

THE STATE OF ALABAMA
JEFFERSON COUNTY

844
2430 PAGE 971

TRUSTEES' DEED

THIS DOCUMENT WAS PREPARED BY:
John Corretti
OF CORRETTI & NEWSON
1804 - 7TH AVENUE, NORTH
BIRMINGHAM, ALABAMA 35203
PHONE (205) 251-1164

\$,000.00

57
WHEREAS, the Final Judgment dated November 16, 1983, as amended by Order dated November 18, 1983 and Amended Final Judgment dated November 22, 1983, entered in the cause of Jeanne Waters Jolly, et al, as Plaintiffs, v. Newman H. Waters, III, et al, as Defendants, in the Circuit Court of Jefferson County, Alabama, Civil Action No. CV 83 500-440 JDC (Equity), ordered and directed The Honorable Ellis P. Golden, Jr., as Standing Master, to sell the hereinafter described real property, located and situated in Shelby County and Jefferson County, in the State of Alabama, at public auction to the highest bidder for cash, in the Courtroom of The Honorable Jack D. Carl, Circuit Judge, on November 28, 1983 at 12:00 o'clock Noon; and,

PAGE 352
BOOK 352
WHEREAS, the time and place of said public auction was published in The Birmingham News and Birmingham Post-Herald both of which are newspapers of general circulation in Shelby County and Jefferson County, Alabama; and,

WHEREAS, on November 28, 1983, at said time and place, The Honorable Ellis P. Golden, Jr., as Standing Master of the Circuit Court of Jefferson County, Alabama, in accordance with and pursuant to said Final Judgment, Amended Final Judgment and Order of said Court, sold said real property at public outcry at 12:00 o'clock Noon in Room 223, Jefferson County Courthouse, to J. Ralph Jolly, as Agent, for the sum of One Million Two Hundred Forty-Six Thousand and No/100 (\$1,246,000.00) Dollars in cash, net to the Trust Estate of Newman H. Waters, Sr., Deceased, which was the highest, best, last and successful bid; and,

WHEREAS, said J. Ralph Jolly, as Agent, entered said successful bid for and on behalf of the following named persons,

Waters Enterprises

with each of them acquiring the proportionate fractional interests set out opposite their respective names, viz:

Jeanne Waters Jolly - an undivided one-tenth (1/10) interest
 Newman H. Waters, III - an undivided one-tenth (1/10) interest
 Judy Jolly Riddle - an undivided one-tenth (1/10) interest
 Anne Jolly Chalker - an undivided one-tenth (1/10) interest
 Lois Jolly McMillan - an undivided one-tenth (1/10) interest
 J. Ralph Jolly, Jr. - an undivided one-tenth (1/10) interest
 N. H. Waters, Jr. - an undivided four-tenths (4/10) interest;

and,

WHEREAS, said J. Ralph Jolly, as Agent for said Purchasers, did deposit on November 28, 1983, pursuant to Order of Court, with Jeanne Waters Jolly and J. Ralph Jolly, as Trustees of the Trust Estate of Newman H. Waters, Sr., Deceased, the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars in cash as earnest money; and,

58
 PAGE 352
 WHEREAS, on December 12, 1983 an Order was entered by The Honorable Jack D. Carl, Circuit Judge, in said cause, approving, confirming and ratifying the sale of said real property by the Standing Master; and,

BOOK
 WHEREAS, the said real property is carried as an asset in the Trust Estate of Newman H. Waters, Sr., Deceased, by said Trustees; and,

WHEREAS, the record title to said real property is vested in said Trustees of the Trust Estates of Newman H. Waters, Sr., Deceased and Anna Lois Waters, Deceased; and,

WHEREAS, the Purchasers of said real property have paid to said Trustees the total purchase price of \$1,246,000.00 in cash, net to said Trustees of the Estate of Newman H. Waters, Sr., Deceased; and,

WHEREAS, the Order entered in said cause dated December 12, 1983 orders, directs and empowers Jeanne Waters Jolly and J. Ralph Jolly, as Trustees, to execute and deliver a good and sufficient conveyance to the Purchasers of said real property, subject only to the exceptions contained in Mississippi Valley Title Insurance Company Commitment No. J-61698

heretofore filed in this cause with the Register of said Court; and,

WHEREAS, the Court has directed that said Standing Master join with said Trustees in the execution and delivery of said conveyance,

NOW, THEREFORE, in consideration of the premises and the sum of One Million Two Hundred Forty-Six Thousand and No/1000 (\$1,246,000.00) Dollars in cash, paid to Jeanne Waters Jolly and J. Ralph Jolly, as Trustees of the Trust Estates of Newman H. Waters, Sr., Deceased, and Anna Lois Waters, Deceased, the receipt, adequacy and sufficiency whereof is hereby acknowledged, said Jeanne Waters Jolly and J. Ralph Jolly, as Trustees of said Trust Estates, do hereby grant, bargain, sell and convey the real property described in Exhibit "A" which is attached hereto and incorporated herein by reference, located and situated in Jefferson County and Shelby County, Alabama, to the following named Purchasers (Grantees) in the proportionate fractional interests set out opposite their respective names:

