

191

( STATE OF ALABAMA )

( SHELBY COUNTY )

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of Thirty Seven Thousand Five Hundred Dollars (\$37,500.00), cash and other consideration and the execution of a One Hundred Twenty-Two Thousand Five Hundred Dollars (\$122,500.00) Purchase Money Mortgage in hand paid by Clyde W. Pearce, Jr. (50%) and Noble W. Fennell (50%), to The First National Bank of Birmingham as Trustee u/w/o W. G. Nichols, deceased, (hereinafter called Grantor), receipt whereof is acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto the said Clyde W. Pearce, Jr. (50%) and Noble W. Fennell (50%) (hereinafter called Grantees), the following-described real estate located in Shelby County, Alabama, to wit:

FEE SIMPLE

SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ; All of S $\frac{1}{2}$  of SE $\frac{1}{4}$  lying West of Coosa River in Section 23, Township 21, Range 1 East; N $\frac{1}{2}$  lying North of Beeswax Creek and West of Coosa River less the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  in Section 26, Township 21, Range 1 East;

Less and Except half of all minerals and mining rights which are reserved by the Seller.

TO HAVE AND TO HOLD unto the said Grantees, their successors and assigns forever.

It is specifically understood that the Grantor has executed this conveyance subject to:

1. Ad valorem taxes for the year 1982, which said taxes are not due or payable until October 1, 1982.
2. Encroachments, variation in area or in measurements, boundary line disputes, roadways, building restrictions and zoning and matters not of record, including lack of access, which would be disclosed by an accurate survey and inspection of the property.
3. Transmission Line Permit to Alabama Power Company as shown by instrument recorded in Deed Book 133 Page 281, Deed Book 143 Page 444, Deed Book 213 Page 346 in Probate Office.
4. Easement to Alabama Power Company covering flood rights as shown by instrument recorded in Deed Book 241 Page 838 and receipt in Deed Book 246 Page 714 in Probate Office.
5. Agreement and Lease to The Anschutz Corporation covering certain mineral interests, including, but not limited to oil, gas, petroleum, sulphur and helium, as set out in Deed Book 330 Page 855 in Probate Office.

This instrument is executed without warranty or representation of any kind on part of The First National Bank of Birmingham as Trustee u/w/o W. G. Nichols, deceased; expressed or implied, except that there are no liens or encumbrances outstanding against the premises conveyed which were created or suffered by The First National Bank of Birmingham and not specifically excepted herein.

This instrument is executed by the Trustee hereinbefore named solely in the representative capacity named herein, and neither this instrument nor anything herein contained shall be construed as creating any indebtedness or obligation on its part in its individual or corporate capacity, and it expressly limits its liability hereunder to the property now or hereafter held by it in the representative capacity named.

IN WITNESS WHEREOF, THE FIRST NATIONAL BANK OF BIRMINGHAM as Trustee u/w/o W. G. Nichols, deceased, has caused this conveyance to be executed in its name and on its behalf in its capacity as hereinbefore stated on this the 3RD day of FEBRUARY, 1982.

THE FIRST NATIONAL BANK OF BIRMINGHAM,  
Birmingham, Alabama, as Trustee u/w/o  
W. G. Nichols, deceased.

ATTEST:

J Michael Smith  
Farm Management Officer

BY: Henry A Long Jr  
Senior Vice President and Trust Officer

( STATE OF ALABAMA )

( JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Henry A. Long, Jr. and J. Michael Smith, whose names as Senior Vice President and Trust Officer and Farm Management Officer, respectively, of The First National Bank of Birmingham, a corporation, as Trustee u/w/o W. G. Nichols, deceased, 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 said conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation, acting in the capacity as Trustee as aforesaid.

Given under my hand and official seal this 3rd day of February, 1982.

Patricia E. Brown  
Notary Public  
My Commission Expires: 6-21-84

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

1982 FEB -8 AM 8:19

Thomas A. Shelden, Jr.  
JUDGE OF PROBATE

Deed 37.50  
Rec. 3.00  
Ind. 1.00  
41.50

BOOK 337 PAGE 674

