

(Name) WALLACE, ELLIS, HEAD & FOWLER

(Address) COLUMBIANA, ALABAMA 35051

Form 1-1-27 Rev. 1-66

WARRANTY DEED—Lawyers Title Insurance Corporation, Birmingham, Alabama

STATE OF ALABAMA

Shelby COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Twelve thousand five hundred and no/100 (\$12,500.00) Dollars

to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we, HAROLD HALL and GEORGE BENTLEY, as Trustees under the provisions of deed dated February 15, 1971 recorded in Probate Office of Shelby County, Alabama, in Deed Book 266, page 341

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

✓ George T. Bentley

(herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein which said Exhibit "A" is signed by grantor for the purpose of identification.

All property conveyed hereby except that which has been previously subdivided by map recorded in the Office of Judge of Probate of Shelby County, Alabama, shall be subject to the restrictions and covenants shown on Exhibit "X" attached hereto and made part and parcel hereof as fully as if set out herein which said restrictions shall be binding on grantees, whether one or more, their heirs, successors and assigns.

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

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons. who is authorized to execute this conveyance,

IN WITNESS WHEREOF grantor have hereunto set its signature hands(s) and seal(s), this 30th day of June, 1982

(Seal)

(Seal)

(Seal)

STATE OF ALABAMA

Shelby COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Harold Hall and George Bentley

whose name s as trustees 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, as such trustees, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30th day of June, A. D., 1982

Harold Hall (Seal)  
George Bentley (Seal)  
AS TRUSTEES UNDER PROVISIONS OF DEED (Seal)  
DATED FEBRUARY 15, 1971 RECORDED IN  
PROBATE OFFICE OF SHELBY COUNTY, ALABAMA,  
IN DEED BOOK 266, PAGE 341  
General Acknowledgment

Frank Ellis Jr. (Seal)  
Notary Public.

It was p1  
P.O. Box 1206  
Columbus, AL 35051

EXHIBIT "A"

Lot 2 in the 1976 Addition to Shelby Shores, recorded in Map Book 6, page 107 in the Probate Records of Shelby County, Alabama;

There is also conveyed to grantee, with reference to any water front lots, any land or interest therein owned by grantor which lies between the water front lot line and the 397 ft. contour line of Lay Lake.

A tract of land described as "Parcel 5" on Exhibit "B" attached hereto and made part and parcel hereof as fully as if set out herein which said Exhibit "B" is signed by grantor for the purpose of identification and has attached thereto Exhibit "B-1";

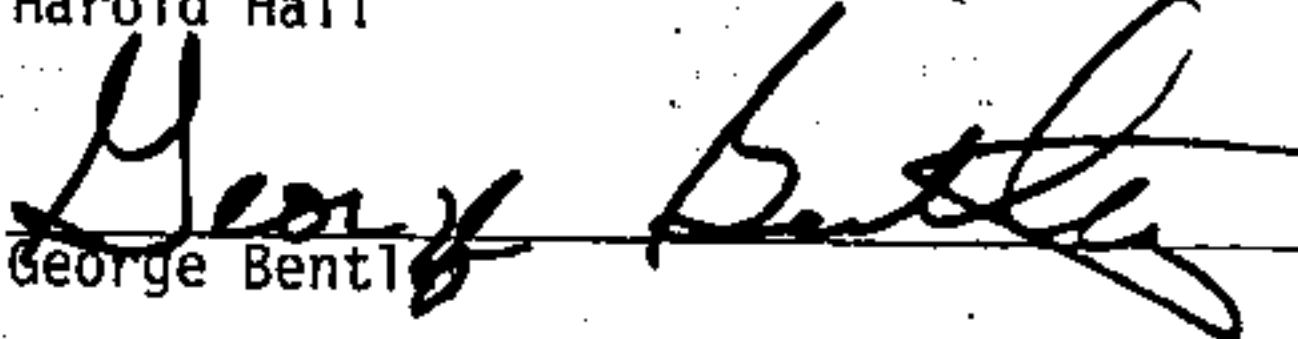
A tract of land described as "Parcel 25" on Exhibit "C" attached hereto and made part and parcel hereof as fully as if set out herein which said Exhibit "C" is signed by grantor for the purpose of identification;

A tract of land described as "Parcel 25A" on Exhibit "D" attached hereto and made part and parcel hereof as fully as if set out herein which said Exhibit "D" is signed by grantor for the purpose of identification;

A tract of land described as "Parcel 26" on Exhibit "E" attached hereto and made part and parcel hereof as fully as if set out herein which said Exhibit "E" is signed by grantor for the purpose of identification, SUBJECT TO covenants and restrictions applicable to Map of Shelby Shores recorded in Map Book 4, page 75 in the Probate Records of Shelby County, Alabama.