Jeanne Waters Jolly - an undivided one-tenth (1/10) interest
 Newman H. Waters, III - an undivided one-tenth (1/10) interest
 Judy Jolly Riddle - an undivided one-tenth (1/10) interest
 Anne Jolly Chalker - an undivided one-tenth (1/10) interest
 Lois Jolly McMillan - an undivided one-tenth (1/10) interest
 J. Ralph Jolly, Jr. - an undivided one-tenth (1/10) interest
 N. H. Waters, Jr. - an undivided four-tenths (4/10) interest.

TO HAVE AND TO HOLD the proportionate fractional inerests in and to said real property unto said Grantees, their heirs and assigns, forever.

Said Ellis P. Golden, Jr., as Standing Master, joins in the execution of this conveyance in compliance with the Order entered in this cause on December 12, 1983.

IN WITNESS WHEREOF, the undersigned Jeanne Waters Jolly and J. Ralph Jolly, as Trustees under the Last Wills and Testaments of Newman H. Waters, Sr., Deceased and Anna Lois Waters, Deceased, and Ellis P. Golden, Jr., as Standing Master,

have heretuno set their hands and affixed their seals on this
12th day of December, 1983.

Jeanne Waters Jolly, Trustee
Jeanne Waters Jolly, as Trustee under
the Last Wills and Testaments of
Newman H. Waters, Sr., Deceased and
Anna Lois Waters, Deceased

J. Ralph Jolly
J. Ralph Jolly, as Trustee under
the Last Wills and Testaments of
Newman H. Waters, Sr., Deceased and
Anna Lois Waters, Deceased

Ellis P. Golden, Jr.
Ellis P. Golden, Jr., as Standing
Master

THE STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for
said County, in said State, hereby certify that Jeanne Waters
Jolly and J. Ralph Jolly, whose names as Trustees under the
Last Wills and Testaments of Newman H. Waters, Sr., Deceased
and Anna Lois Waters, 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 Trustees, and with full authority,
executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 12th
day of December, 1983.

William E. Simard, Jr.
Notary Public

My commission expires My Commission Expires May 17, 1987

THE STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for
said County, in said State, hereby certify that Ellis P.
Golden, Jr., whose name as Standing Master, is signed to the
foregoing conveyance, and who is known to me, acknowledged
before me on this day, that being informed of the contents of
said conveyance, he, as such Standing Master, and with full
authority, executed the same voluntarily on the day the same
bears date.

Given under my hand and official seal this the 12th
day of December, 1983.

William E. Simard, Jr.
Notary Public

My commission expires My Commission Expires May 17, 1987

A tract of land located along the Cahaba River in Jefferson County and Shelby County, Alabama, which is from time to time referred to as "Swann County Acreage Tract" and which is described as follows, to-wit:

NE-1/4 of SE-1/4 and all that part of SE-1/4 of SE-1/4 lying East of the Little Cahaba River, all in Section 24, Township 18, Range 2 West. Also 5 acres in the NE corner of NE-1/4 of NE-1/4, Section 25, Township 18, Range 2 West, described as follows: Beginning at the NE corner of said section, thence run in a Southerly direction along the East boundary of said Section 250.34 feet; thence run west parallel with the North boundary of said Section 870 feet; thence North parallel with the East boundary of said Section 250.34 feet to the North boundary of said Section, and run thence along said North boundary 870 feet to the point of beginning.

Also, a tract of land located in the SW-1/4 of NW-1/4 of Section 24, Township 18 South, Range 2 West, described as follows: Begin at the Southeast corner of said quarter-quarter section; thence in a Westerly direction along the Southern boundary thereof 826.13 feet; thence turning an angle of 130° and 40' to the right in a Northeasterly direction 1230.5 feet to intersection with Eastern boundary of said quarter-quarter section; thence in a Southerly direction along said Eastern boundary 933.6 feet to point of beginning; said tract of land having an area of 8.9 acres, more or less, excepting therefrom minerals and mining rights and privileges heretofore reserved.

Also, NE-1/4, SE-1/4 of NW-1/4, NE-1/4 of SW-1/4 and NW-1/4 of SE-1/4, all in Section 24, Township 18, Range 2 West, excepting therefrom minerals and mining rights and privileges heretofore reserved.

