

1575.75

This Instrument Prepared By:

Dale Corley  
2100 16th Avenue South  
Suite 300  
Birmingham, Alabama 35205

WARRANTY DEED

STATE OF ALABAMA       )  
COUNTY OF SHELBY       )

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to the undersigned grantors in hand paid by the grantee herein, the receipt whereof is acknowledged, and in addition thereto the simultaneous exchange pursuant to Section 1031 of the Internal Revenue Code of the United States by the grantee of certain real property, said transfer including the assumption of outstanding mortgages thereon being of like kind and real property situated in Chilton County, Alabama consisting of four parcels:

Eighty-eight (88) acres more or less, in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and part of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  lying south of the Jemison-Collins Chapel Road; and,

One hundred forty (140) acres, more or less, in the East  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  lying North of the Cooper-Dixie Road and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  in the North  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  Section 11, Township 20, Range 14; and,

Forty (40) acres, more or less, being a part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 12, Township 21, Range 14 East and North  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 12, Township 21, Range 14 East; and,

One hundred thirty-five (135) acres, in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 12, Township 21 Range 14 and part of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  Section 12, Township 21, Range 14 and SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , Section 12, Township 21, Range 14 and a parcel of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 7, Township 21, Range 15 and a parcel in the NW of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , Section 18, Township 21, Range 15, and NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Section 13, Township 21, Range 14 and the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 13, Township 21, Range 14.

The receipt whereof and simultaneous exchange is hereby acknowledged, we, Florence B. Rutherford, an unmarried woman, Marion C. Rutherford, a married man, Phillip

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9.9.9.

Ronel Rutherford, an unmarried man, and Rita Kathryn Rutherford, an unmarried woman, grant, bargain, sell and convey unto AFTCO Properties, Inc., (herein referred to as grantee), the following described real estate, situated in Shelby County, Alabama, to-wit:

Part of Section 20, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at the southeast corner of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 20, run in a westerly direction along the south line of said SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  for a distance of 832.95 feet, more or less, to a point of intersection with the east right-of-way line of I-65 Highway; thence turn an angle to the right of  $105^{\circ}14'33''$  and run in a northeasterly direction along said right-of-way line for a distance of 875.62 feet to an existing concrete right-of-way monument; thence turn an angle to the left of  $2^{\circ}02'46''$  and run in a northeasterly direction along the said right-of-way line for a distance of 312.52 feet to an existing concrete right-of-way monument; thence turn an angle to the right of  $0^{\circ}47'12''$  and run in a northeasterly direction along said right-of-way line for a distance of 322.75 feet to an existing concrete right-of-way monument; thence turn an angle to the left of  $32^{\circ}13'41''$  and run in a northwesterly direction along said right-of-way line for a distance of 229.68 feet to an existing concrete right-of-way monument; thence turn an angle to the right and run along the curved right-of-way line of said I-65 Highway for a distance of 1,631.88 feet to an existing concrete right-of-way monument (said curve being concave in a westerly direction and having a radius of 4,009.72 feet); thence turn an angle to the left and run in a northwesterly direction along said right-of-way line for a distance of 725.42 feet, more or less, to a point of intersection with the north line of the SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of said section; thence turn an angle to the right of  $110^{\circ}55'22''$  and run in an easterly direction along the north line of said SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  for a distance of 919.13 feet, more or less to the northeast corner of said SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence turn an angle to the right of  $88^{\circ}13'30''$  and run in a southerly direction along the east line of said SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  for a distance of 1,319.32 feet, more or less, to the southeast corner of said SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence turn an angle to the left of  $88^{\circ}25'48''$  and run in an easterly direction along the north line of the NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of said section for a distance of 701.32 feet, more or less, to a corner of that parcel of land as described in deed book 277, page 204, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the left of  $55^{\circ}06'36''$  and run in a northeasterly direction a distance of 185.72 feet; thence turn an angle to the right of  $27^{\circ}59'56''$  and continue in a northeasterly direction a distance of 414.89 feet; thence turn an angle to the right of  $5^{\circ}46'56''$  and continue in a northeasterly direction a distance of 143.90 feet to its intersection with the east line of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ; thence turn an angle to the left of  $70^{\circ}21'56''$  and run in a northerly direction along the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$  a distance of 148.32 feet; thence turn an angle to the

