

This deed was prepared by  
H. Hampton Boles, Balch, Bingham, Baker, Hawthorne, Williams & Ward  
600 North 18th Street, Birmingham, Alabama 35203

STATE OF ALABAMA )  
 )  
COUNTIES OF JEFFERSON )  
AND SHELBY )

74/6

\$ 3,500,000.00

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Shelby Cnty Judge of Probate, AL  
08/22/1974 12:00:00AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by THE HARBERT-EQUITABLE JOINT VENTURE, under Joint Venture Agreement dated January 30, 1974 (hereinafter referred to as "GRANTEES"), to the undersigned BILL L. HARBERT and EDWIN M. DIXON, as Trustees under a certain Declaration of Trust dated September 18, 1968, and filed for record in the office of the Judge of Probate of Shelby County, Alabama, in Deed Book 265, Page 447, and in the office of the Judge of Probate of Jefferson County, Alabama, in Real Volume 676, page 427, and in the office of the Judge of Probate of Jefferson County, Alabama, Bessemer Division, in Real Volume 144, page 761 (hereinafter referred to as "GRANTORS"), the receipt of which is hereby acknowledged, the said GRANTORS do by these presents grant, bargain, sell and convey unto the said GRANTEES the real estate situated in Jefferson County and Shelby County, Alabama, described on Exhibit A attached hereto and incorporated herein.

Such land is conveyed subject to the exceptions, restrictions and encumbrances noted on said Exhibit A.

TO HAVE AND TO HOLD to GRANTEES, their successors and assigns, forever.

GRANTORS, for themselves, their successors and assigns, covenant with GRANTEES, GRANTEES' successors and assigns, that GRANTORS are lawfully seized in fee simple of said premises, that the premises are free from all encumbrances, except as otherwise noted herein and on said Exhibit A, that GRANTORS have good right to sell and convey the same as aforesaid, and that GRANTORS will, and GRANTORS' successors and assigns shall, warrant and defend the same to GRANTEES and GRANTEES' successors and assigns forever, against the lawful claims of all persons.

BOOK 288 PAGE 411



IN WITNESS WHEREOF, BILL L. HARBERT and EDWIN M.

DIXON, as Trustees under said Declaration of Trust dated September 18, 1968, have hereunto set their hands and seals, on this 19<sup>th</sup> day of August, 1974.

*Bill L. Harbert*

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

*Edwin M. Dixon*

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

STATE OF ALABAMA )

JEFFERSON COUNTY )



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I, the undersigned Notary Public in and for said County in said State, hereby certify that BILL L. HARBERT and EDWIN M. DIXON, whose names as Joint Trustees under a certain Declaration of Trust dated September 18, 1968, 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 the conveyance, each, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 19<sup>th</sup> day of August, 1974.

*Langeline H. Hoover*  
Notary Public

My commission expires: April 29 1978



EXHIBIT "A"

Shelby County, Alabama:

TRACT I

Part of the NW 1/4 of the SW 1/4 of Section 30 Township 19 South, Range 2 West, being more particularly described as follows:

Begin at the Southwest corner of the NW 1/4 of the SW 1/4 of Section 30, Township 19 South, Range 2 West, thence run North along the West line of said quarter-quarter section for 618.50 feet, said point being 6.0 feet East of a concrete right of way marker and on a line where the right of way of U. S. Highway No. 31 South changes width; thence 88° 26' right and run East for 94 feet to another concrete right of way marker; thence 90° 00' right and run Southerly along the West right of way line of said highway for 55.68 feet to the beginning of a curve to the right, said curve having a radius of 5,681.31 feet and a central angle of 5° 44' 24"; thence continue Southerly along the arc of said curve and along said West right of way line 569.15 feet to a point on the South line of the NW 1/4 of the SW 1/4 of said Section 30; thence run West along the South line of said quarter-quarter section for 82.61 feet to the point of beginning. Situated in Shelby County, Alabama.

TRACT II

PARCEL "A"

That part of the NE 1/4 of the SE 1/4 of Section 24, Township 19 South, Range 3 West, Shelby County, Alabama, lying South of the Cahaba River and West of the right of way of U. S. Highway No. 31.

PARCEL "B"

That part of the SE 1/4 of the SE 1/4 of Section 24, Township 19 South, Range 3 West, Shelby County, Alabama, lying West of the right of way of U. S. Highway No. 31.

PARCEL "C"

Part of the SW 1/4 of the SE 1/4 of Section 24, Township 19 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southwest corner of said SW 1/4 of the SE 1/4 and run East along the South line of said quarter-quarter section for a distance of 630 feet, more or less, to an iron pin and to the point of beginning of the tract here described; thence continue East along said South line 420 feet; thence run North 420 feet; thence run West 210 feet; thence run South 210 feet; thence run West 210 feet; thence run South 210 feet to the point of beginning. See Tract III, Parcel C for exception to Tract II, Parcel C.

