

STATE OF ALABAMA )  
COUNTY OF SHELBY )

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Shelby Cnty Judge of Probate, AL  
09/13/1974 12:00:00 AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, that for valuable consideration in hand paid by INVERNESS ASSOCIATES, a general partnership composed solely of Fletcher Properties of Alabama, Inc., an Alabama corporation; Refco-Inverness, Inc., a Delaware corporation; and 2154 Trading Corporation, a New York corporation (hereinafter referred to as "GRANTEE"), to the undersigned FLETCHER PROPERTIES OF ALABAMA, an Alabama corporation and REFCO-INVERNESS, INC., a Delaware corporation (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 GRANTEE the real estate situated in 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 Exhibit B attached hereto and incorporated herein.

TO HAVE AND TO HOLD to GRANTEE, its successors and assigns, forever.

And the GRANTORS warrant only that GRANTORS will forever defend the right and title to the above described property unto the GRANTEE against the claims of all persons claiming by, through or under GRANTORS.

IN WITNESS WHEREOF, each of the said GRANTORS, by an officer, who is authorized to execute this conveyance, has hereto set its signature and seal this the 5<sup>th</sup> day of September, 1974.

ATTEST:

H. Hampton Bales  
Assistant Secretary

ATTEST:

Bernard K. B.  
Asst Sec

FLETCHER PROPERTIES OF ALABAMA, INC.

By R. J. F.  
Vice President

REFCO-INVERNESS, INC.

By H. H. B.  
Vice-President

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STATE OF ALABAMA )

COUNTY OF JEFFERSON )

I, Dorothy Green, a Notary Public in and for said County in said State, hereby certify that Paul Z. Fletcher whose name as ~~Vice~~ President of Fletcher Properties of Alabama, 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 5th day of September, 1974.

Dorothy Green  
Notary Public

STATE OF ILLINOIS )

COUNTY OF COOK )

I, Adeline M. Kenny, a Notary Public in and for said County in said State, hereby certify that Frank J. Culhane whose name as Vice President of Refco-Inverness, 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 12th day of September, 1974.

Adeline M. Kenny  
Notary Public

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



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## Tract 1:

A tract of land in Section 2, Township 19 South, Range 2 West, said tract of land being known as Parcel 13, and more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of Section 2, Township 19 South, Range 2 West, and run North 00 degrees 48 minutes West along the East line of said 1/4 Section a distance of 68.95 feet to a point; thence run North 47 degrees 08 minutes 40 seconds East a distance of 351.81 feet to the point of beginning of the herein described Parcel 13; thence continuing along the last described course of North 47 degrees 08 minutes 40 seconds East a distance of 114.51 feet to a point; thence North 74 degrees 52 minutes 20 seconds East a distance of 423.34 feet to a point; thence South 00 degrees 28 minutes 18 seconds East a distance of 22.90 feet to a point; thence South 00 degrees 36 minutes 58 seconds West a distance of 69.13 feet to a point; thence South 19 degrees 23 minutes 47 seconds East a distance of 65.61 feet to a point; thence South 36 degrees 28 minutes 31 seconds East a distance of 62.71 feet; thence South 17 degrees 05 minutes 40 seconds East a distance of 42.15 feet to a point; thence South 31 degrees 21 minutes 34 seconds East a distance of 69.18 feet to a point; thence South 65 degrees 03 minutes 30 seconds East a distance of 66.42 feet to a point; thence South 73 degrees 53 minutes 25 seconds East a distance of 63.57 feet to a point; thence North 22 degrees 00 minutes 40 seconds East a distance of 16.42 feet to a point; thence South 32 degrees 44 minutes 03 seconds East a distance of 113.04 feet to a point; thence South 88 degrees 09 minutes 30 seconds East a distance of 70.05 feet to a point; thence South 84 degrees 29 minutes 30 seconds East a distance of 43.10 feet to a point; thence South 36 degrees 31 minutes East a distance of 57.84 feet to a point; thence South 08 degrees 25 minutes East a distance of 67.90 feet to a point; thence South 32 degrees 41 minutes West a distance of 64.28 feet to a point; thence South 43 degrees 45 minutes 30 seconds West a distance of 60.80 feet to a point; thence South 45 degrees 25 minutes 30 seconds West a distance of 79.70 feet to a point; thence South 43 degrees 20 minutes West a distance of 88.58 feet to a point; thence South 38 degrees 21 minutes West a distance of 28.56 feet to a point; thence North 81 degrees 52 minutes 10 seconds West a distance of 5.84 feet to a point; thence South 83 degrees 33 minutes West a distance of 578.66 feet to a point; thence North 12 degrees 54 minutes 06 seconds West a distance of 683.09 feet more or less to the point of beginning of the herein described Parcel 13 containing 11.653 acres more or less;