right of  $24^{\circ}40'30''$  and run in a northeasterly direction a distance of 98.4 feet; thence turn an angle to the right of  $42^{\circ}33'$  and run in a northeasterly direction a distance of 106.43 feet; thence turn an angle to the left of  $5^{\circ}37'$  and run in a northeasterly direction a distance of 87.53 feet; thence turn an angle to the right of  $5^{\circ}43'36''$  and run in a northeasterly direction a distance of 77.42 feet; thence turn an angle to the left of  $8^{\circ}54'$  and run in a northeasterly direction for a distance of 68.24 feet; thence turn an angle to the right of  $15^{\circ}13'12''$  and run in a northeasterly direction for a distance of 45.24 feet; thence turn an angle to the left of  $18^{\circ}52'$  and run in a northeasterly direction for a distance of 93.38 feet; thence turn an angle of  $3^{\circ}12'06''$  to the left and run in a northeasterly direction for a distance of 85.90 feet; thence turn an angle of  $2^{\circ}15'12''$  to the right and run in a northeasterly direction for a distance of 159.33 feet; thence turn an angle  $10^{\circ}13'12''$  to the left and run in a northeasterly direction for a distance of 84.80 feet to a point on the west line of Indian Valley Lake Estate 1st Sector, as recorded in map book 5, page 130, in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of  $136^{\circ}24'$  and run in a southerly direction along said west line of said subdivision for a distance of 1,076.40 feet to the southwest corner of Lot 17 in said subdivision; thence turn an angle to the left of  $88^{\circ}15'22''$  and run in an easterly direction along the south line of said Lot 17 for a distance of 197.52 feet; thence turn an angle to the right of  $88^{\circ}07'50''$  and run in a southerly direction along the west line of Indian Valley Lake Estate as recorded in map book 6, page 20, in the Office of the Judge of Probate, Shelby County, Alabama, for a distance of 1,047.31 feet; thence turn an angle to the left of  $52^{\circ}00'$  and run in a southeasterly direction for a distance of 234.46 feet to a point on the northwest right-of-way line of Valleydale Road; thence turn an angle to the right of  $101^{\circ}48'13''$  and run in a southwesterly direction along said Valleydale Road right-of-way line for a distance of 1,264.40 feet to an existing concrete right-of-way marker; thence turn an angle to the right of  $18^{\circ}20'10''$  and run in a southwesterly direction for a distance of 195.69 feet to an existing concrete right-of-way monument; thence turn an angle to the left of  $11^{\circ}00'$  and run in a southwesterly direction along said Valleydale Road right-of-way line for a distance of 778.33 feet to an existing concrete right-of-way monument; thence turn an angle to the left of  $0^{\circ}28'58''$  and run in a southwesterly direction along said right-of-way line for a distance of 135.81 feet to a point of intersection with the south line of SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of said Section 20; thence turn an angle to the right of  $34^{\circ}53'40''$  and run in a westerly direction along the south line of said SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 20 for a distance of 516.39 feet, more or less, to the point of beginning.

LESS AND EXCEPT that 60 foot right-of-way for Indian Valley Lake Drive, as shown on map book 6, page 18, recorded in the Office of the Judge of Probate, Shelby County, Alabama.

Total acreage excluding the road right-of-way is 183.03 acres, more or less.

Subject to 1984 taxes; mineral and mining rights of record.

Right-of-way condemned by the State of Alabama for Interstate Highway I-65 (Lis Pendens Record 5, Page 348), and any common law or statutory right-of-access to Interstate Highway Project I-65, relinquished by deed or order of condemnation.

The following exceptions are applicable to that portion of the subject property situated in the W 1/2 of SE 1/4, and the SE 1/4 of SW 1/4, of Section 20, Township 19 South, Range 2 West: (a) Transmission line permits to the Alabama Power Company as recorded in Deed Book 129, at Page 572; Deed Book 216, Page 103; and Deed Book 219, Page 734; and (b) Public right-of-way to Shelby County as shown in Deed Book 177, at Page 38.

Easement to Northwest Shelby County Sewer Authority dated May 7, 1976, under Quit-Claim Right-of-Way deed from underground sewer as recorded in Deed Book 298, Page 819, in Probate Office.

Flood Easement to The Five T's, Inc., dated June 28, 1974 and recorded in Deed Book 287, Page 565, in Probate Office of Shelby County, Alabama. (Affects lands in SW 1/4 of NE 1/4, Section 20, Township 19 South, Range 2 West).

Property is currently assessed for taxes based on "current use" evaluation. In the event purchasers made changes in the use of said property, taxable consequences might result and this and all related consequences thereof are excepted herefrom.

Four Million Seventy-Five Thousand Dollars (\$4,075,000.00) of the above-stated consideration was paid through a purchase money mortgage closed simultaneously with the delivery of this deed.

Subject property is not the homestead of Marion C. Rutherford, a married man, Phillip Ronel Rutherford, an unmarried man, and Rita Kathryn Rutherford, an unmarried woman, said grantors are conveying said property pursuant to Section 6-10-3 of the Code of Alabama as amended.

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

IN WITNESS WHEREOF, we have set our hands and seals this 31 day of May, 1984.

Florence J. Rutherford (SEAL)  
Florence J. Rutherford  
an unmarried woman

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Marion C. Rutherford (SEAL)  
Marion C. Rutherford  
a married man

Phillip Ronel Rutherford (SEAL)  
Phillip Ronel Rutherford  
an unmarried man

Rita Kathryn Rutherford (SEAL)  
Rita Kathryn Rutherford  
an unmarried woman

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Florence B. Rutherford, an unmarried woman, whose name 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 such instrument she executed the same voluntarily on the day the same bears date.

Given under my hand, this the 31 day of May, 1984.

Frank Ellis  
Notary Public

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Marion C. Rutherford, a married man, whose name 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 such instrument he executed the same voluntarily on the day the same bears date.

Given under my hand, this the 31 day of May, 1984.

Frank Ellis  
Notary Public

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Phillip Ronel

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Rutherford, an unmarried man, whose name 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 such instrument he executed the same voluntarily on the day the same bears date.

Given under my hand, this the 31 day of May, 1984.

Frank Ellis  
Notary Public

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Rita Kathryn Rutherford, an unmarried woman, whose name 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 such instrument she executed the same voluntarily on the day the same bears date.

Given under my hand, this the 31 day of May, 1984.

Frank Ellis  
Notary Public

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STATE OF ALA. SHELBY CO. (C)  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
See pty. 449-793  
1984 MAY 31 PM 4:12

Frank Ellis  
JUL 1 1984

Rec. 900  
Ind. 100  
1000