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Shelby Cnty Judge of Probate, AL
01/24/1972 12:00:00 AM FILED/CERT

STATE OF ALABAMA.

SHELBY COUNTY.

659
THIS INDENTURE entered in to by and between the Birmingham Trust and Savings Company, a corporation, as trustee, under the Last Will and Testament of W.H. Mitchell, deceased, which was probated in the Probate Court of Talladega County, Alabama and recorded in Probate Minutes #39 at page 302, a certified copy of which is recorded in the office of the Judge of Probate for Shelby County, Alabama in Will Book #3 at page 125, (It being understood that said Birmingham Trust and Savings Company is acting only in its capacity as such trustee and not individually or in its corporate capacity, other than as such trustee) party of the first part and George H. Kendrick and wife, Emma Kendrick, of Montevallo, Alabama, parties of the second part, witnesseth, that

WHEREAS, party of the first part is the owner of the following described lot, situated in Montevallo, Shelby County, Alabama, to wit:

Part of lots 19 and 20 in the survey of the town of Montevallo, particularly described as follows: Commencing at the intersection of the northwest side of Broad Street and the northeast side of Shelby Street, run thence in a northeasterly direction along said line of Broad Street 133 feet and 2 inches for a point of beginning; continue thence northeasterly along said line of Broad Street 25.2 feet; run thence northwesterly parallel with Shelby Street 300 feet more or less to the Southeast line of Valley Street; run thence southwesterly along said line of Valley street 25.2 feet; run thence southeasterly to point of beginning, and

WHEREAS, parties of the second part are the owners of the following described lot, situated in Montevallo, Shelby, County, Alabama, to wit:

Commencing at the intersection of the Northwest line of Broad Street and the northeast line of Shelby Street, run thence northeasterly along said

line of Broad Street 107 feet and 8 inches for a point of beginning; continue in northeasterly direction along said line of Broad Street 25.5 feet; run thence in northwesterly direction parallel with Shelby Street 300 feet more or less to the southeast line of Valley Street; run thence southwesterly along said line of Valley Street 25.5 feet; run thence southeasterly to point of beginning, and

WHEREAS, said lots join and have a common boundary line which is parallel with and 133 feet and 2 inches northeast of the northeast line of Shelby Street, and

WHEREAS, there is a brick building situated on each of the above described lots, the southwest wall of one being against the northeast wall of the other, and

WHEREAS, said walls of said buildings are not parallel with Shelby Street; the building on the first described lot encroaching on the second described lot, at the front, approximately 3 inches and the building on the second described lot encroaching on the first described lot in the rear approximately 6 inches,

NOW THEREFORE, in consideration of the premises and the further consideration of the sum of One and no/100 Dollars (\$1.00) to party of the first part in hand paid by parties of the second part, receipt of which is hereby acknowledged, party of the first part does hereby remise, release, relinquish, quit claim and convey unto the parties of the second part, their heirs and assigns, the second lot above described, and

IN CONSIDERATION of the premises and the further consideration of the sum of One and No/100 Dollars (\$1.00) to parties of the second part in hand paid by party of the first part, receipt of which is hereby acknowledged, parties of the second part do hereby remise, release, relinquish, quit claim and convey unto the party of the first part, it's successors and assigns the lot first above described, and

FOR THE CONSIDERATION above named party of the first part does hereby grant unto the parties of the second part the right to maintain their building as presently located on second described



