

This instrument prepared by  
Wade H. Morton, Jr., Attorney at Law  
P O Box 1227, Columbiana, Alabama 35051

WARRANTY DEED

338

STATE OF ALABAMA )

KNOW ALL MEN BY THESE PRESENTS,

SHELBY COUNTY )

That in consideration of TWENTY THOUSAND and No/100 (\$20,000.00) DOLLARS paid herewith by the GRANTEE herein to the GRANTORS herein and in consideration for assumption by the GRANTEE herein of the hereafter described mortgages, the receipt and sufficiency of which consideration is hereby acknowledged, we, ROBERT C. BUTTERWORTH, JR. and wife, VIVIAN H. BUTTERWORTH, (herein referred to as GRANTORS) do grant, bargain, sell and convey unto BOB'S FARM SUPPLY COMPANY, INC., a corporation, (herein referred to as GRANTEE) the following described real estate situated in Shelby County, Alabama, to-wit:

See attached Schedule "A" for legal description of the real estate conveyed hereby, which is made a part and parcel of this deed.

This conveyance is subject only to the following easements and encumbrances, to-wit:

1. Easement to City of Columbiana for sewer lines as shown by instrument recorded in Deed Book 156, at Page 445, in the Office of the Judge of Probate of Shelby County, Alabama.
2. Ad valorem taxes for 1979 and subsequent years.
3. Rights of parties in possession and existing leases.
4. Mortgage from Donald Ray Roberson and wife, Betty H. Roberson, to H. S. Bristow, Sr. and Estelle Bristow dated March 13, 1972 and recorded in Mortgage Book 321, at Page 469, in said Probate Records, securing a principal sum of \$63,000.00
5. Mortgage from Robert C. Butterworth, Jr. and wife, Vivian H. Butterworth, to Donald Ray Roberson dated November 20, 1975 and recorded in Mortgage Book 350, at Page 485, in said Probate Records, securing a principal sum of \$22,104.56.
6. Mortgage from Robert C. Butterworth, Jr. and wife, Vivian H. Butterworth, to Shelby State Bank, an Alabama banking corporation, dated October 5, 1978 and recorded in Mortgage Book 383, at Page 896, in said Probate Records, securing a principal sum of \$27,270.61.

As part of the consideration for this conveyance the GRANTEE hereby assumes and agrees to pay as the same shall become due and in accordance with its terms and conditions the unpaid indebtedness secured by that certain mortgage from Donald Ray Roberson and wife, Betty H. Roberson, to H. S. Bristow, Sr. and Estelle Bristow dated March 13, 1972 and recorded in Mortgage Book 321, at Page 469, in the Office of the Judge of Probate of Shelby County, Alabama. GRANTORS hereby warrant that as of January 1, 1979 the unpaid principal balance of the indebtedness secured by said mortgage is the sum of \$44,581.75.

As part of the consideration for this conveyance the GRANTEE hereby assumes and agrees to pay as the same shall become due and in accordance with its terms and conditions the unpaid indebtedness secured by that certain mortgage from Robert C. Butterworth, Jr. and wife, Vivian H. Butterworth, to Donald Ray Roberson dated November 20, 1975 and recorded in Mortgage Book 350, at Page 485, in the Office of the Judge of Probate of Shelby County, Alabama. GRANTORS hereby warrant

Return to:  
T. L. Harmon, Jr., President  
Bob's Farm Supply Co., Inc.  
1814 - 1st Ave S





that as of January 1, 1979 the unpaid principal balance of the indebtedness secured by said mortgage is the sum of \$15,658.37.

