office of Jefferson County, Alabama, and in Volume 3678, Page 541, and in Volume 3871, Page 446, and in Volume 3668, Page 483 of said Birmingham Division, and in Volume 326, Page 444, and in Volume 349, Page 29, in the Bessemer Division of the Probate Office of

Jefferson County, Alabama, and in Volume 127, Page 525, and in Volume 121, Page 427 in the Probate Office of Shelby County, Alabama.

5. The Coke or Black Shale Seam of Coal, together with minerals and mining rights in and to that part of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section 34, Township 19 South, Range 3 West, lying East of Cahaba River.

6. The minerals and mining rights as reserved in the Deed recorded in Deed Book 234, Page 68 in the Probate Office of Jefferson County, Alabama, Bessemer Division; and

7. Coal and mining rights conveyed to Phillip H. Harris, et als., by instrument recorded in Volume 2363, Page 432, in the Probate Office of Jefferson County, Alabama, Birmingham Division, together with mining rights and other rights, privileges and immunities relating thereto; and,

8. The Thompson seam of Coal and mining rights incident thereto as reserved in a Deed recorded in Deed Book 127, Page 125 and in Deed Book 129, Page 205 in the Probate Office of Shelby County, Alabama.

9. The Coke or Black Shale seam of coal located upon the following described lands: All that part of the NE 1/4 of SE 1/4 lying East of Cahaba River in Section 34, Township 19 South, Range 3 West. Also East 1/2 of NW 1/4; SW 1/4 of NW 1/4; SW 1/2 of NW 1/4 of NW 1/4; North 1/2 of SW 1/4; South 1/2 of SW 1/4; West 1/2 of SE 1/4 and NE 1/4 of SE 1/4 of Section 35, Township 19 South, Range 3 West. Together with all mining rights and other rights, privileges and immunities relating thereto.

Said Real property is sold and conveyed subject to the following:

1. Various rights-of-way, and line permits heretofore granted to Alabama Power Company, as shown by instruments of record in the various Counties and subdivisions of Counties where the hereinabove described lands are situate; and

2. Easement for Public Road, as shown by instrument recorded in Deed Book 1686, Page 77 in the Probate Office of Jefferson County, Alabama, Birmingham Division; and,

3. Easement for pipe line running in a Northwesterly and Southeasterly direction through Tact No. 4 above described; and,

4. Lease agreement and rights incident thereto granted to Chace Lake Country Club in a lease which is recorded in Real Volume 359, Page 760 in the Probate Office of Jefferson County, Alabama, Birmingham Division; and,

5. Easement for transmission line granted to Postal Telegraph Cable Company, as shown by instrument in Volume 82, Page 492 in the Probate Office of Jefferson County, Alabama, Bessemer Division; and,

6. Right of way to Jefferson County, Alabama, and rights granted in connection therewith, as shown by an instrument recorded in Deed Volume 3769, Page 68, in the Probate Office of Jefferson County, Alabama; and,

7. Right-of-Way for Old Alabama Highway #150, and/or Parkwood-Montgomery Highway, and Old U.S. Highway #31, South, or Old Montgomery Highway, as now located; and,

8. Lease to E. A. Huffstutler and R. T. Walters, as shown by instrument recorded in Deed Volume 229, Page 859, and transferred to Huffstutler-Walters Oil Company, Inc., by an instrument recorded in Volume 229, Page 865 in the

Probate Office of Shelby County, Alabama; and,

9. Right-of-way granted to Department of Conservation of the State of Alabama, as shown by an instrument recorded in Deed Book 342, Page 232 in the Probate Office of Marshall County, Alabama; and,

10. Right-of-way granted to Shelby County, Alabama, for a Public Road, as shown by an instrument recorded in Deed Book 102, Page 440 in the Probate Office of Shelby County, Alabama; and,