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## Tract 2:

A tract of land situated in Section 1, Township 19 South, Range 2 West, said tract of land being known as Parcel 25 and more particularly described as follows:

Commence at the Southwest corner of Section 1, Township 19 South, Range 2 West, Shelby County, Alabama; thence run in a Northerly direction and along the West line of said Section North 00 degrees 44 minutes 20 seconds West a distance of 736.29 feet to a point on the Northwest right-of-way line of Valley Dale Road; thence North 36 degrees 51 minutes 30 seconds East on the Northwest right-of-way line of Valley Dale Road a distance of 402.71 feet to the point of beginning of the herein described Parcel 25; thence North 33 degrees 02 minutes West a distance of 173.41 feet to a point; thence North 34 degrees 15 minutes 10 seconds East a distance of 70.00 feet to a point, said point being a



point on a curve to the right; thence deflect 68 degrees 22 minutes 10 seconds to the right and to the tangent of a curve to the right having a central angle of 24 degrees 35 minutes 20 seconds a radius of 405.52 feet and an arc of 174.03 feet, thence continuing along the last described arc a distance of 174.03 feet to a point on a curve of the Northwest right-of-way line of Valley Dale Road; thence deflect 92 degrees 47 minutes 40 seconds to the right and to the tangent of a curve having a central angle of 3 degrees 08 minutes 40 seconds a radius of 1949.86 feet and an arc of 107.05 feet, thence continuing along the last described arc a distance of 107.05 feet to a point; thence South 36 degrees 51 minutes 30 seconds West and tangent to the last described curve a distance of 58.29 feet more or less to the point of beginning of the herein described Parcel 25 containing 0.469 acres more or less;

Tract 3:



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A tract of land situated in Sections 1 and 2, Township 19 South, Range 2 West, said tract of land being known as Parcel 26 and more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 2, Township 19 South, Range 2 West, Shelby County, Alabama, thence North 00 degrees 44 minutes 20 seconds West and along the East line of said 1/4 Section, a distance of 121.19 feet to the point of beginning of the herein described Parcel 26, and a point on a Golf Course Boundary Survey, by T.M. Lowe, Alabama Registered Land Surveyor number 1648, dated December 15, 1971; thence continuing along said Boundary Survey by T.M. Lowe North 28 degrees 26 minutes 40 seconds East a distance of 60.10 feet to a point; thence North 41 degrees 07 minutes 50 seconds East a distance of 122.06 feet to a point; thence North 78 degrees 07 minutes 10 seconds East a distance of 468.67 feet to a point; thence South 75 degrees 41 minutes 40 seconds East a distance of 127.98 feet to a point; thence South 14 degrees 55 minutes 30 seconds West a distance of 774.69 feet to a point; thence South 28 degrees 45 minutes 20 seconds West a distance of 630.00 feet to a point; thence South 34 degrees 15 minutes 10 seconds West a distance of 325.27 feet to a point; thence South 44 degrees 51 minutes 40 seconds East a distance of 132.38 feet to a point; thence South 34 degrees 38 minutes 40 seconds West a distance of 106.13 feet to a point; thence South 40 degrees 07 minutes West a distance of 503.00 feet to a point, said point being a point on the East boundary of Parcel 15 otherwise known as Kerry Downs according to a survey by Charles H. Sain, Alabama Registered Land Surveyor number 1975 and John C. Gustin, III, Alabama Registered Land Surveyor number 9322, of February 22, 1973; thence continuing along the West line of said Kerry Downs survey North 19 degrees 59 minutes West a distance of 73.47 feet to a point; thence North 67 degrees 12 minutes West a distance of 68.55 feet to a point; thence North 3 degrees 24 minutes 23 seconds West a distance of 40.19 feet to a point; thence North 61 degrees 04 minutes 23 seconds West a distance of 84.57 feet to a point, thence North 10 degrees 28 minutes 08 seconds West a distance of 31.60 feet to a point; thence North 35 degrees 40 minutes 08 seconds West a distance of 57.00 feet to a point; thence North 20 degrees 38 minutes 41 seconds West a distance of 181.67 feet to the point; thence North 9 degrees 35 minutes 04 seconds East a distance of 257.00 feet to a point; thence North 15 degrees 20 minutes 56 seconds West a distance of 51.26 feet to a point; thence North 17 degrees 40 minutes 56 seconds West a distance of 34.52 feet to a point; thence North 39 degrees 00 minutes 56 seconds West a distance of 85.32 feet to a point; thence North 1 degree 01 minute 56 seconds West a distance of 52.38 feet to a point;