SIGNED FOR IDENTIFICATION BY GRANTOR:

  
Harold Hall

  
George Bentley

AS TRUSTEES UNDER THE PROVISION OF DEED  
DATED FEBRUARY 15, 1971 RECORDED IN  
PROBATE OFFICE OF SHELBY COUNTY, ALABAMA,  
IN DEED BOOK 266, page 341.

EXHIBIT "B"

PARCEL 5

Commence at the Southwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 1, T22S, R1E; Thence proceed in an Easterly direction along the South boundary of said  $\frac{1}{4}$  for a distance of 238.65 feet to a point; Thence turn an angle of 114° 21' 14" right and run 191.56 feet to a point, being the point of beginning of the parcel of land herein described; Thence continue in the same direction for a distance of 280.00 feet to a point; Thence turn an angle of 90° 00' left and run 442.30 feet to a point; Thence turn an angle of 24° 14' 53" left and run 75.24 feet to a point; Thence turn an angle of 69° 57' 17" left and run 236.32 feet to a point; Thence turn an angle of 31° 25' 48" left and run 16.52 feet to a point; Thence turn an angle of 54° 22' 02" left and run 483.97 feet to the point of beginning. Said parcel of land is lying in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, T22S, R1E, and contains 3.2 acres, more or less. Excepted from said parcel is any and all portions of lands that lie below the datum plane of 397 feet above mean sea level as established by the USC & G Survey. Said parcel is also subject to a flood right up to the datum plane of 398 feet above mean sea level.

Also, an easement for ingress and egress and installation of utilities over and across road easement described on Exhibit "B-1" attached hereto and made part and parcel hereof as fully as if set out herein, which said Exhibit "B-1" is signed by grantor for identification.

SIGNED FOR IDENTIFICATION BY GRANTOR:

*Harold Hall*

Harold Hall

*George Bentley*

George Bentley

AS TRUSTEES UNDER PROVISIONS OF DEED DATED  
FEBRUARY 15, 1971, RECORDED IN PROBATE OFFICE  
OF SHELBY COUNTY, ALABAMA, IN DEED BOOK 266,  
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## ROAD EASEMENT FOR ACCESS TO PARCELS 1 THROUGH 13

Commence at the Southwest Corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 12, T22S, R1E; Thence proceed in an Easterly direction along the South boundary of said  $\frac{1}{4}$  for a distance of 406.69 feet to a point, being the point of beginning of the centerline of a 60 foot easement herein described; Thence turn an angle of 94° 52' 21" left and run 427.20 feet; Thence run along a curve to the right (Concave Easterly and radius = 435.87') for an arc distance of 175.70 feet; Thence run along a tangent section for 724.43 feet; Thence run along a curve to the right (Concave Southeasterly and radius = 227.17') for an arc distance of 111.37 feet; Thence run along a tangent section for 26.9 feet; Thence run along a curve to the left (Concave Northwesterly and radius = 7544.81') for an arc distance of 359.93 feet; Thence run along a tangent section for 15.52 feet; Thence run along a curve to the left (Concave Northwesterly and radius = 3583.17') for an arc distance of 199.95 feet; Thence run along a tangent section for 174.95 feet; Thence run along a curve to the left (Concave Northwesterly and radius = 848.69') for an arc distance of 238.42 feet; Thence run along a tangent section for 545.60 feet; Thence run along a curve to the left (Concave Westerly and radius = 399.17') for an arc distance of 167.96 feet; Thence run along a tangent section for 146.04 feet; Thence turn an angle of 48° 01' 34" right and run 91.50 feet; Thence run along a curve to the right (Concave Southeasterly and radius = 390.59') for an arc distance of 157.82 feet; Thence run along a tangent section for 48.18 feet to the point of ending. Said easement shall be sixty (60) feet in width, thirty feet each side of the above described centerline. Said easement is located in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SE $\frac{1}{4}$  and SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 1, T22S, R1E, and the NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 12, T22S, R1E.

