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Shelby Cnty Judge of Probate, AL
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SYNA 425

THIS DEED OF RELEASE, made this the 20 day of April, 1978, from UNITED STATES TRUST COMPANY OF NEW YORK, a corporation organized and existing under the laws of the State of New York, as Trustee under First and Refunding Mortgage from Louisville and Nashville Railroad Company to said Trustee, dated August 1, 1921, as amended by indentures supplemental thereto, hereinafter sometimes referred to as the United States Company, to LOUISVILLE AND NASHVILLE RAILROAD COMPANY, a corporation organized and existing under the laws of the State of Kentucky, hereinafter sometimes referred to as the Louisville Company, WITNESSETH:

WHEREAS, by deed dated May 9, 1977, the Louisville Company conveyed to ROBERT JOBE BROWN, SR., ROBERT JOBE BROWN, JR., and FRANK SCHILLECI for a consideration of Twelve Thousand Dollars (\$12,000.00), with covenant of statutory warranty, the following described parcels of land situated at Calera, Shelby County, Alabama:

PARCEL #1

Beginning at a point seventy-three and five tenths (73.5) feet westwardly from and at right angles to the centerline of the main track of the Birmingham Division, formerly the South & North Alabama Division, of the railroad of the Grantor at Valuation Station 22422+49.4, which is two thousand six hundred forty-six and six tenths (2,646.6) feet measured northwardly along the centerline of said main track from Mile Post 425 from Louisville, Kentucky, said point being in the north line of Seventh Avenue if extended eastwardly; thence westwardly along the north line of said Seventh Avenue if extended westwardly, a distance of one hundred eighty-two (182) feet, more or less, to a point in the east line of a tract of land conveyed by the Grantor to the City of Calera, Alabama, by deed dated March 9, 1964, recorded in Deed Book 229, Page 780, in the Shelby County Probate Judge's Office; thence northwardly along the east line of said conveyance dated March 9, 1964, a distance of three hundred fifty-three (353) feet, more or less, to a point in the south line of Sixth Avenue; thence eastwardly along the south line of said Sixth Avenue, a distance of one hundred fifty-seven (157) feet, more or less, to a point seventy-three and five tenths (73.5) feet westwardly and at right angles to the centerline of said main track at Valuation Station 22418+99.4; thence southwardly along a line seventy-three and five tenths (73.5) feet westwardly from and parallel to the centerline of said main track, a distance of three hundred fifty (350) feet, more or less, to the point of beginning, containing one and three hundred sixty-eight thousandths (1.368) acres, more or less, being located in the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Sixteen (16), Township Twenty-two (22) South, Range Two (2) West, Shelby County, Alabama, and being a part of the same property conveyed to the Grantor by the Alabama Mineral Railway Company by deed dated September 29, 1903, recorded in Deed Book 31, Page 165, in the Judge of Probate's Office, Shelby County, Alabama.

PARCEL #2

Beginning at a point seventy-three and five tenths (73.5) feet westwardly from and at right angles to the centerline of said main track at Valuation Station 22422+89.4, which point is two thousand six hundred six and six tenths

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LOUISVILLE & NASHVILLE RAILROAD CO.
708 W. Broadway
AT Louisville, Ky. 40203

(2,606.6) feet measured northwardly along the centerline of said main track from Mile Post 425 from Louisville, Kentucky, said point also being in the centerline of Seventh Avenue if extended eastwardly; thence southwardly along a line seventy-three and five tenths (73.5) feet westwardly from and parallel to the centerline of said main track, a distance of two hundred thirty (230) feet, more or less, to a point opposite Valuation Station 22425+19.4; thence westwardly at right angles a distance of two hundred one (201) feet, more or less, to a point in the east line of said conveyance dated March 9, 1964; thence northwardly along the east line of said conveyance dated March 9, 1964, a distance of one hundred ninety (190) feet, more or less, to a point in the south line of said Seventh Avenue if extended eastwardly; thence eastwardly along the south line of said Seventh Avenue if extended eastwardly, a distance of one hundred sixty (160) feet, more or less, to a point ninety-nine and five tenths (99.5) feet westwardly from and at right angles to the centerline of said main track at Valuation Station 22423+29.4; thence northwardly at right angles a distance of forty (40) feet to a point in the centerline of said Seventh Avenue if extended eastwardly; thence eastwardly along the centerline of said Seventh Avenue if extended eastwardly, a distance of twenty-six (26) feet, more or less, to the point of beginning, containing eight hundred sixty-eight thousandths (0.868) acre, more or less, being located in the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section Twenty-one (21), Township Twenty-two (22) South, Range Two (2) West, Shelby County, Alabama, and being a part of the same property conveyed to the Grantor by deed dated September 29, 1903, as aforesaid; and by quitclaim of right, title and interest the following described property, situated at Calera, Shelby County, Alabama:

