

This instrument was prepared by
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19791227000166130 Pg 1/6 .00
Shelby Cnty Judge of Probate, AL
12/27/1979 00:00:00 FILED/CERTIFIED

WARRANTY DEED

STATE OF ALABAMA]
COUNTY OF JEFFERSON] KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten Thousand Five Hundred (\$10,500.00) and no/100ths Dollars to the undersigned grantor (whether one or more), in hand paid by the grantee herein, receipt whereof is acknowledged, I or we, Larry H. Burchfield and wife, J. Arlene Burchfield (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto Robert A. McRee (herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

That certain real property which is more particularly described on Exhibit "A" which is attached hereto and made a part hereof and incorporated herein by reference.

GRANTOR and GRANTEE, for themselves, their heirs, successors in interest and assigns, as part of the consideration for this conveyance, and for additional value received by each, hereby respectively reserve and grant an easement or easements as more particularly described and set forth on Exhibit "B" which is attached hereto and made a part hereof and incorporated herein by reference.

GRANTOR and GRANTEE, for themselves, their heirs, successors in interest and assigns, agree that subject realty herein conveyed shall not be used for the following purposes for a period of thirty (30) years from the date of this conveyance:

1. Chicken farm;
2. Hog farm;
3. Growing or maintaining of any livestock for any commercial purpose;
4. Commercial farming;
5. Any other use which is incompatible with any single family residential use.

SUBJECT TO THE FOLLOWING:

1. Advalorem taxes due in the year 1980 which are a lien but not due and payable until October 1, 1980.
2. Easements, rights-of-way, covenants and equitable servitudes of record or reasonably apparent from visual inspection, if any.
3. Grant and Reservation of Easement recorded in Real Volume 322, Page 166, in the Office of the Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD to the said GRANTEE, his, her or their heirs and assigns forever.

And we do, for ourselves and for our heirs, executors and administrators, covenant with said GRANTEE, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that we have a good right to sell and convey the same as aforesaid; that we will, and our heirs, executors and

James R. Davis

ATTORNEY AT LAW

SUITE 10, 2 OFFICE PARK CIRCLE
BIRMINGHAM, ALABAMA 35223

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administrators shall warrant and defend the same to the said GRANTEE, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 21st day of December, 1979.

WITNESS:

James R. Davis (Seal) Larry H. Burchfield (Seal)
Larry H. Burchfield, Grantor

James R. Davis (Seal) J. Arlene Burchfield (Seal)
J. Arlene Burchfield, Grantor

James R. Davis (Seal) Robert A. McRee (Seal)
Robert A. McRee, Grantee

James R. Davis (Seal) Margie D. McRee (Seal)
Margie D. McRee, wife of Grantee

State of Alabama]
County of Jefferson]

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Larry H. Burchfield and wife, J. Arlene Burchfield whose names 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, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 21st day of December, 1979.

James R. Davis
Notary Public
My commission expires: 9-6-81

State of Alabama]
County of Jefferson]

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Robert A. McRee and wife, Margie D. McRee, whose names 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, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 21st day of December, 1979.

James R. Davis
Notary Public
My commission expires: 9-6-81

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EXHIBIT "A"

A parcel of land located in the SW 1/4 of the NE 1/4 of Section 5, Township 20 South, Range 1 East, Shelby County, Alabama, more particularly described as follows:

Commence at the SE corner of said 1/4 - 1/4 section; thence run West along the South line of said 1/4 - 1/4 section a distance of 45 feet to the point of beginning; thence continue last course a distance of 180 feet; thence turn right 90 degrees a distance of 623.48 feet; thence turn right 89 degrees 29 minutes a distance of 213.04 feet to a point on the East line of said 1/4 - 1/4 section; thence run South along said East line a distance of 513.10 feet; thence turn right 91 degrees 07 minutes 15 seconds a distance of 45.00 feet; thence turn left 91 degrees 07 minutes 15 seconds a distance of 112.41 feet to the point of beginning.