SIGNED FOR IDENTIFICATION BY GRANTOR:

  
 Harold Hall

  
 George Bentley

AS TRUSTEES UNDER PROVISIONS OF DEED DATED  
 FEBRUARY 15, 1971, RECORDED IN PROBATE OFFICE  
 OF SHELBY COUNTY, ALABAMA, IN DEED BOOK 266,  
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PARCEL 25

Commence at the SW Corner of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 7, T22S, R2E; Thence run Northerly along the West Boundary line of said  $\frac{1}{4}$  Section a distance of 747.22 feet to a point; Thence turn an angle of 90° to the left and run a distance of 249.82 feet to a point on the Southeast right-of-way line of Shelby County Highway 42 being the point of beginning of the parcel of land herein described; Thence turn an angle of 166° 34' 02" to the right and run along said right-of-way line a distance of 193.62 feet to a point; Thence continue along said right-of-way line along a curve to the left (Concave Northwesterly) having a radius of 1730.81 feet, and a central angle of 5° 17' 34" an arc distance of 159.89 feet to a point; Thence continue along said right-of-way line along the tangent of said curve a distance of 766.12 feet to a point; Thence continue along said right-of-way line along a curve to the right (Concave Southerly) having a radius of 182.69 feet and a central angle of 44° 37' 35" an arc distance of 142.29 feet to a point; Thence continue along said right-of-way line along the tangent of said curve a distance of 194.25 feet to a point; Thence continue along said right-of-way line along a curve to the left (Concave Northerly) having a radius of 151.26 feet and a central angle of 57° 25' 00", an arc distance of 151.58 feet to a point; Thence continue along said right-of-way line along the tangent of said curve a distance of 163.00 feet to a point; Thence continue along said right-of-way line along a curve to the right (Concave Southerly) having a radius of 115.91 feet and a central angle of 31° 54' an arc distance of 64.53 feet to a point; Thence continue along said right-of-way line along the tangent of said curve a distance of 200.52 feet to a point; Thence continue along said right-of-way line along a curve to the right (Concave Southerly) having a radius of 289.37 feet and a central angle of 54° 40' an arc distance of 276.09 feet to a point; Thence continue along said right-of-way line along the tangent of said curve a distance of 157.24 feet to a point; Thence turn an angle of 52° 37' 39" to the right and leaving said right-of-way line run a distance of 26.00 feet to a point near the waters edge of Lay Lake; Thence turn the following angles and run the following distances along and near said waters edge viz:

██████████ ██████████ ██████████

136° 56' 24" right for 65.80 feet; 19° 12' 10" left for 103.28 feet; 51° 45' 50" left for 66.27 feet; 34° 23' 06" left for 97.31 feet; 9° 54' 00" left for 153.91 feet; 3° 04' 12" left for 118.41 feet; 7° 42' 20" left for 56.44 feet; 12° 19' 37" left for 106.90 feet; 16° 59' 05" right for 111.50 feet; 6° 20' 36" right for 85.80 feet; 1° 30' 21" left for 246.61 feet; 5° 02' 37" right for 113.15 feet; 77° 47' 24" right for 88.51 feet; 8° 18' 22" right for 140.46 feet; 2° 26' 43" right for 167.71 feet; 20° 54' 58" right for 83.63 feet; 14° 09' 50" right for 114.54 feet; 31° 46' 55" right for 231.53 feet; 2° 52' 12" right for 70.38 feet; 30° 32' 48" left for 57.56 feet; 70° 42' 02" left for 50.99 feet; 53° 17' 50" left for 53.81 feet; 39° 42' 56" left for 48.51 feet; 15° 19' 56" right for 122.25 feet; 4° 28' 37" right for 99.76 feet; 38° 02' 55" right for 197.89 feet; 5° 04' 37" right for 108.78 feet; 12° 57' 56" left for 89.36 feet; 28° 27' 26" left for 110.64 feet; 2° 35' 20" left for 351.98 feet; Thence turn an angle of 4° 13' 57" right and leaving said waters edge run a distance of 117.52 feet to an iron pin. Thence turn an angle of 128° 13' 56" to the right and run a distance of 924.74 feet to the point of beginning. Said parcel of land is lying in the NE¼ of SW¼, NW¼ of SE¼, SW¼ of SE¼ and NE¼ of SE¼, all in Section 7, T22S, R2E and contains 28 acres more or less.