11. Right-of-way granted to Shelby County, Alabama, for a Public Road, as shown by an instrument recorded in Deed Book 153, Page 190 in the Probate Office of Shelby County, Alabama; and,

12. A 30 foot right-of-way or easement granted to Alabama Gas Corporation as shown by an instrument recorded in Deed Book 205, Page 521, and in Deed Book 205, Page 524, all in the Probate Office of Shelby County, Alabama; and,

13. Right-of-way granted to Jefferson County, Alabama, for a Public Road, and rights incident thereto, all as stated in an instrument recorded in Volume 1710, Page 266 in the Probate Office of Jefferson County, Alabama; and,

14. Right-of-way in favor of Southern Bell Telephone and Telegraph Company for its trunk lines, as now located, and any and all other rights of way and easements, if any, as are shown of record in the Counties where said lands are situated and which may relate to the properties herein conveyed, also, present leases to various tenants of separate parcels of property, which said leases have been transferred to Grantees contemporaneously herewith; and,

15. Minerals and mining rights as are not owned by Grantors in the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4) of Section 24, Township 19, South, Range 3 West.

As a part of the consideration for this conveyance, the Grantees herein shall execute and deliver to the Grantors Bryan A. Chace, Forrest Arthur Chace and George W. Chace, a purchase money first mortgage, conveying said property securing a series of promissory waiver notes, totalling \$1,405,000.00, due as balance of consideration for this conveyance.

TO HAVE AND TO HOLD the said real property unto the said Bill L. Harbert and Edwin M. Dixon, as Joint Trustees under a Declaration of Trust, dated September 18, 1968, their successors and assigns forever.

And, we do, for ourselves, and for our heirs, executors and administrators, covenant with the Grantee, their successors and assigns, that we are lawfully seized in fee simple of said premises, except as is herein noted and excepted; that said premises are free and clear of encumbrances, excepting the advalorem taxes due thereon for 1968, on October 1st, 1968, which advalorem taxes Grantors covenant and agree to pay before the same become delinquent; that we have a good and lawful right to sell and convey said property as aforesaid; that we will, and our heirs, executors and administrators shall warrant and defend the same to said Grantees, their successors and assigns, forever, against the lawful claims of all persons. We, the said Grantors, do for ourselves and for our heirs, executors and administrators expressly covenant with the Grantees, Their successors and assigns, and do warrant to them, that there are no rights outstanding from our title to said lands conveyed herein in fee simple, or as to which surface rights only are conveyed, which would allow any strip mining on said property.

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IN TESTIMONY WHEREOF, We have hereunto set our hands and seals this

the 18th day of September, 1968.

Bryan A. Chace (SEAL).  
(Bryan A. Chace)

Ruth Chace (SEAL).  
(Ruth Chace)

Forrest Arthur Chace (SEAL).  
(Forrest Arthur Chace)

Dorothy Chace (SEAL).  
(Dorothy Chace)

George W. Chace (SEAL).  
(George W. Chace)

Irene Chace (SEAL).  
(Irene Chace)

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, A. H. Williams, a Notary Public, in and for said County, in said State, do hereby certify that Bryan A. Chace and wife Ruth Chace, and Forrest Arthur Chace, and wife Dorothy Chace, 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 said conveyance, they executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this the 30th day of September, 1968.

A. H. Williams  
Notary Public

STATE OF ALA. SHELLEY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1968 OCT - 3 PM 12:26  
U.C.C. FILE NUMBER 03  
REC. BK. & PAGE AS SHOWN ABOVE  
Clerk of Probate  
JUDGE OF PROBATE

STATE OF Illinois  
COUNTY OF Jersey

I, W. G. Stroheck, a Notary Public, in and for said

County, in said State, do hereby certify that George W. Chace and wife Irene Chace, 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 said conveyance, they executed the same voluntarily on the day the same bears date.

Witness my hand and official seal this the 18<sup>th</sup> of September,

1968.

W. G. Stroheck  
Notary Public