thence North 1 degree 15 minutes 56 seconds West a distance of 77.93 feet to a point; thence North 5 degrees 00 minutes 56 seconds West a distance of 70.10 feet to a point; thence North 8 degrees 18 minutes 56 seconds West a distance of 98.57 feet to a point; thence North 12 degrees 13 minutes 56 seconds West a distance of 113.57 feet to a point; thence North 05 degrees 38 minutes 56 seconds West a distance of 86.87 feet to a point; thence North 2 degrees 09 minutes 56 seconds West a distance of 107.36 feet to a point; thence North 4 degrees 08 minutes 56 seconds West a distance of 59.57 feet to a point; thence North 1 degree 28 minutes 04 seconds East a distance of 71.10 feet to a point; thence North 11 degrees 36 minutes 04 seconds East a distance of 90.70 feet to a point; thence North 15 degrees 17 minutes 12 seconds West a distance of 76.30 feet to a point; thence North 00 degrees 51 minutes 42 seconds West a distance of 60.00 feet to a point; thence North 89 degrees 08 minutes 16 seconds East a distance of 64.83 feet to a point; said point being the last point adjacent to the Kerry Downs survey; thence North 29 degrees 57 minutes 40 seconds East a distance of 33.60 feet to a point; said point being point number 367 on a Lake Boundary Survey by Reese E. Mallette, Jr., Alabama Registered Land Surveyor number 2950, dated July 1, 1971; thence continuing along the Lake Boundary Survey and South 3 degrees 24 minutes 49 seconds West a distance of 118.12 feet to a point; thence South 3 degrees 52 minutes West a distance of 62.63 feet to a point; thence North 15 degrees 06 minutes 11 seconds East a distance of 112.98 feet to a point; thence North 67 degrees 18 minutes 21 seconds East a distance of 40.90 feet to a point; thence North 6 degrees 31 minutes 31 seconds East a distance of 63.05 feet to a point; thence North 23 degrees 13 minutes 42 seconds East a distance of 50.35 feet to a point; thence North 11 degrees 24 minutes 07 seconds West a distance of 49.40 feet to a point; thence North 33 degrees 16 minutes 03 seconds East a distance of 71.69 feet to a point; thence North 13 degrees 23 minutes 13 seconds East a distance of 93.96 feet to a point; thence North 14 degrees 38 minutes 24 seconds East a distance of 63.05 feet to a point; thence North 21 degrees 30 minutes 35 seconds East a distance of 44.40 feet to a point; thence North 8 degrees 49 minutes 45 seconds East a distance of 77.48 feet to a point; thence North 29 degrees 17 minutes 55 seconds East a distance of 73.31 feet to a point; thence North 16 degrees 30 minutes 06 seconds East a distance of 83.25 feet to a point; thence North 5 degrees 21 minutes 33 seconds East a distance of 71.09 feet to the last point on the Lake Boundary Survey; thence <sup>South</sup> 47 degrees 13 minutes 50 seconds East a distance of 198.67 feet to a point on the previously mentioned Golf Course Boundary Survey by Thomas M. Lowe; thence South 7 degrees 00 minutes 50 seconds West a distance of 450.37 feet to a point; thence South 63 degrees 34 minutes 30 seconds East a distance of 184.25 feet to a point; thence North 28 degrees 26 minutes 40 seconds East a distance of 149.24 feet more or less to the point of beginning of the herein described Parcel 26 containing 40.129 acres more or less; and