EXHIBIT "B"

GRANT AND RESERVATION OF EASEMENT

GRANTORS and GRANTEES hereby mutually and reciprocally grant and reserve a non-exclusive easement appurtenant sixty (60) feet in width, for the purposes of ingress and egress to the real property conveyed in this conveyance to GRANTEE, as well as all of the real property and all portions thereof in which GRANTORS retained an interest at the time of this conveyance, and further, that this easement shall include the right to install at a convenient location or locations within said easement any and all types of utilities, including but not limited to installation and maintenance of water lines, storm sewers and drainage improvements, electrical lines above or beneath the surface, natural gas lines, television cable lines above or beneath the surface, telephone lines above or beneath the surface, and any and all other additional utilities which reasonably may be required from time to time.

The scope and location of said easement are as follows:

A sixty (60) foot non-exclusive appurtenant easement, (30) feet on each side of a center line which is reached, located and described as follows: To reach the beginning point of the centerline of said easement, commence at the NW corner of the SW 1/4 of the NE 1/4 of Section 5, Township 20 South, Range 1 East, Shelby County, Alabama; thence run South along the West line of said 1/4-1/4 section a distance of 376.00 feet; thence turn left 89 degrees 30 minutes 54 seconds a distance of 761.15 feet; thence turn right 90 degrees a distance of 310.00 feet to a point; thence turn left 90 degrees and run a distance of 326.27 feet, more or less, to the point of beginning of the easement to be described, said point being 30.00 feet due North of the NW corner of the parcel hereinabove conveyed; thence continue on last described course for a distance of 73.37 feet; thence turn left 09 degrees 15 minutes and run 140 feet, more or less, to a point on the Southwesterly right-of-way line of Shelby County Highway #51, said point also being the Southeast corner of a tract previously conveyed by Grantors in conveyance recorded in Deed Volume 322, page 166, in the Probate Office of Shelby County, Alabama; it being the intention and understanding of the parties to this easement that said last point is the eastern terminus of said center line which reaches said Southwesterly right-of-way line of said Shelby County Highway #51, and that the Northern and Southern boundary lines of the easement here described, being thirty (30) feet on either side of said center line extend parallel with the last-described course of said center line so that each such outer boundary of said easement, North and South, intersect with a point on said Southwesterly right-of-way of said Shelby County Highway #51.

Further, the undersigned GRANTORS and GRANTEES to this deed, for themselves, and their heirs, successors in interest, personal representatives and assigns, proximate or remote, do hereby respectively reserve and grant to the GRANTORS in this deed, their heirs, successors in interest, personal representa-

tives and assigns, the right at such time as they shall deem it necessary, to dedicate the herein-described easement to the County of Shelby, or to such other governing body, including a municipality, if any, as shall succeed to the power and authority appropriate, necessary and proper to receive conveyances and declarations of public easements located as herein-described, and further, to grant to such utilities or entities, public or private, as shall be necessary in order to properly and sufficiently convey to such entities such easements for utilities and related purposes as are described or referred to hereinabove. Provided, however, that GRANTEE, his successors in interest, personal representatives, heirs or assigns, may grant and convey such easement for utilities as may be required by him or them to serve their real property herein conveyed, after first obtaining prior written consent of GRANTORS, their successors in interest, personal representatives, heirs or assigns respecting the location and scope of such easements for utilities, which consent shall not be unreasonably withheld. These grants and reservations and right reserved, granted, and conveyed herein are based on the considerations already described, and the mutual benefits to be derived from the parties.

This Grant and Reservation of Easement is initialed by the parties as follows:


L.H.B.


J.A.B.


R.A.MCR.


M.D.MCR.

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

1979 DEC 27 AM 9:15


JUDGE OF PROBATE

Fund 10.50
Rec. 10.00
Ind. 1.00

21.50