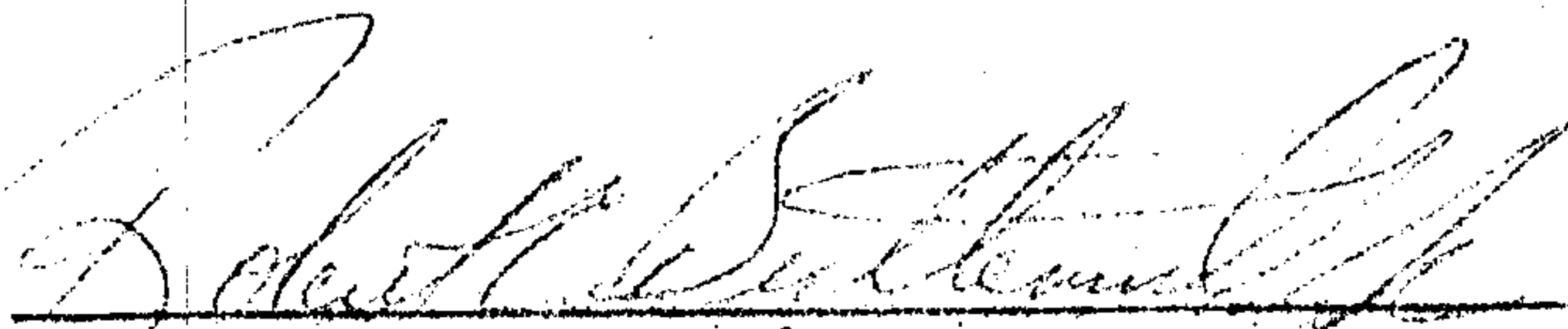
As part of the consideration for this conveyance the GRANTEE hereby assumes and agrees to pay as the same shall become due and in accordance with its terms and conditions the unpaid indebtedness secured by that certain mortgage from Robert C. Butterworth, Jr. and wife, Vivian H. Butterworth, to Shelby State Bank, an Alabama corporation, dated October 5, 1978 and recorded in Mortgage Book 383, at Page 896, in the Office of the Judge of Probate of Shelby County, Alabama. GRANTORS hereby warrant that as of January 1, 1979 the unpaid indebtedness secured by said mortgage is approximately \$27,854.34.

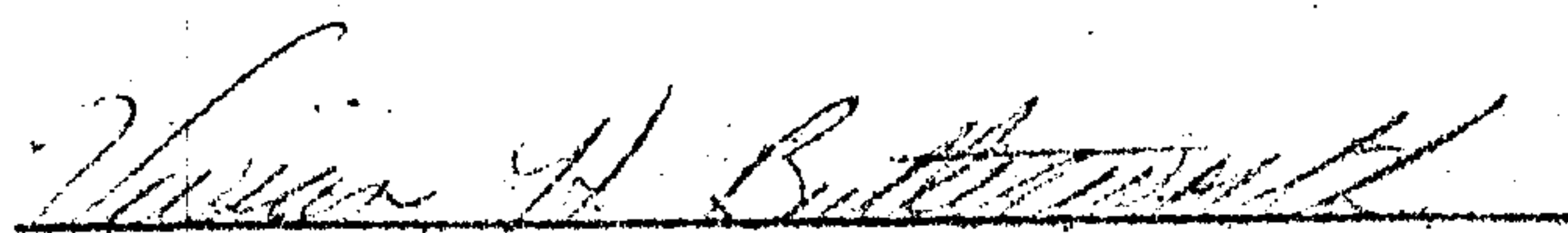
Also being sold and conveyed by the GRANTORS herein to the GRANTEE herein by separate instruments executed simultaneously herewith is all of the personal property and business equipment heretofore used by the GRANTORS in connection with the "Dairy Queen" business in the City of Columbiana, Shelby County, Alabama and the GRANTORS' Store Agreement with "Dairy Queen" dated April 1, 1976. Part of the consideration recited herein for this deed actually constitutes the consideration for the conveyance of said personal property.

TO HAVE AND TO HOLD to said GRANTEE, its successors and assigns forever, together with every contingent remainder and right of reversion.

And we do for ourselves and for our heirs, executors and administrators covenant with the said GRANTEE, its successors and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the said GRANTEE, its successors and assigns, forever, against the lawful claims of all persons.

