

1117

This deed corrects and replaces that certain deed recorded in Deed Book 349, Page 87, Probate Office of Shelby County, Alabama.

The property conveyed by the within Statutory Warranty Deed is covered by the Mortgage described below and the value given for the property is no greater than the indebtedness owing under such Mortgage.

THIS INSTRUMENT WAS PREPARED BY:
Randolph H. Lanier
Balch, Bingham, Baker, Hawthorne,
Williams & Ward
500 North 18th Street
Birmingham, Alabama 35203

STATE OF ALABAMA)
)
COUNTY OF SHELBY) STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, Percy W. Brower, Jr., a married man (the "Grantor") has heretofore executed and delivered to THE HARBERT-EQUITABLE JOINT VENTURE under Joint Venture Agreement dated January 30, 1974 (the "Grantee") that certain mortgage recorded in Mortgage Book 415, beginning at page 781, in the office of the Judge of Probate of Shelby County, Alabama (the "Mortgage"), covering the Property described on Exhibit "A" attached hereto and made a part hereof (the "Property"); and

WHEREAS, Grantor has requested that he be permitted to, and has agreed to, convey the Property to Grantee in consideration of a credit by Grantee to Grantor from and against the indebtedness secured by the Mortgage; and

WHEREAS, the Grantor and the Grantee have mutually agreed upon the credit and Grantor acknowledges that such credit and other considerations given to Grantor by Grantee is fair, equitable, beneficial and to the best interest of Grantor; and

WHEREAS, the Grantee, by the acceptance of this Deed, shall in consideration thereof, credit the full amount of the indebtedness secured by the Mortgage.

NOW, THEREFORE, in consideration of the premises and of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantor by the Grantee, the receipt of which the Grantor hereby acknowledges, and the aforesaid agreement of the Grantee to credit the full amount of the indebtedness secured by the Mortgage, the Grantor does hereby GRANT, BARGAIN, SELL and CONVEY unto THE HARBERT-EQUITABLE JOINT VENTURE, under Joint Venture Agreement dated January 30, 1974, all of that certain real property situated in Shelby County, Alabama, and more particularly described in Exhibit A attached hereto and made a part hereof, together with any and all rights of redemption, statutory or equitable, of the

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Colman Little

Grantor with respect thereto. Grantor expressly makes this conveyance without reservation or retention of any rights of redemption, statutory or equitable.

TO HAVE AND TO HOLD to THE HARBERT-EQUITABLE JOINT VENTURE, its successors and assigns, in fee simple forever, subject to:

1. Ad valorem taxes for the current year.
2. Mineral and mining rights not conveyed to Grantor in deed recorded in Deed Book 335, Pages 175-178, Probate Office of Shelby County, Alabama.
3. Any applicable zoning ordinances.
4. Easements, rights of way, reservations, agreements, restrictions and setback lines of record excepted in deed recorded in Deed Book 335, Pages 175-178, Probate Office of Shelby County, Alabama.

It is understood and agreed that the lien and title of the Mortgage shall be merged in the title hereby conveyed only in the event of the full effectiveness of this conveyance according to the terms and provisions expressed herein, and that if for any reason this conveyance shall be held ineffective in any particular, or in the event of the setting aside of this conveyance in any proceedings instituted under the bankruptcy or other law, or in the event the survival of the lien and title of the Mortgage is necessary or appropriate to protect the interest and complete title of Grantee, the Grantee shall be subrogated to, or shall be considered to have retained, all of its lien, title and rights under the Mortgage and the note secured thereby, and in any such event the Grantee shall have the right to proceed to a foreclosure of the Mortgage as determined by Grantee in all respects as if this instrument had not been executed.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument and set his hand and his seal hereunto, as of the 15th day of August, 1983.

WITNESS:

Dana Basinger

Percy W. Brower, Jr.
Percy W. Brower, Jr.

STATE OF ALABAMA)

COUNTY OF)

I, Priscilla J. Cantor, a Notary Public in and for said County in said State, hereby certify that Percy W. Brower, Jr., whose name is signed to the foregoing instrument, and who is known to me, acknowledged

before me on this day that, being informed of the contents of the instrument,
he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 15th day of Aug.,
1983.