TRACT III

PARCEL "A"

That part of the E 1/2 of the NE 1/4, and that part of the NE 1/4 of the SE 1/4 of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama, lying West of the right of way of U. S. Highway No. 31.

BOOK 288 PAGE 413



PARCEL "B"

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

PARCEL "C"

The W 1/2 of the NE 1/4, NW 1/4 of the SE 1/4, S 1/2 of the NW 1/4, N 1/2 of the SW 1/4, SW 1/4 of the SW 1/4 and the W 1/2 of the SE 1/4 of the SW 1/4, all in Section 25, Township 19 South, Range 3 West, Shelby County, Alabama.

LESS AND EXCEPT any possibility that Grantors do not have title to a portion of the fringe area of Tract II, Parcel "C" and Tract III, Parcel "C", containing approximately .34 acres and described as follows:

A tract of land situated in Section 24, Township 19 South, Range 3 West and being more particularly described as follows: Commence at the SE Corner of the SW 1/4 of the SE 1/4 of said section; thence S 34°17'32" W 16.10 feet to an iron pin found; thence N 88°48'43" W 263.34 feet to an iron pin found; thence N 26°59'10" W 13.99 feet to an iron pin found; thence S 89°02'54" E 278.74 feet to the point of beginning and containing 0.08 acres, more or less.

AND

A tract of land situated in the SW 1/4 of the SE 1/4 of Section 24, Township 19 South, Range 3 West and being more particularly described as follows: Commence at the SW corner of said 1/4-1/4; thence S 89°02'53" E 616.63 feet to an iron pin set; thence N 00°03'26" W 209.75 feet to an iron pin set; thence S 89°02'53" E 210.00 feet to an iron pin set; thence N 00°03'26" W 210.00 feet to an iron pin set; thence S 89°02'53" E 210.00 feet to an iron pin found; thence S 00°03'26" E 12.01 feet to an iron pin set; thence N 88°49'20" W 201.25 feet to an iron pin found; thence S 00°16'21" W 210.29 feet to an iron pin found; thence N 88°49'27" W 210.02 feet to an iron pin found; thence S 00°14'54" W 209.96 feet to an iron pin found; thence N 88°02'40" W 623.30 feet to the point of beginning and containing 0.26 acres, more or less.

BOOK 288 PAGE 414

TRACT IV

PARCEL "A"

The E 1/2 of the SE 1/4 of the NE 1/4 of Section 26, Township 19 South, Range 3 West, Shelby County, Alabama, except that part described in deed to John H. Hale, recorded in Book 130, Page 203, in the Probate Office of Shelby County, Alabama.

PARCEL "B"

The NE 1/4 of the SE 1/4, lying East of the Cahaba River; the S 1/2 of the SE 1/4 and the SE 1/4 of the SW 1/4, all in Section 26, Township 19 South, Range 3 West, Shelby County, Alabama.

PARCEL "C"

That part of the NW 1/4 of the SE 1/4 and that part of the N 1/2 of the SW 1/4 lying South of the Cahaba River; and that part of the SW 1/4 of the SW 1/4 lying East of the Cahaba River, all in Section 26, Township 19 South, Range 3 West, Shelby County, Alabama. All being further described



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*Handwritten signature*



as Lots 34 through 49, inclusive, according to the Map of Cahaba River Estates, as recorded in Map Book 3, Page 11, in the Probate Office of Shelby County, Alabama, except that part of Lots 36 and 37 lying in Section 27, Township 19 South, Range 3 West, Jefferson County, Alabama.

TRACT V

PARCEL "A"

The NW 1/4 of the NE 1/4, the N 1/2 of the NW 1/4, the SW 1/4 of the NW 1/4, the N 1/2 of the SE 1/4, the SW 1/4 of the SE 1/4, and the entire SW 1/4 of Section 35, Township 19 South, Range 3 West, Shelby County, Alabama.

PARCEL "B"

The SE 1/4 of the NW 1/4 of Section 35, Township 19 South, Range 3 West, Shelby County, Alabama, except that part conveyed to Charles Smith and Virginia M. Smith by deed recorded in Book 262, Page 884, in the Probate Office of Shelby County, Alabama, said excepted parcel being more particularly described as follows:

Begin at the Northeast corner of the SE 1/4 of the NW 1/4 of Section 35, Township 19 South, Range 3 West; thence West along the North line of said quarter-quarter section 38.0 feet; thence 90° 30' left 73.8 feet to a rock bluff; thence 65° 43' right 28.0 feet; thence 18° 07' right 36.6 feet; thence 14° 23' 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° 13' left Southerly along said line 260.0 feet; thence 89° 30' left 180.0 feet to the East line of said quarter-quarter section line; thence 90° 30' left along said quarter-quarter line 333.8 feet to the point of beginning.

