

STATE OF ALABAMA

SHELBY COUNTY

3358

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Mortgagees (hereinafter sometimes called Grantors), for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, to them in hand paid by The Five T's, Inc., a corporation, (hereinafter sometimes called Grantee), the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto Grantee that part of the lands hereinafter described which would be covered with waters of a lake to be constructed to a datum plane of 425 feet above mean sea level as established by the United States Coast and Geodetic Survey, as photo-revised in 1970 and, for the same consideration, Grantors, hereby grant, bargain, sell and convey unto Grantee the right to flood, cover, or surround with water from time to time that portion of the lands hereinafter described which lie above such datum plane and which would be flooded, covered with or surrounded by such waters should such lake be raised and backed up to that certain datum plane of 430 feet above such mean sea level, together with rights of ingress and egress over and across that part of the lands hereinafter described which lies above such datum plane first above described. Such lands are located in Shelby County, Alabama, and are described on the attached sheet marked Exhibit "A", which is hereby made a part hereof.

WHEREAS, Grantee contemplates the construction of a dam downstream from said lands which said dam and the pools of water created thereby are likely to cause the lands herein described or a portion thereof to be flooded or covered with water at intervals or continuously and may result in other consequential or incidental damages;

NOW, THEREFORE, for the consideration recited above, Grantors further grant, bargain, sell and convey unto Grantee the right to construct, maintain and operate such dam and the consideration paid pursuant to the terms of this instrument includes and is accepted in full compensation for all consequences arising therefrom; to Grantors, their heirs and assigns, and to their remaining and adjoining lands provided, however, this clause shall



19740129000004640 1/4 \$.00
Shelby Cnty Judge of Probate, AL
01/29/1974 12:00:00 AM FILED/CERT

not be deemed to grant unto Grantee the right to flood any of such lands which lie above said datum plane of 430 feet above such mean sea level other than as a result of wave action.

TO HAVE AND TO HOLD to The Five T's, Inc., its successors and assigns forever.

And Grantors covenant with Grantee, its successors and assigns, that Grantors are lawfully seized of a mortgagee's interest in the lands hereinabove described; that said mortgage interest derived from that certain mortgage recorded in Real Book 326, Page 17 in the Office of the Judge of Probate of Shelby County, Alabama, in the principal amount of Three Hundred Thousand Dollars (\$300,000.00); that such lands are otherwise free from all encumbrances except the lien for ad valorem taxes due October 1, 1973 that Grantors have a good right to sell and convey the lands, rights, interests and easements granted to Grantee, its successors and assigns, and that Grantors and their successors and assigns will warrant and defend such lands, rights, interests and easements to Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons.

While it is the intent of Grantors to convey unto Grantee by this instrument the lands, rights, interests and easements hereinabove described, it is understood between Grantors and Grantee that Grantee does not desire exclusive possession of the lands herein conveyed. That Grantors shall have the right to use said lake, once same is created, but subject to the terms and conditions of By-Laws, Covenants, Restrictions and Limitations as to the use of same, as said By-Laws, Covenants, Restrictions and Limitations are amended from time to time. A copy of said By-Laws, Covenants, Restrictions and Limitations are recorded in the Probate Office of Shelby County, Alabama, in Deed Book 2, Page 298. Grantee may enter upon such lands and make topographical and geological surveys and examinations thereof and conduct clearing operations thereon without liability for damages in so doing.

Reference to Grantors shall include Grantors' heirs, executors, administrators and assigns, and reference to Grantee shall include its successors and assigns.

19740129000004640 2/4 \$.00
Shelby Cnty Judge of Probate, AL
01/29/1974 12:00:00 AM FILED/CERT

IN WITNESS WHEREOF, we have hereunto set our hands and seals
this the 16th day of JANUARY, 19 74.

CENTRAL BANK OF BIRMINGHAM
(formerly Central Bank and Trust Company)

ATTEST:

W. Guy Warren
W. Guy Warren
Vice President

Mike Halter
Mike Halter
Real Estate Loan Representative

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a notary public in and for said county, in
said state, hereby certify that W. Guy Warren, whose name as Vice President
of Central Bank of Birmingham, a state banking 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 such 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 16th day of
January, 19 74.

MY COMMISSION EXPIRES AUGUST 7, 1976

Vicki W. Lavin
Notary Public



19740129000004640 3/4 \$.00
Shelby Cnty Judge of Probate, AL
01/29/1974 12:00:00 AM FILED/CERT

EXHIBIT "A"

THE FOLLOWING IS A DESCRIPTION OF LAND, LOCATED IN SHELBY COUNTY,
ALABAMA in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of
NW $\frac{1}{4}$ of SECTION 16, TOWNSHIP 19 SOUTH, RANGE 2 WEST.

Lake Site shown hereon is intended to represent an area that is
situated below the elevation of 422.80 feet above sea level
based on U.S.C. and G.S. datum and elevation 425.0 based on
construction drawings (one being equivalent to the other) and
is situated partially in the above described Quarter-Quarter
Sections.



19740129000004640 4/4 \$.00
Shelby Cnty Judge of Probate, AL
01/29/1974 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1974 JAN 29 AM 10:47
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Consul M. J. J. J.
JUDGE OF PROBATE

LOT _____ BLOCK _____, _____ SECTOR according to a survey of
Indian Valley Subdivision, as recorded in Map Book 5, Page _____,
in the office of the Probate Judge, Shelby County, Alabama.

The land described above is that part described which lies below
datum plane of 425 feet above mean sea level in the foregoing
agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and
seals this 16th day of January, 1974.

Signed:

This 16th day of January 1974

Attest: John H. Hutto

W. J. Warner
V. R.