Priscilla J. Cantone
Notary Public

My commission expires: My Commission Expires April 16, 1984

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EXHIBIT A

Part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Beginning at the Northwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West run in an Easterly direction along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 630.04 feet; thence turn an angle to the right of 90 deg. and run in a Southerly direction for a distance of 283.43 feet; thence turn an angle to the left of 90 deg. and run in an Easterly direction for a distance of 228.61 feet; thence turn an angle to the right of 51 deg. 10' 41" and run in a Southeasterly direction for a distance of 124.77 feet; thence turn an angle to the left of 90 deg. and run in a Northeasterly direction for a distance of 70.82 feet; thence turn an angle to the right of 90 deg. and run in a Southeasterly direction for a distance of 70.00 feet; thence turn an angle to the left of 90 deg. and run in a Northeasterly direction for a distance of 45.20 feet to a point of curve, said curve being concave in a Northwesterly direction and having the following characteristics: a central angle of 31 deg. 15' 49", a radius of 385.00 feet; thence turn an angle to the left and run along the arc of said curve for a distance of 210.08 feet to the end of said curve; thence tangent to the end of said curve, run in a Northeasterly direction for a distance of 5.22 feet to a point of a second curve, said second curve being concave in a Southeasterly direction and having the following characteristics: a central angle of 13 deg. 16' 47" and a radius of 365.00 feet; thence turn an angle to the right and run along the arc of said curve for a distance of 84.60 feet to the end of said curve; thence tangent to the end of said curve, run in a Northeasterly direction for a distance of 9.90 feet to a point on the Southwesterly right-of-way line of Old Montgomery Highway; thence turn an angle to the right of 160 deg. 16' 18" and leaving said right-of-way line run in a Southwesterly direction for a distance of 396.13 feet; thence turn an angle to the right of 38 deg. 21' and run in a Southwesterly direction for a distance of 280.0 feet; thence turn an angle to the right of 28 deg. 55' and run in a Southwesterly direction for a distance of 78.20 feet; thence turn an angle to the right of 10 deg. 34' 28" and run in a Westerly direction for a distance of 434.93 feet; thence turn an angle to the right of 18 deg. 02' 05" and run in a Northwesterly direction for a distance of 211.94 feet; thence turn an angle to the left of 34 deg. 45' 03" and run in a Southwesterly direction for a distance of 248.34 feet; thence turn an angle to the left of 21 deg. 20' 03" and run in a Southwesterly direction for a distance of 242.02 feet; thence turn an angle to the left of 12 deg. 42' 23" and run in a Southwesterly direction for a distance of 200.0 feet; thence turn an angle to the left of 14 deg. 00' 22" and run in a Southwesterly direction for a distance of 203.91 feet; thence turn an angle to the right of 2 deg. 19' 10" and run in a Southwesterly direction for a distance of 267.68 feet; thence turn an angle to the right of 47 deg. 00' 18" and run in a Southwesterly direction for a distance of 76.84 feet; thence turn an angle to the right of 103 deg. 31' 28" and run in a Northerly direction for a distance of 1,328.74 feet; thence turn an angle to the right of 49 deg. 07' 35" and run in a Northeasterly direction for a distance of 101.97 feet to a point on the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence turn an angle to the right of 41 deg. 41' 22" and run in an Easterly direction along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 499.53 feet; thence turn an angle to the right of 90 deg. and leaving said $\frac{1}{4}$ - $\frac{1}{4}$ Section line run in a Southerly direction for a distance of 50.0 feet; thence turn an angle to the left of 90 deg. and run in an Easterly direction for a distance of 50.0 feet; thence turn an angle to the left of 90 deg. and run in a Northerly direction for a distance of 50.0 feet to a point on the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence turn an angle to the right of 90 deg. and run in an Easterly direction along said North line of $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 34.0 feet, more or less, to the point of beginning.

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

1983 AUG 23 AM 9:10

Corrected
Thomas A. Snowden, Jr.
JUDGE OF PROBATE

Fee 6.00
Jud 1.00
7.00

STATE OF ALABAMA

)

1118

SHELBY COUNTY

)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) to PERCY W. BROWER, JR. and wife, ELISABETH BROWER in hand paid by THE HARBERT-EQUITABLE JOINT VENTURE, the receipt whereof is hereby acknowledged, we do remise, release, quit claim and convey to the said The Harbert-Equitable Joint Venture all our right, title, interest, and claim in or to the following described real estate, to wit:

All that certain real property located in Shelby County, Alabama, and more particularly described on Exhibit A hereto, together with any and all of our rights of redemption, statutory or equitable, with respect to the property described on Exhibit A hereto.

TO HAVE AND TO HOLD to the said The Harbert-Equitable Joint Venture, its successors and assigns forever.

Given under our hands and seals this 15th day of August, 1983.

