

This instrument was prepared

BY Robert M. Collins
Martin, Catch, Ogleham, Hawthorne & Williams
600 North 18th Street
Birmingham, Alabama

1.95

BLH/EMP

3669

WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of One Dollar (\$1.00) and other good and valuable consideration to the undersigned grantor, TRI-SMITH PROPERTIES, INC., an Alabama corporation, in hand paid by the grantees herein, receipt whereof is acknowledged, the said TRI-SMITH PROPERTIES, INC. (herein referred to as grantor) does by these presents, grant, bargain, sell and convey unto BILL L. HARBENT and EDWIN M. DIXON, as joint trustees under a certain Declaration of Trust dated September 18, 1968 (herein referred to as grantees) right of way for roadway purposes, along, across and over a strip of land 50 feet in width, together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof including the right to construct, maintain, repair, improve and use such roadway, and together with the further right to dedicate such strip of land for public roadway purposes.

Said right of way herein conveyed is more particularly described as follows:

To reach a point of beginning, commence at the Northwest corner of the Southwest quarter of the Northeast quarter of Section 35, Township 19 South, Range 3 West (said beginning point being as established by survey of James H. Scale of December, 1969 and shown on the attached map which is made a part hereof); thence run Easterly along the North line of said quarter-quarter line 174.75 feet to a point, such point being the point of beginning of the right of way herein described (the North boundary of which is parallel with and contingent to the North boundary of said quarter-quarter section line); therefrom the strip of land lies 25 feet on each side of a center line and the continuations thereof which begins at such point of beginning; thence turns an angle to the right of 132 degrees 40 minutes and runs for a distance of 255.43 feet to a point of terminus on the West boundary line of Grantor's property (said right of way having a West boundary line which is the West boundary line of said quarter-quarter section and a South boundary line which is a line 208.75 feet South of and parallel to the North line of said quarter-quarter section).

Said strip of land lies over and across land of grantor in the Southwest quarter of the Northeast quarter of Section 35, Township 19 South, Range 3 West in Shelby County, Alabama.

TO HAVE AND TO HOLD to the said Bill L. Harbert and Edwin M. Dixon as joint trustees under a certain Declaration of Trust dated September 18, 1968, their successors and assigns forever.

And the said Tri-Smith Properties, Inc. does for itself, its successors and assigns, covenant with the said grantees, their successors and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall warrant and defend the same to the said grantees, their successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Tri-Smith Properties, Inc. by its President, Charles Eason Smith, Sr., who is authorized to execute this conveyance, has hereto set its signature and seal this the 21st day of May 1970.

ATTEST:

TRI-SMITH PROPERTIES, INC.

J. R. Billingsley
Secretary

By Charles Eason Smith, Sr.
President

STATE OF ALABAMA)
SHELBY COUNTY)