SIGNED FOR IDENTIFICATION BY GRANTOR:

  
 Harold Hall

  
 George Bentley

AS TRUSTEES UNDER PROVISIONS OF DEED DATED  
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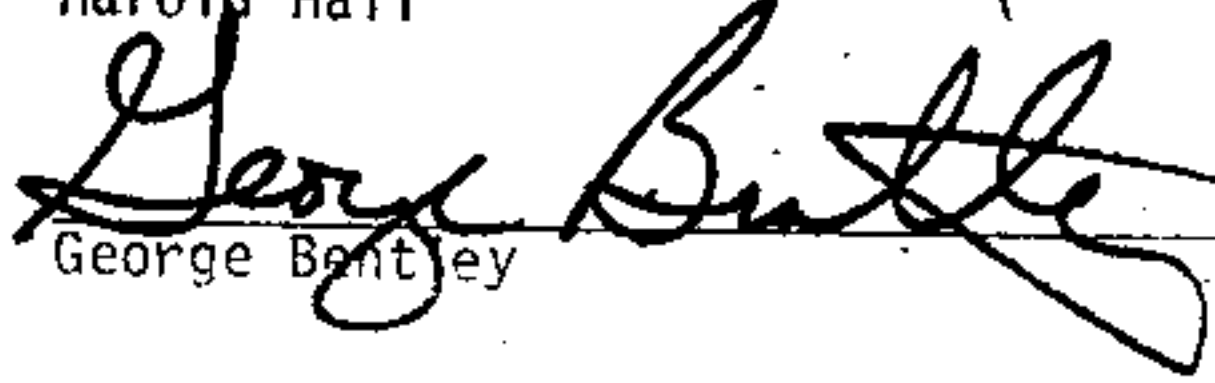
EXHIBIT "D"

PARCEL 25 A

A small island containing approximately 0.6 acre which has a center point located approximately as follows: Commence at the SW Corner of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 7, T22S, R2E and run N 73° 00' E Magnetic Bearing a distance of 380 feet to the approximate center point of said island. Said island is lying in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 7, T22S, R2E. Excepted from Parcels 25 and 25A are any and all portions of land that lie below the datum plane of 397 feet above mean sea level as established by the USC & G Survey. Said parcels are also subject to a flood right up to the datum plane of 398 feet above mean sea level.

SIGNED FOR IDENTIFICATION BY GRANTOR:

  
Harold Hall

  
George Bentley

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PARCEL 26

Begin at the Northeast Corner of Lot 1 of the 1974 Addition to Shelby Shores, Phase II, as recorded in Map Book 6, page 33, Probate Office, Shelby County, being a point on the West Right-of-way line of Fowler Lane; Thence run in a Northeasterly direction along said R.O.W. along a curve to the left (Concave Northwesterly and radius = 336.60') for an arc distance of 111.62 feet; Thence continue along said right-of-way along a tangent section for 124.92 feet; Thence turn an angle of 67° 45' 36" left and run 83.55 feet; Thence run along a curve to the right (Concave Northeasterly and radius = 814.06') for an arc distance of 104.35 feet; Thence run along a tangent section for 179.52 feet; Thence turn an angle of 133° 23' 34" left and run 202.01 feet; Thence turn an angle of 38° 40' right and run 52.46 feet; Thence turn an angle of 85° 53' 03" left and run 323.20 feet to the point of beginning. Said parcel of land is located in the NE¼ of SE¼, Section 7, T22S, R2E, and contains 1.6 acres.

Excepted from said parcel is any and all portions of lands that lie below the datum plane of 397 feet above mean sea level as established by the USC & G Survey. Said parcel is also subject to a flood right up to the datum plane of 398 feet above mean sea level.

SIGNED FOR IDENTIFICATION BY GRANTOR:

*Harold Hall*

Harold Hall

*George Bentley*

George Bentley

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EXHIBIT "X"  
RESTRICTIONS

1. These restrictions shall not apply to nor in any way change or modify existing restrictions on any lot or parcels previously subdivided and shown on recorded plats in the Probate Office of Shelby County, Alabama.