Executed and delivered in the presence of:

Dana Businger

Dana Businger

Percy W. Brower, Jr. (SEAL)
Percy W. Brower, Jr.

Elisabeth Brower (SEAL)
Elisabeth Brower

STATE OF ALABAMA

)

COUNTY OF

Jefferson

I, Dwight J. Carbone, a Notary Public in and for said County in said State, hereby certify that Percy W. Brower, Jr. and wife Elisabeth Brower, whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing instrument, they executed the same voluntarily.

Given under my hand and official seal of office this 15th day of August, 1983.

Dwight J. Carbone
Notary Public

My Commission expires: My Commission Expires April 16, 1984

EXHIBIT A

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Part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Beginning at the Northwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West run in an Easterly direction along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 630.04 feet; thence turn an angle to the right of 90 deg. and run in a Southerly direction for a distance of 283.43 feet; thence turn an angle to the left of 90 deg. and run in an Easterly direction for a distance of 228.61 feet; thence turn an angle to the right of 51 deg. 10' 41" and run in a Southeasterly direction for a distance of 124.77 feet; thence turn an angle to the left of 90 deg. and run in a Northeasterly direction for a distance of 70.82 feet; thence turn an angle to the right of 90 deg. and run in a Southeasterly direction for a distance of 70.00 feet; thence turn an angle to the left of 90 deg. and run in a Northeasterly direction for a distance of 45.20 feet to a point of curve, said curve being concave in a Northwesterly direction and having the following characteristics: a central angle of 31 deg. 15' 49", a radius of 385.00 feet; thence turn an angle to the left and run along the arc of said curve for a distance of 210.08 feet to the end of said curve; thence tangent to the end of said curve, run in a Northeasterly direction for a distance of 5.22 feet to a point of a second curve, said second curve being concave in a Southeasterly direction and having the following characteristics: a central angle of 13 deg. 16' 47" and a radius of 365.00 feet; thence turn an angle to the right and run along the arc of said curve for a distance of 84.60 feet to the end of said curve; thence tangent to the end of said curve run in a Northeasterly direction for a distance of 9.90 feet to a point on the Southwesterly right-of-way line of Old Montgomery Highway; thence turn an angle to the right of 160 deg. 16' 18" and leaving said right-of-way line run in a Southwesterly direction for a distance of 396.13 feet; thence turn an angle to the right of 38 deg. 21' and run in a Southwesterly direction for a distance of 280.0 feet; thence turn an angle to the right of 28 deg. 55' and run in a Southwesterly direction for a distance of 78.20 feet; thence turn an angle to the right of 10 deg. 34' 28" and run in a Westerly direction for a distance of 434.93 feet; thence turn an angle to the right of 18 deg. 02' 05" and run in a Northwesterly direction for a distance of 211.94 feet; thence turn an angle to the left of 34 deg. 45' 03" and run in a Southwesterly direction for a distance of 248.34 feet; thence turn an angle to the left of 21 deg. 20' 03" and run in a Southwesterly direction for a distance of 242.02 feet; thence turn an angle to the left of 12 deg. 42' 23" and run in a Southwesterly direction for a distance of 200.0 feet; thence turn an angle to the left of 14 deg. 00' 22" and run in a Southwesterly direction for a distance of 203.91 feet; thence turn an angle to the right of 2 deg. 19' 10" and run in a Southwesterly direction for a distance of 267.68 feet; thence turn an angle to the right of 47 deg. 00' 18" and run in a Southwesterly direction for a distance of 76.84 feet; thence turn an angle to the right of 103 deg. 31' 28" and run in a Northerly direction for a distance of 1,328.74 feet; thence turn an angle to the right of 49 deg. 07' 35" and run in a Northeasterly direction for a distance of 101.97 feet to a point on the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence turn an angle to the right of 41 deg. 41' 22" and run in an Easterly direction along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 499.53 feet; thence turn an angle to the right of 90 deg. and leaving said $\frac{1}{4}$ - $\frac{1}{4}$ Section line run in a Southerly direction for a distance of 50.0 feet; thence turn an angle to the left of 90 deg. and run in an Easterly direction for a distance of 50.0 feet; thence turn an angle to the left of 90 deg. and run in a Northerly direction for a distance of 50.0 feet to a point on the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence turn an angle to the right of 90 deg. and run in an Easterly direction along said North line of $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 34.0 feet, more or less, to the point of beginning.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
NOTICE WAS FILED
1983 AUG 23 AM 9:15

Thomas A. Sherrill, Jr.
JUDGE OF PROBATE

Deed .50
Rec 3.00
Ind 1.00

4.50