Also, a tract of land located in the NE-1/4 of NW-1/4 of Section 24, Township 18 South, Range 2 West, described as follows: Begin at the Southeast corner of said quarter-quarter section; thence in a Westerly direction along the Southern boundary thereof 930.1 feet; thence turning an angle of 134° and 41' to the right in a Northeasterly direction 1293.4 feet to intersection with the Eastern boundary of said quarter-quarter section; thence in a Southerly direction along said Eastern boundary 920.25 feet to point of beginning; said tract of land having an area of 9.8 acres, more or less, excepting therefrom minerals and mining rights and privileges heretofore reserved; containing 300 acres, more or less.

Less and except the following described real estate which was sold to Margaret C. Jackson in December, 1951, which description is attached hereto.

Part of the NE-1/4 of the SE-1/4 of Section 24, Township 18 South, Range 2 West, as follows: Commence at the Northeast corner of the NE-1/4 of SE-1/4 of said Section 24 and run West along the North boundary thereof 250 feet; thence an angle to the left of 91°33' and run South parallel with the East boundary of said NE-1/4 of SE-1/4 182.76 feet to point of beginning in the Southwest right of way of Lake Purdy Road; run thence South along same course and across Little Cahaba River 710.30 feet; thence an angle to the right of 90° and run Westerly 326.69 feet to center of Little Cahaba River; thence an angle to the left of 56°13' and run down the center of said river 105.94 feet; thence an angle to the right of 36°10' and along the center of said River 185.26 feet; thence an angle to the right of 10°53' and along the center of said River 206.32 feet; thence an angle to the right of 109°15' and Northerly 271.42 feet; thence an angle to the left of 73°44' and Northwesterly 215.72 feet; thence an

angle to the right of 48°58' and Northwesterly 102.65 feet; thence an angle to the right of 21°40' and Northeasterly 52.64 feet; thence an angle to the left of 84°53' and Northwesterly 164.52 feet to an intersection with the West boundary of said NE-1/4 of SE-1/4; thence an angle to the right of 71°56' and North along said West boundary 498.23 feet to a point 41 feet South of the Northwest corner of said NE-1/4 of SE-1/4; thence an angle to the right of 57°43' and Northeasterly 44.46'; thence an angle to the left of 15°38' and Northeasterly 21.43 feet to a point in the North boundary of said NE-1/4 of SE-1/4 which point is 52.03 feet East of the Northwest corner of said Quarter-Quarter Section; thence an angle to the right of 49°24' and run East along the North boundary of said NE-1/4 of SE-1/4 872.44 feet to its intersection with the Southwesterly Right of Way of Lake Purdy Road; thence Southeasterly along said Right of Way of Lake Purdy Road 251.8 feet to point of beginning, containing 21.93 acres (more or less). Also, part of the SE-1/4 of NE-1/4 of said Section 24 as follows:

Commence at the Southwest corner of SE-1/4 of NE-1/4 of said Section 24 and run East along the South boundary thereof 52.03 feet to point of beginning; thence turning an angle to the left of 49°24' and Northeasterly 129.67 feet; thence an angle to the right of 36°11' and Northeasterly 157.55 feet; thence an angle to the right of 41°42' and run Southeasterly 286.62 feet to an intersection with the South boundary of said SE-1/4 of NE-1/4; thence West along said South boundary 490.55 feet to the point of beginning, containing 92/100 acres, more or less. Also, part of the NW-1/4 of the SE-1/4 of said Section 24 as follows: Commence at the Northeast corner of said NW-1/4 of SE-1/4 and run South along the East boundary thereof 41 feet to point of beginning; run thence South along said East boundary 498.23 feet; thence turning an angle to the right of 108°04' and Northwesterly 481.96 feet; thence an angle to the right of 84° and Northerly 124.4 feet; thence an angle to the right of 14°33' and Northeasterly 172.66 feet; thence an angle to the right of 47°23' and Northeasterly 141.20 feet; thence an angle to the right of 49°47' and Southeasterly 95.94 feet; thence an angle to the left of 66°04' and Northeasterly 164.45 to point of beginning.

Subject to:

1. Ad valorem taxes for the current year, 1984.
2. Rights of way to Jefferson County, Alabama, for roads, as shown by deeds recorded in Volume 1710, Page 171; Volume 2700, Page 436, and Volume 2746, Page 73.
3. Minerals, mining rights, restrictions, reservations, and release of damages in Volume 2879, Page 523 and Volume 2879, Page 520.
4. Right of Way granted to Alabama Power Company by instrument(s) recorded in Volume 2806, Page 506 and Volume 5779, Page 539.

BOOK 352 PAGE 62

STATE OF ALABAMA
1 CENTURY 1911
REAL 2430 PAGE 971
DEC 12 PM 2:20

1983 DEC 20 PM 12:58

Deed Tax \$5.00
Rec 9.00
Ind 1.00
15.00

1246.00
1200
1256.00