PARCEL "C"

A right of way for roadway purposes along, over and across the following described strip of land, being part of the SW 1/4 of the NE 1/4 and SE 1/4 of the NW 1/4 of Section 35, Township 19 South, Range 3 West, Shelby County, Alabama:

Commence at the Northwest corner of the SW 1/4 of NE 1/4; thence Easterly along the North line of said quarter-quarter 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 quarter-quarter 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 Section 35, Township 19 South, Range 3 West; excepting a tract of land described as follows:

Commence at the Northwest corner of the SW 1/4 of NE 1/4 of Section 35, Township 19 South, Range 3 West, thence South along the West boundary of said quarter-quarter line 208.75 feet to the point of beginning of tract of land herein excepted, thence continue along the last mentioned course 14.62 feet thence 136° 60' left 19.88 feet, thence 132° 40' left 13.60 feet to the point of beginning.

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PARCEL "D"

Part of the NE 1/4 of the NE 1/4 of Section 35, Township 19 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Begin at the Northwest corner of the NE 1/4 of NE 1/4 of Section 35, Township 19 South, Range 3 West; thence East along the North line of said quarter-quarter section 459.85 feet to the centerline of a road; thence 141° 48' 45" right along the centerline of said road 94.02 feet; thence 25° 22' left continuing along said road 161.18 feet; thence 45° 11' right continuing along said road 124.14 feet; thence 31° 20' right along said road 200.35 feet to the West boundary of said quarter-quarter section; thence 76° 42' right along quarter-quarter line 196.0 feet to the point of beginning.

Jefferson County, Alabama:

TRACT VI

PARCEL "A"

That part of the E 1/2 of the SE 1/4 of Section 27, Township 19 South, Range 3 West, Jefferson County, Alabama, lying East of the Cahaba River. Also being described as that part of Lots 36 and 37, according to the Map of Cahaba River Estates, as recorded in Map Book 3, Page 11, in the Probate Office of Shelby County, Alabama, lying in the E 1/2 of the SE 1/4 of Section 27, Township 19 South, Range 3 West.

PARCEL "B"

The SE 1/4 of the SE 1/4; and that part of the NE 1/4 of SE 1/4, lying East of the Cahaba River, all in Section 34, Township 19 South, Range 3 West, Jefferson County, Alabama.

LESS AND EXCEPT THE FOLLOWING:

1. Oil, gas, petroleum, and sulfur together with all rights, incident thereto as reserved in deed from Wesley W. West, et al., to George W. Young, recorded in Book 127, Page 140, in the Probate Office of Shelby County, Alabama, and in Volume 339, Page 532, Bessemer Division, Probate Office of Jefferson County, Alabama.
2. The "Thompson Seam of Coal" and all rights incident thereto as conveyed in deed from Wesley W. West, et al., to P. E. Murphy, recorded in Book 129, Page 205, in the Probate Office of Shelby County, Alabama.
3. The "Code or Black Shale Seam of Coal" and all rights incident thereto as conveyed in deed from Wesley W. West, et al., to Paramount Coal Company, recorded in Real Volume 92, Page 474, in the Bessemer Division, Jefferson County, Alabama.
4. All mineral and mining rights and all rights incident thereto in that part of E 1/2 of SE 1/4 of Section 27, Township 19 South, Range 3 West, described as Parcel "A", Tract VI, said mineral rights being conveyed by deed recorded in Volume 62, Page 98, Birmingham Division, Probate Office of Jefferson County, Alabama, as to the NE 1/4 of SE 1/4; and reserved in deed recorded in Volume 117, Page 299; Bessemer Division, Probate Office of Jefferson County, Alabama, as to the SE 1/4 of SE 1/4.

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THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING:

1. Ad valorem taxes due and payable October 1, 1974.
2. Applicable zoning ordinances.
3. Recorded easements and rights of way of record.
4. Lease from F. A. Chace, et al, to E. A. Huffstutler and R. T. Walters, recorded in Book 229, Page 859, in the Probate Office of Shelby County, Alabama, extended by instrument recorded in Book 225, Page 466, and assigned to Crown Central Petroleum Corporation by instrument recorded in Book 259, Page 797.
5. Lease from Jenkins Brick Sales Company dated April 16, 1974.

RECORDED  
1974 AUG 22 PM 1:24  
REC. BK. & PAGE AS SHOWN ABOVE  
JUDGE OF PROBATE  
CONFIRMATION  
Deed \$44,350.00

BOOK 288 PAGE 417



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