Tract 4:

A tract of land situated in Sections 1 and 2, Township 19 South, Range 2 West, said tract of land being known as Parcel 27 and more particularly described as follows:



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Commence at the Southeast corner of the Northeast 1/4 of Section 2, Township 19 South, Range 2 West, Shelby County, Alabama, thence North 00 degrees 44 minutes 20 seconds West and along the East line of said 1/4 Section a distance of 121.19 feet to a point on a Golf Course Survey, by T.M. Lowe, Alabama Registered Land Surveyor number 1648, dated December 15, 1971; thence continuing along the Boundary Survey by T. M. Lowe North 28 degrees 26 minutes 40 seconds East a distance of 60.10 feet to a point; thence North 6 degrees 08 minutes 10 seconds East a distance of 310.00 feet to the point of beginning of the herein described Parcel 27; thence North 12 degrees 13 minutes 10 seconds East a distance of 222.77 feet to a point; thence North 56 degrees 56 minutes 50 seconds West a distance of 459.90 feet to a point; said point being a point on a Lake Boundary Survey by Reese E. Mallette, Jr., Alabama Registered Land Surveyor number 2950, dated July 1, 1971; thence continuing along the Lake Boundary Survey North 23 degrees 02 minutes 39 seconds East a distance of 37.85 feet to a point; thence North 2 degrees 53 minutes 55 seconds West a distance of 68.90 feet to a point; thence North 14 degrees 40 minutes 31 seconds East a distance of 85.85 feet to a point; thence North 31 degrees 26 minutes 55 seconds East a distance of 97.56 feet to a point; thence North 12 degrees 53 minutes 39 seconds West a distance of 46.40 feet to a point; thence North 50 degrees 23 minutes 46 seconds East a distance of 79.09 feet to a point; thence North 39 degrees 30 minutes 49 seconds West a distance of 38.17 feet to a point; thence North 5 degrees 10 minutes 36 seconds East a distance of 41.32 feet to a point; thence North 40 degrees 01 minutes 47 seconds East a distance of 73.30 feet to a point; thence North 88 degrees 02 minutes 40 seconds East a distance of 47.46 feet to a point; thence North 2 degrees 06 minutes 26 seconds West a distance of 44.83 feet to a point; thence North 27 degrees 03 minutes 27 seconds East a distance of 59.04 feet to a point; thence North 63 degrees 38 minutes 20 seconds East a distance of 59.26 feet to a point; thence North 79 degrees 00 minutes 14 seconds East a distance of 98.97 feet to a point; thence South 65 degrees 19 minutes 53 seconds East a distance of 57.69 feet to a point; thence South 79 degrees 36 minutes East a distance of 45.37 feet to a point; thence South 36 degrees 11 minutes 06 seconds East a distance of 95.58 feet to a point; thence North 78 degrees 28 minutes 47 seconds East a distance of 45.20 feet to a point; thence South 82 degrees 36 minutes 20 seconds East a distance of 77.14 feet to a point; thence South 56 degrees 55 minutes 49 seconds East a distance of 27.03 feet to a point; thence South 49 degrees 41 minutes 55 seconds East a distance of 62.52 feet to a point; thence South 6 degrees 47 minutes 59 seconds West a distance of 56.77 feet to a point; thence South 13 degrees 52 minutes 53 seconds West a distance of 97.25 feet to a point; thence South 17 degrees 10 minutes 47 seconds West a distance of 109.51 feet to a point; thence North 41 degrees 21 minutes 41 seconds East a distance of 116.65 feet to a point; thence North 32 degrees 10 minutes 35 seconds East a distance of 105.83 feet to a point; thence North 57 degrees 51 minutes 29 seconds East a distance of 46.26 feet to a point; thence South 56 degrees 43 minutes 37 seconds East a distance of 69.16 feet to a point; thence South 87 degrees 00 minutes 43 seconds East a distance of 79.14 feet to a point; thence South 32 degrees 28 minutes 49 seconds East a distance of 34.43 feet to a point; thence South 12 degrees 50 minutes 32 seconds West a distance of 72.60 feet to a point; thence South 17 degrees 10 minutes 26 seconds West a distance of 108.94 feet to a point; thence South 16 degrees 58 minutes 21 seconds West a distance of 88.41 feet to a point; thence South 4 degrees 42 minutes 16 seconds West a distance of 115.30 feet to a point; thence South 6 degrees 51 minutes 10 seconds West a distance of 112.71 feet to a point; thence South 9 degrees 29 minutes 55 seconds East a distance of 132.74 feet to a point; thence South 4 degrees 48 minutes West a distance of 18.46 feet to a point, said point being the last point adjacent to the Lake Boundary Survey and a point on the Golf Course Boundary Survey; thence continuing along the Golf Course Boundary Survey and South 68



