

This instrument was prepared

BY *Robert M. Collins*  
BALCH, BINGHAM, DAKER, HAWTHORNE & WILLIAMS  
600 North 18th Street  
Birmingham, Alabama

MORTGAGE RELEASE

STATE OF ALABAMA )

SHELBY COUNTY )

WHEREAS the title of Charles Smith and wife, Virginia M. Smith to the hereinafter described property is subject to the lien of mortgage dated May 23, 1970, executed by Charles Smith and Virginia M. Smith in favor of Bill L. Harbert and Edwin M. Dixon as joint trustees under certain Declaration of Trust dated September 18, 1968 said mortgage being recorded in the probate office of Shelby County in mortgage book 314 at page 224; and whereas the indebtedness secured by said mortgage has been fully paid and Charles Smith and wife, Virginia M. Smith are entitled to the release of said mortgage;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt of which is acknowledged, Bill L. Harbert and Edwin M. Dixon as joint trustees under a certain Declaration of Trust dated September 18, 1968 do hereby release and quit claim from the lien of said mortgage all right, title and interest in and to the real estate described therein as being situated in Shelby County, State of Alabama, to-wit:

Begin at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 35, Township 19 South, Range 3 West (said beginning point being as established by survey of James H. Seale December 1969); thence West along the North line of said quarter-quarter section 38.0 feet; thence 90 degrees 30 minutes left 73.8 feet to a rock bluff; thence 65 degrees 43 minutes right 28.0 feet; thence 18 degrees 07 minutes right 36.6 feet; thence 14 degrees 23 minutes right 119.3 feet to a point on a line that is 180.0 feet West of and parallel to the East line of said quarter-quarter line; thence 98 degrees 13 minutes left Southerly along said line 260.0 feet; thence 89 degrees 30 minutes left 180.0 feet to the East line of said quarter-quarter section line; thence 90 degrees 30 minutes left along said quarter-quarter line 333.8 feet to the point of beginning.

Reserving and excepting, however, the right to cover and flood that part of the lands hereinabove described which would be covered with waters of the Dodd Branch of the Cahaba River should such Branch be raised and

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backed up to that certain datum plane of 420 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January 1955.

Further reserving and excepting, however, 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 right to dedicate such strip of land for public roadway purposes. Said 50 foot wide strip of land reserved and excepted herein is more particularly described as follows:

To reach a point of beginning, commence at the NE corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 35, Township 19 South, Range 3 West; thence run South along the East boundary line of said quarter-quarter section for a distance of 187.83 feet to a point, such point being the point of beginning of the right of way hereafter described (the East boundary of which is parallel with and contingent to the East 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 43° 10' and runs 199.77 feet to a point of terminus on the South boundary line of the property conveyed (said right of way having a South boundary line 333.8 feet South of and parallel to North boundary line of said quarter-quarter section line).

Subject to existing utility easements if any.  
Minerals and mining rights excepted.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 25 day of October, 1971.

Bill L. Harbert

Bill L. Harbert as Trustee under  
Declaration of Trust dated  
September 18, 1968

(SEAL)

Edwin M. Dixon

Edwin M. Dixon as Trustee under  
Declaration of Trust dated  
September 18, 1968

(SEAL)

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, Caroline H. Hoover, a Notary

Public in and for said County, in said State, hereby certify that



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Bill L. Harbert and Edwin M. Dixon whose names as Trustees under Declaration of Trust dated September 18, 1968 are signed to the foregoing release of mortgage, and who are known to me, acknowledged before me on this day, that being informed of the contents of said release, they in their capacity as such Trustees executed the same voluntarily on the day the bears date.

WITNESS my hand and official seal this 25<sup>th</sup> day of October, 1971.  
Notary Public.

Erangline H. Hoven

My Commission Expires April 27, 1974



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U.C.C. FILE NUMBER 68  
REC. EX. 2 PAGE AS SHOWN ABOVE

*Comptroller*

DEPT. OF PROBATE