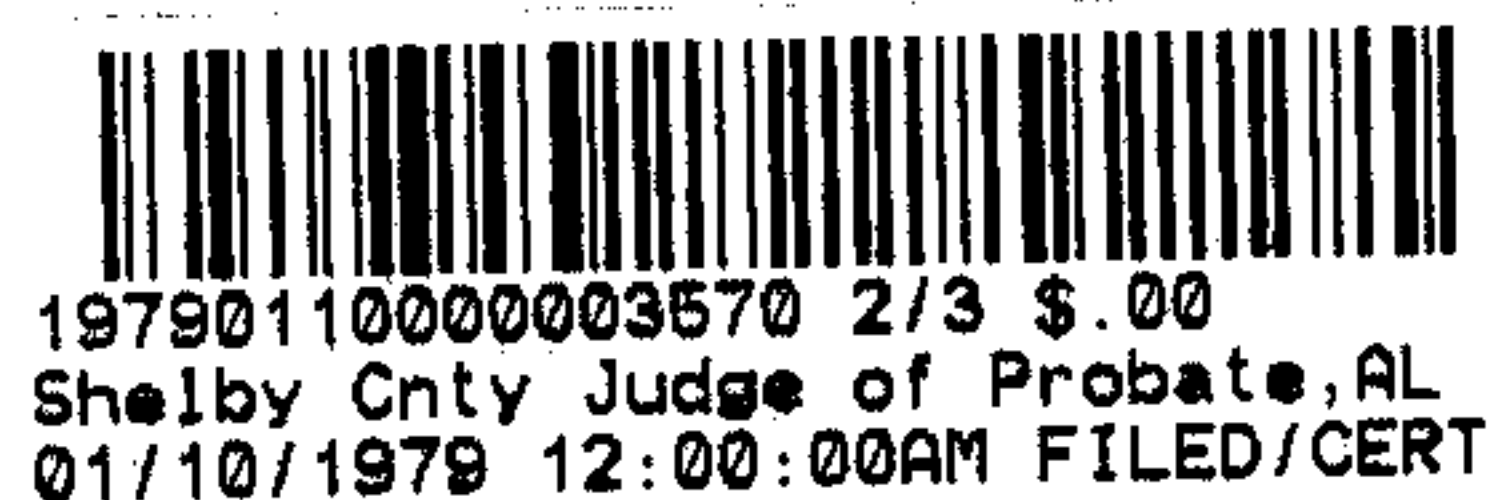
IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 9<sup>th</sup> day of January, 1979.

  
Robert C. Butterworth, Jr. (SEAL)

  
Vivian H. Butterworth (SEAL)

STATE OF ALABAMA )

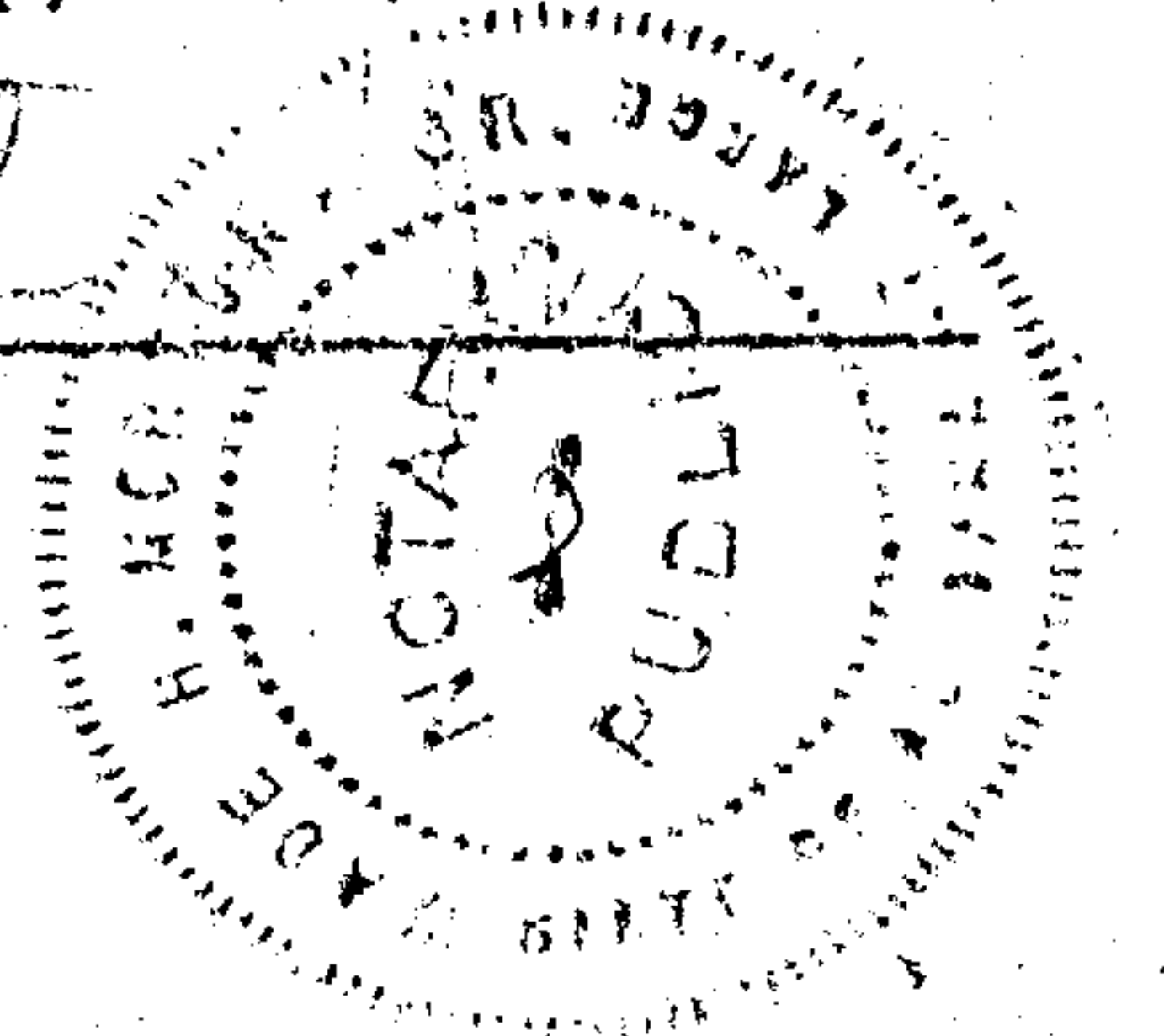
SHELBY COUNTY )