degrees 00 minutes 10 seconds West a distance of 555.48 feet to a point; thence North 65 degrees 43 minutes 10 seconds West a distance of 73.64 feet more or less to the point of beginning of the herein described Parcel 27 containing 16.312 acres more or less.

Tract 5:

The Subdivision of Kerry Downs, as recorded in Map Book 5, page 135, Shelby County, Alabama, less and except the following:

Lots 2 through 14 and Lot 17 in Block 1

Lots 1 through 6 and Lot 8 in Block 2

Lots 2 through 6 in Block 3

Lots 1 and 5 in Block 4

All of Block 5

Lots 2 through 6 in Block 6

Lots 1 through 4 and Lot 7 in Block 7

Lots 2, 5, 6, 8, 9 and 11 in Block 8

All of Block 9

Lots 1 through 3 and Lots 5 through 25 in Block 10

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EXHIBIT B

1. Taxes due in the year 1974 which are a lien but not due and payable until October 1st, 1974.
2. Restrictions contained in Misc. Volume 5, page 86 and adoption of its covenants recorded in Misc. Volume 5, page 625, in the Probate Office of Shelby County, Alabama.
3. Easement to Alabama Power Company recorded in Volume 109, page 293; Volume 126, page 343; Volume 146, page 381; Volume 176, page 68; Volume 184, page 166; Volume 141, page 298, and Volume 145, page 387, in said Probate Office.
4. Easement to Alabama Power Company and Southern Bell Telephone & Telegraph Company recorded in Volume 281, page 497, in said Probate Office.
5. Agreement with Alabama Power Company and Kerry Downs recorded in Misc. Volume 5, page 626, in said Probate Office.
6. Easement and building line as shown by recorded map.
7. Mortgage dated January 10, 1974, executed by Fletcher Properties of Alabama, Inc., an Alabama Corporation, and Refco-Inverness, Inc., a Delaware Corporation, to Gordon A. Taylor, Churchill G. Carey, Eugene L. Amber, J. C. Tyler, Jr. and John D. Uible and John H. Rogers, not individually, but as Trustees of Guardian Mortgage Investors, a Massachusetts Business Trust under Declaration of Trust dated March 29, 1966, as amended, in the principal amount of \$3,100,000.00, filed for record January 22, 1974 at 1:24 P.M. and recorded in Mortgage Book 336, page 762, in the Probate Office of Shelby County, Alabama.
8. Mortgage dated May 16, 1974, executed by Fletcher Properties of Alabama, Inc., an Alabama corporation and Refco-Inverness, Inc., a Delaware corporation to Gordon A. Taylor, Churchill G. Carey, Eugene L. Amber, J. C. Tyler, Jr., John D. Uible and John H. Rogers, Trustees of Guardian Mortgage Investors, a Massachusetts Business Trust, in the principal amount of \$945,000.00, filed for record June 10, 1974 at 9:47 A.M. and recorded in Volume 339, page 756, in the Probate Office of Shelby County, Alabama.
9. Those additional mortgages, covenants and encumbrances applicable to the property conveyed by this deed as set forth in the deed to Inverness Associates dated January 29, 1974, and recorded in the office of the Judge of Probate of Shelby County, Alabama, in Deed Book 285, page 97.
10. The easements described in the mortgage set forth in number 8, above.

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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1974 SEP 13 PM 12:27  
U.C.C. FILE NUMBER OR  
REC. BK. & PAGE AS SHOWN ABOVE  
JUDGE OF PROBATE