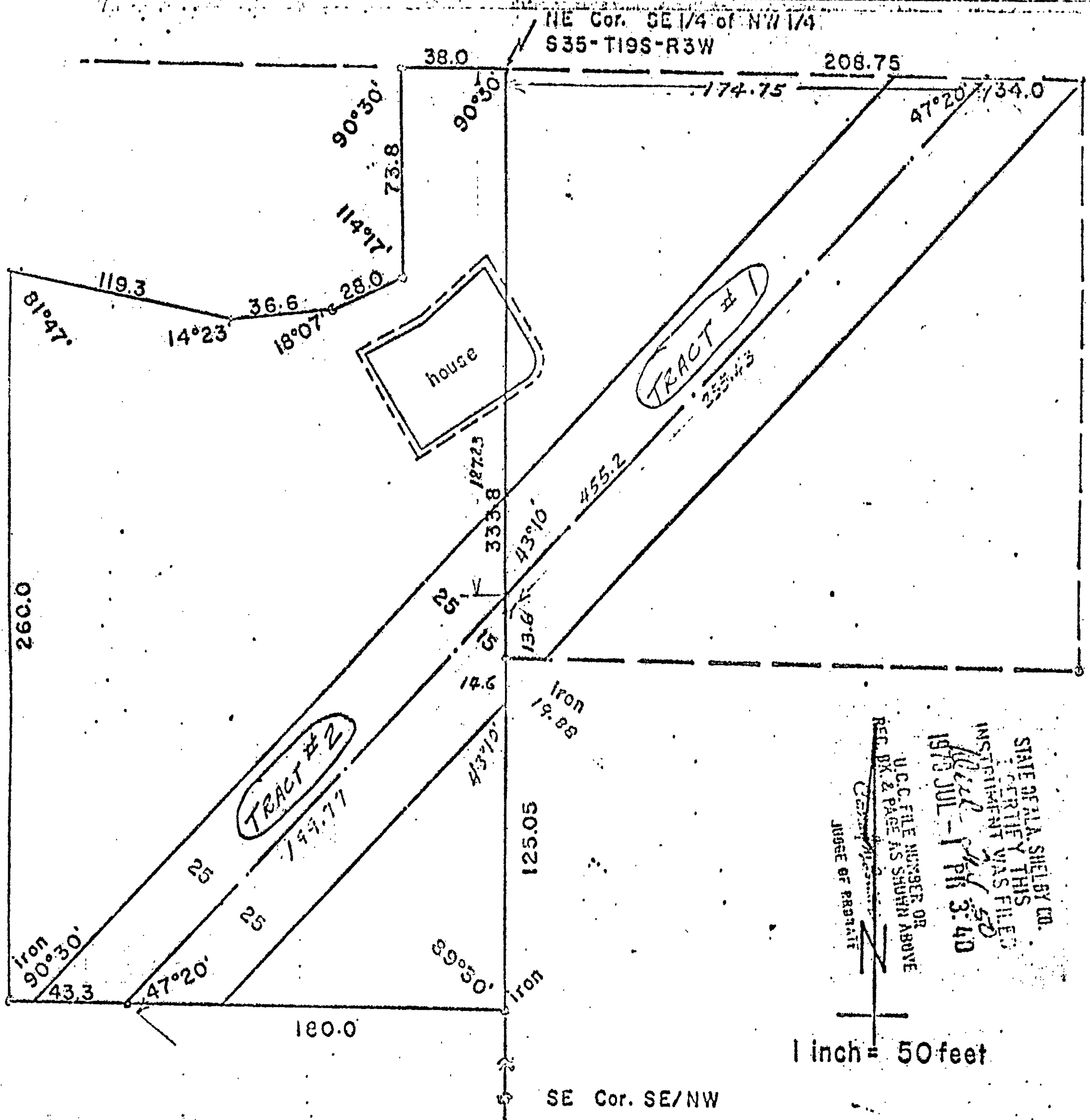
I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Charles Eason Smith, Sr. whose name as the President of Tri-Smith Properties, Inc., a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 21st day of May 1970.

Carla J. Billingsley
Notary Public

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STATE OF ALABAMA, SHELBY CO.
I, JAMES H. SCALE, a registered Land Surveyor of the State of Alabama, do hereby certify the foregoing to be a true and correct map or plat of a survey made by me of a tract of land described as follows:
1970 JUL - 1 PM 3:40
U.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
JUSTICE OF PEACE

State of Alabama
Shelby County

I, James H. Scale a registered Land Surveyor of the State of Alabama do hereby certify the foregoing to be a true and correct map or plat of a survey made by me of a tract of land described as follows:

Begin at the NE corner of the SE 1/4 of NW 1/4 of S35-T19S-R3W, thence west along the North line of said quarter-quarter section 38.0 feet, thence 90°30' left 73.8 ft. to a rock bluff, thence 65°43' right 28.0 ft., thence 18°07' right 36.6 ft., thence 14°23' right 119.3 ft. to a point on a line that is 180.0 feet West of and parallel to the east line of said 1/2 line, thence 98°13' left southerly along said line 260.0 feet, thence 89°30' left 180.0 feet to the east line of said 1/2 section line, thence 90°30' left along said 1/2 line 333.8 to the point of beginning.

Also a tract of land described as follows: Commence at the NW corner of the SW 1/4 of NE 1/4; thence easterly along the north line of said 1/4 line 174.75 feet to the centerline of a 50.0 foot tract of land, the north boundary of which is parallel with and contingent to the north boundary of said 1/2 section line; thence 132°40' right along said centerline 455.2 feet to the terminus of said centerline, the south boundary of said tract of land being a line 333.8 feet south of and parallel to the north line of the SE 1/4 of NW 1/4 of S35-T19S-R3W; Excepting a tract of land described as follows:

Commence at the NW corner of the SW 1/4 of NE 1/4 of S35-T19S-R3W, thence south along the west boundary of said 1/4 line 208.75 feet to the point of beginning of tract of land hereinafter excepted, thence continue along the last mentioned course 14.62 feet thence 136°40' left 19.88 feet thence 132°40' left 13.60 feet to the point of beginning.

According to my survey December, 1969.

James H. Scale
James H. Scale - L.S. 22664