I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert C. Butterworth, Jr. and wife, Vivian H. Butterworth, whose names are signed to the foregoing conveyance, and 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.

WITNESS my hand and official seal this 9<sup>th</sup> day of January, 1979.

  
Notary Public





SCHEDULE "A"

REAL ESTATE DESCRIPTION

Commencing at the Northeast corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 26, Township 21, Range 1 West, Shelby County, Ala., and thence run South 1 deg. 00 min. East along Section line a distance of 12.0 feet to a 6" x 6" concrete post; thence South 85 deg. 00 min. West a distance of 664.27 feet to an iron pin at the NE corner of F. E. Williams lot; thence North 82 deg. 10 min. West a distance of 126.84 feet to point of beginning; thence North 21 deg. 13 min. East along West R/O/W line of Ala. Highway 25 a distance of 83.21 feet to an iron pin; thence North 1 deg. 09 min. West along West side of Mill Street 103.53 feet to the SE corner of the lot formerly known as Wilton Roper lot; thence South 85 deg. 02 min. West a distance of 197.79 feet to an iron pin on East R/O/W of L & N Railroad; thence along said Railroad R/O/W South 24 deg. 44 min. East a distance of 222.57 feet to center of Town Branch; thence East along the center of Town Branch to the West R/O/W line of Highway No. 25; thence along same North 21 deg. 13 min. East 11 feet to point of beginning;

Also commencing at the Northeast corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 26, Township 21, Range 1 West, Shelby County, Ala., and thence run South 1 deg. 00 min. East along Section line a distance of 12.0 feet to a 6" x 6" concrete post; thence South 85 deg. 00 min. West a distance of 664.27 feet to an iron pin at the Northeast corner of F. E. Williams lot; thence North 82 deg. 10 min. West a distance of 126.84 feet; thence North 21 deg. 13 min. East along the West R/O/W line of Ala. Highway 25 a distance of 83.21 feet to an iron pin; thence North 1 deg. 09 min. West along the West side of Mill Street 103.53 feet to the point of beginning; thence South 85 deg. 02 min. West along the L. O. Brown lot a distance of 50 feet; thence North 1 deg. 09 min. West and parallel with the West boundary of Mill Street a distance of 87 feet, more or less, to the South line of Valley Mills property; thence along same North 85 Deg. 02 min. East a distance of 50 feet to the West line of Mill Street; thence South 1 deg. 09 min. East and parallel to Mill Street 87 feet, more or less, to the point of beginning.

BOOK 317 PAGE 196

19790110000003570 3/3 \$.00  
Shelby Cnty Judge of Probate, AL  
01/10/1979 12:00:00AM FILED/CERT

*Robert C. Butterworth, Jr.*  
Robert C. Butterworth, Jr.

*Vivian H. Butterworth*  
Vivian H. Butterworth

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

1979 JAN 10 AM 10:31

*Thomas A. Snowden, Jr.*  
JUDGE OF PROBATE

Deed Tax 20.00  
4.50  
1.00  
25.50