2. The premises shall be conveyed and shall be used exclusively for residential purposes. No business or commercial activity shall be allowed. Any property may be divided provided that no house or other structure used for any living quarters whatsoever shall be constructed on any parcel which shall contain less than 30,000 square feet of land area except as to Parcel 29 on the 1982 Survey which must have a minimum of 20,000 square feet in such water front lots. No more than one single family dwelling per 30,000 square feet of land area shall be allowed (20,000 square feet as to said Parcel 29). In addition to said one single family dwelling, the owner of each such parcel shall be allowed to build no more than one guest house and one other out structure in addition to a boat house on water front lots. In no event, however, shall the total number of structures, excluding a boat house on water front lots, exceed a total number of three.

3. Buildings shall be neat in appearance, and no building or structure shall be moved, constructed or erected on the premises, that may be considered detrimental to the neighborhood. Wood exteriors shall be stained or painted with two coats of paint or stain. Yards and property must be kept clean and neat in appearance.

4. No outside toilets shall be allowed and sanitary arrangements must comply with State and Local laws and regulations.

5. No residence of less than 700 square feet of heated area shall be erected or constructed.

6. There shall be no building, porch or projection extending nearer than thirty-five (35) feet from the front or road line of any lot or within twenty-five (25) feet from the property line of any abutting property owner. No building other than a pier or boat house not used for human occupancy, shall be constructed with any projection thereof extending nearer than fifty (50) feet to the normal high water mark of Lay Lake.

7. No animal or fowl shall be kept or maintained on said property except as herein provided but nothing herein shall be construed to prevent or prohibit the owner from keeping as a domestic pet a cat, dog or birds provided the number thereof and the existence thereof do not constitute an interference with the ability of other property owners to enjoy their property. The owner of any parcel containing three (3) or more acres may have horses or cattle totaling not more than one such animal per acre. House trailers and mobile homes of any and every type shall be prohibited. No house or structure of any kind or character shall be allowed which now has or has ever had affixed to the same any wheels or an axle or axles used for transporting the same, or which now has or has ever had an original exterior wall or walls constructed out of a metallic substance of any kind. Nothing contained herein shall prevent, however, the installation of aluminum or metal siding of an attractive nature and color over an original exterior wall constructed of wood on a building already located on the property. No building or structure shall be allowed which has ever been sold or advertised as a mobile home, house trailer or a modular home or which has ever been sold by or through any dealer or other person who engages in the sale of such.

8. No property may be subdivided or reduced in size by voluntary alienation, judicial sale or other proceedings unless done in compliance with these restrictions.

9. No property shall be sold or used for the purpose of extending any public or private road, street or alley, or for the purpose of opening any road, street or alley except for the sole and limited purpose of such road, street or alley which is restricted to provide ingress and egress to and from any portion of property which was described in that certain deed dated October 21, 1959, in favor of Lewis B. Walker, Wales W. Wallace, Jr., George Horn, Margaret Christie, Roy Downs, Conrad M. Fowler and Harold Hall and recorded in Deed Book 205, Page 369, in the Probate Records of Shelby County, Alabama, less and except any portion thereof previously conveyed to Shelby Shores, Inc. and such road, street or alley not be used to provide ingress or egress directly or indirectly to any other property.

10. These restrictions shall be considered as covenants running with the land and shall bind the purchaser and his heirs, executors, administrators, and all future assigns of said premises or any part or parts thereof. These said covenants may be changed by a majority of the following after twenty-five (25) years from the date hereinafter, to-wit: Diane B. Ellis, George Bentley, Dorothy D. Schroeder, William Schroeder, David P. Downs, Conrad M. Fowler,

es W. Wallace, Jr., and Har [redacted] all (hereinafter referred to as "original owners"), or their heirs, successors and assigns. These restrictions are imposed for the sole benefit of the owners named in this paragraph and their heirs, successors and assigns coming into existence or occurring after May 15, 1982.

11. The exterior finish and general clean-up of construction must be completed within one year after starting construction of cottage. Any unfinished or temporary type of material is prohibited for use on the exterior of any residence.

12. No pier, boat house, or other structure of any kind whatsoever shall be constructed out in the water or in or below the normal water level of Lay Lake or its backwaters, or any part thereof, if the same interferes with the reasonable and convenient use of water and water access by the persons, firms or corporations owning water front property.

