

This instrument was prepared by

(Name) Karl C. Harrison

(Address) Columbiana, Alabama

Form 1-1-5 Rev. 1-66

WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVOR—LAWYERS TITLE INSURANCE CORPORATION, Birmingham, Alabama

STATE OF ALABAMA

Shelby COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One and no/100 ----- DOLLARS

to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,

Tim McCoy Cooley and wife, Frances E. Cooley

(herein referred to as grantors) do grant, bargain, sell and convey unto

James Calvin Cooley and Lenora Cooley

(herein referred to as GRANTEES) for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real estate situated

in Shelby County, Alabama to-wit:

One-half interest in and to the following described land:
Commence at the Northwest corner of Section 25, Township 20, Range 3 West and run North 87 deg. 25 min. East 946 feet to an iron stake on the East side of the right-of-way of U. S. Highway No. 31 before the same was made a 4 lane highway; thence South 18 deg. 30 min. east along said old right-of-way line 909 feet; thence north 89 deg. 50 min. east to the present east right-of-way line of U. S. Highway 31 to the point of beginning of the lot herein conveyed; thence run in a southerly direction along the East right-of-way of the present U. S. Highway 31 at a distance of 64 feet to a point on the North line of a dirt road leading to property of Hershel Carter; thence run in a northeasterly direction along the northerly right-of-way line of said dirt road a distance of 196 feet; thence run in a northerly direction 30 feet to a point 204 feet east of the point of beginning; thence south 89 deg. 50 min. west 204 feet to the point of beginning of the lot herein conveyed.

BOOK 112 PAGE 832

STATE OF ALA. SHELBY CO.
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JUDGE OF PROBATE

TO HAVE AND TO HOLD to the said GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion.

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.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s), this 19th day of December, 1970

WITNESS:

(Seal)
(Seal)
(Seal)

Tim McCoy Cooley (Seal)
Frances E. Cooley (Seal)
(Seal)

STATE OF ALABAMA

Shelby COUNTY

General Acknowledgment

I, Martha B. Joener, a Notary Public in and for said County, in said State, hereby certify that Tim McCoy Cooley and wife, Frances E. Cooley, whose names are subscribed to the foregoing conveyance, and who are known to me, acknowledged before me on this 19th day of December, 1970, that they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of December, A. D., 1970.

P.O. Box 141

Pelham, AL 36864

Martha B. Joener
Notary Public.

HARRISON AND CONWILL

ATTORNEYS AT LAW

POST OFFICE BOX 557

COLUMBIANA, ALABAMA 35051

KARL C. HARRISON
HEWITT L. CONWILL

TELEPHONE
(205) 669-6701

October 18, 1973

Messrs. James Calvin Cooley and
Tim McCoy Cooley
Rt. 2
Alabaster, Alabama 35007

Dear Messrs. Cooley:

Mrs. B. W. Carter has come in to my office to talk to me regarding a deed we prepared to you from her, covering certain land bordering U. S. Highway 31. The property conveyed began on the East right-of-way line of U. S. Highway 31 and contained the following clause thereafter:

"thence run in a southerly direction along the east right-of-way of the present U. S. Highway 31 at a distance of 64 feet to a point on the North line of a dirt road leading to property of Hershel Carter; thence run in a northeasterly direction along the Northerly right-of-way line of said dirt road a distance of 196 feet."

We, of course, did not know where the property was situated on the ground and someone gave us the distance of 64 feet along U. S. Highway 31. However, where a deed contains a physical boundary such as a road, creek or tree, to which a line is run, the courts have held that the physical marker prevails over the distance that is shown in the deed. The reason for this is that many times a distance can be measured wrong. Mrs. Carter says she only conveyed to you the property which she owned up to the North line of said road and that since the date of the deed, the road has been paved. You, of course, would only be entitled to the land North of the road, according to the deed which you obtained. I know that neither of you want a law suit in connection with this matter and feel there is not any necessity for a law suit as you, as well as Mrs. Carter, agree that the North line of the road would be your South boundary line.

If you would like to discuss this with me, please call my office and we will arrange an appointment for you.

STATE OF ALA. SHELBY CO.
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Re-Recorded

William A. Harrison, Jr.
JUDGE OF PROBATE

Yours very truly,

HARRISON AND CONWILL

Karl C. Harrison

KCH/em

cc: Mrs. B. W. Carter

BOOK 112 PAGE 833

Rec'd \$5.00
Jud. 1.00
6.00