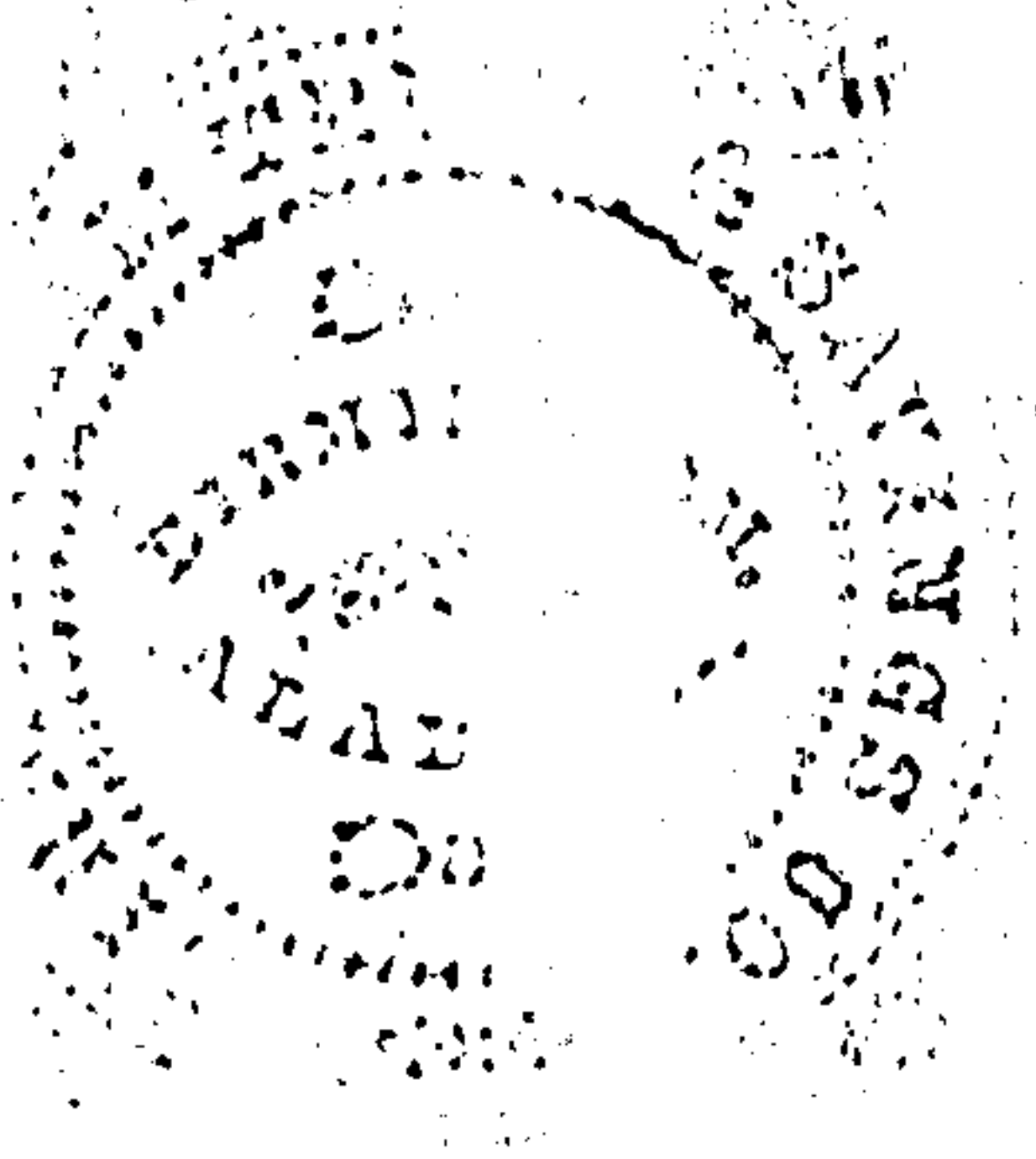
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lot, with the above mentioned encroachment on first described lot,
and,

... FOR THE CONSIDERATION above named parties of the
second part grant unto party of the first part the right to main-
tain it's building now located on lot first above described with
the above mentioned encroachment on second described lot, and

It is mutually agreed that no right or title by
adverse possession or prescription shall be acquired by the main-
tenance of said buildings over said boundary line; it being agreed
that in event the walls of the present buildings should be destroyed,
any new walls built by either party, or by their heirs, successors
or assigns, will be built within the respective boundaries above
described.

IN WITNESS WHEREOF party of the first part has caused
this instrument to be executed in it's name as such trustee, by
Maclin F. Smith it's Trust Officer and it's corporate
seal hereto affixed and attested and parties of the second part
have set their hands and seals, in duplicate, on this the 19th
day of March, 1936.



BIRMINGHAM TRUST & SAVINGS COMPANY,
as trustee under the will of W. H.
Mitchell, deceased,

By Maclin F. Smith Trust Officer.

Emma Kendrick (SEAL)

Geo H Kendrick (SEAL)

ATTEST:



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STATE OF ALABAMA,
Je Herson
SHELBY COUNTY.

I, Katherine G. Laney a Notary Public
in and for said county in said state, hereby certify that
Madlin J. Smith whose name as Trust Officer of the
Birmingham Trust and Savings Company, ~~trustee~~, a corporation, ^{acting}
~~as Trustee~~ ^{W of H. N. Mitchell, deceased,}
signed to the foregoing conveyance, and who is known to me, ack-
nowledged before me on this day that, being informed of the cont-
ents of the conveyance, he, as such officer and with full author-
ity, executed the same voluntarily for and as the act of said
corporation, as trustee. *as aforesaid.*

Given under my hand and official seal this the
19th day of March, 1936.

Katherine G. Laney
Notary Public

STATE OF ALABAMA,

SHELBY COUNTY.

I, Wm D. McCauley a Notary Public
in and for said county in said state, hereby certify that George H.
Kendrick and wufe, Emma Kendrick, whose names are signed to the fore-
going 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 the
19 day of March, 1936.

STATE OF ALABAMA,

SHELBY COUNTY.

I, Wm D. McCauley a Notary Public
do hereby certify that on the 19 day of March, 1936, came before
me the within named Emma Kendrick, known to me to be the wife of
the within named George H. Kendrick, who, being examined separate
and apart from the husband, touching her signature to the within
conveyance, acknowledged that she signed the same of her own free
will and accord and without fear, constraint or threats on the part
of the husband.

Given under my hand and official seal this the
19 day of March, 1936.

Wm D. McCauley

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1972 JUN 24 AM 10:30
RECORDED & INDEXED
U.C. FULTON COUNTY
CLERK OF PROBATE