13. No owner of any water front property shall provide any public launching site for the purpose of launching boats or other access to the water and no public launching sites will be allowed except for the limited use of such owner and his heirs, successors and assigns, and their personal guests.

14. The following restrictions shall apply only to that property lying West of Kelly Creek, sometimes referred to as Flat Branch, and shall be construed as additional restrictions on that property in addition to all of the above restrictions.

(1) Each owner, his heirs, successors and assigns, shall have a right-of-way for ingress and egress over and along the existing road constructed in 1981 and shall have the right to install or have installed electric lines, telephone lines, gas and water lines over and along the right-of-way thereof. Each owner, their heirs, successors and assigns, shall have responsibility for using said road in a manner which will not damage the same and shall be responsible for repairing any damage which may be caused by such owner or his or her heirs, successors or assigns. All owners, their heirs, successors and assigns who have constructed any improvements on said property or any part thereof shall be responsible jointly for the general up keep and maintenance of said road. A committee shall be formed with each separate property owner or parcel having one membership on said committee. In the event there is more than one owner named on any given deed, said owners shall have the right to designate one representative on the committee. Any committee member who owns more than one parcel in such area shall have an additional vote on said committee for such additional parcel provided, however, that no parcel may be subdivided simply for the purpose of providing more votes on said committee. Such committee will decide by majority vote when and if maintenance work needs to be done on said property and shall fairly allocate or divide the cost thereof among those owners having responsibility for road maintenance as above specified. Once said sum is allocated, the same shall be due and payable by such owner within thirty days and shall thereafter constitute a lien against the land of the owner thus assessed. This committee shall be a separate committee from the committee of the original owners or grantees as hereafter described. It is understood and agreed that a maintenance fund in the amount of Five Thousand and no/100 (\$5,000.00) Dollars shall be established in the names of one or more of the original grantees named in Paragraph 10 above. The proceeds of said fund shall be maintained solely and exclusively in the name or names of one or more of such original owners as long as one or more of such original owners survive and may be used by such original owner or owners in their sole discretion for such general road maintenance as is desired by the remaining original owners. In the event any original owner dies while still owning a property in this area, his surviving spouse or children who become subsequent owners thereof by inheritance shall have the right to take the place of such original owner in relationship to said fund. The existence of this

-3-

fund will not in any way diminish or relieve any owner of any property of the duty to contribute his, her or its share of road maintenance.

(2) In the event any parcels West of Kelly Creek, sometimes called Flat Branch, are ever subdivided or reduced in size, volutarily or involuntarily, by judicial order, or otherwise, each such water front parcel shall have at least 150 feet of water front and contain at least one and one-half acre in size; any such nonwater front parcel must contain at least three acres. In the event all of the land West of the 1981 constructed access road in any original parcel as described in the original division in 1982 shall contain less than three acres, the same may still be used as one separate parcel but may not be further subdivided.

(3) If any original parcel as described on the 1982 Survey shall have constructed thereon, whether later subdivided or not, more than two residences, the owner of the third residence and each residence thereafter, prior to construction, shall contribute the sum of \$1,000.00 per residence to the owners' road fund above referred to, the same to be used by the original owners in their sole discretion as above provided.

(4) In the event a majority of the above named original owners who still own property in this area desire to do so, they may install a gate across the entrance road at the South property line, provided all owners, original and subsequent, are given keys if same is locked.

(5) As long as any one or more of the original owners survives, they will have the right to dedicate the 1981 access road as a public road in the event Shelby County shall indicate a willingness to accept the same.

(6) The original owners reserve the right to change or modify these restrictions by a majority vote of the said original owners within the next 25 years. Thereafter, said restrictions may be modified only by the general membership committee described above.

Dated this 30 day of June, 1982.

Diane B. Ellis  
Diane B. Ellis

George T. Bentley  
George T. Bentley

Dorothy D. Schroeder  
Dorothy D. Schroeder

William M. Schroeder  
William M. Schroeder

David P. Downs  
David P. Downs

Conrad M. Fowler  
Conrad M. Fowler

Wales W. Wallace, Jr.  
Wales W. Wallace, Jr.

Harold Hall  
Harold Hall

RECEIVED  
JUL 8 1982  
JUL 8 1982

1982 JUL -8 AM 9:15

Deed Tax 12.50  
Rec 16.50  
Jud 1.00  
30.00

JUDGE OF PROBATE

BOOK 340 PAGE 811