All of Seventh Avenue which lies east of the east line of a tract of land conveyed to the City of Calera, Alabama, by the Grantor by deed dated March 9, 1964, recorded in Deed Book 229, Page 780, in the Office aforesaid and west of a line eight (8) feet westwardly from and parallel to the centerline of Track #91 of the Grantor.



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WHEREAS, said property hereinabove described is covered by and subject to the lien of said First and Refunding Mortgage dated August 1, 1921, as amended or supplemented; and,

WHEREAS, the Louisville Company is obligated to procure a release of the lien of said First and Refunding Mortgage resting thereon; and,

WHEREAS, the recitals herein contained are made by the Louisville Company, and the United States Company assumes no responsibility therefor.

NOW, THEREFORE, in consideration of the premises and of the payment by the Louisville Company to the United States Company of the sum of

Twelve Thousand Dollars (\$12,000.00),

receipt of which is hereby acknowledged, representing the net proceeds received in the sale of the property, to be held by the Trustee upon the uses and trusts of said Mortgage dated August 1, 1921, as amended, supplemented, or extended, the United States Company does hereby release the hereinabove-described parcel(s) of land from the lien and operation of said Mortgage, and any amendment or extension thereof or supplement thereto, and to and for the benefit of the Louisville Company, its grantees, successors and assigns.

Said Mortgage dated August 1, 1921, is recorded in the office of the Judge of Probate, Shelby County, Alabama, in Mortgage Record 137, page 1, and the supplements thereto are recorded in said office as follows:

<u>Date</u>	<u>Mortgage Record</u>	<u>Page</u>
November 1, 1922	135✓	170✓
April 1, 1936	173	75✓
July 1, 1936	173	231✓
December 17, 1942	192	1✓
October 1, 1944	194	447✓
April 1, 1945	195	401✓
April 1, 1948	206	49✓
October 1, 1954	236	231-235✓

But nothing herein contained is intended to or shall constitute an acknowledgment of satisfaction of the indebtedness, or any part thereof, secured by the aforesaid Mortgage, or any amendment or supplement thereto, and this deed of release shall operate only as a release of the property hereinabove specifically described, and as to the remaining property described in said Mortgage, or supplement thereto, or subject to the lien thereof, except as to such property as may have been heretofore released, the said Mortgage and supplements thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the United States Trust Company of New York, as Trustee aforesaid, has caused this instrument to be signed and acknowledged by its respective officers, duly authorized to execute same, and its corporate seal to be hereunto affixed and attested by its Secretary, or an Assistant Secretary, the day and year first above written.

UNITED STATES TRUST COMPANY OF NEW YORK

By

Assistant Vice President

ATTEST.

Assistant Secretary

(Corporate Seal)

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(Ala.)

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS:

I, **JAMES E. LOGAN**, a Notary Public in and for the State and County aforesaid, hereby certify that

GEORGE BOSWELL, Jr. and **RAY POPLASKY**, whose names as Assistant Vice President and Assistant Secretary, respectively, of United States Trust Company of New York, a corporation, are signed to the foregoing deed of release, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said instrument, they, as such officers, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the 20 day of April 1978, 19

My commission expires 3/30/79

James E. Logan
Notary Public, New York County, New York

(Notarial Seal)

JAMES E. LOGAN
Notary Public, State of New York
No. 24-2393228
Qualified in Kings County
Certificate filed in New York County
Commission Expires March 30, 1979

Prepared by Roy L. Sherman
Atty-at-Law
908 W. Broadway
Louisville, Ky.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1978 MAY -1 PM 1:40

F. Thomas A. Snow, Jr.
JUDGE OF PROBATE

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