

1246

This instrument was prepared by S. W. Smyer, Jr., 2118 First Avenue North, Birmingham, Alabama 35203.

WARRANTY DEED

STATE OF ALABAMA) KNOW ALL MEN BY THESE PRESENTS:
SHELBY COUNTY)

That in consideration of Ten Thousand (\$10,000.00) Dollars and other valuable consideration to the undersigned grantors, in hand paid by the grantee herein, the receipt whereof is acknowledged, we, S. W. Smyer, Jr. and wife, Astrid M. Smyer, (herein referred to as grantor), grant, bargain, sell and convey to John E. Guess and Ann J. Shaw, as Co-Executors of the Estate of Henry P. Johnston, deceased, (herein referred to as grantee), the following real estate described in attached Exhibit "A".

There is excepted from this conveyance all mineral and mining rights not owned by grantor. This conveyance is made subject to the following:

- 1. Right-of-way to The Water Works Board of the City of Birmingham, as recorded in Real Record 069, Page 430, in the Probate Office of Shelby County, Alabama.
2. Resolution and Restrictions, as recorded in Real Record 041, Page 987, in said Probate Office.
3. Transmission line permits to Alabama Power Company, as recorded in Deed Book 138, Page 307; Deed Book 240, Page 444; Deed Book 182, Page 326; and Deed Book 180, Page 35, in said Probate Office, affecting the E 1/2 of the NE 1/4 of Section 24, Township 18, Range 1 West.
4. Easement for private road, as recorded in Deed Book 326, Page 427, and Deed Book 326, Page 428, in said Probate Office.

Grantor reserves to the grantor, his heirs and assigns, a non exclusive road right-of-way approximately 15 feet wide generally running along the easterly and south-easterly side of property conveyed herein.

Grantor grants to grantee, their successors and assigns a non exclusive road right-of-way along such portion of said road above described not lying within the property described herein.

This conveyance is made subject to the following restriction. Said property shall not be subdivided into lots containing less than four acres each.

This conveyance is subject to rights acquired in the property conveyed herein, if any, as contained in deed from grantor herein to Hollybrook Lake Corporation by deed recorded in Deed Book 222, Page 17, in the Office of Judge of Probate of Shelby County, Alabama.

TO HAVE AND TO HOLD to the said grantee, their successors and assigns forever.

And we do for ourselves and for our heirs, executors, and administrators covenant with the said GRANTEES, their successors and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted 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 GRANTEES, their successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 11th day of November, 1987.

S. W. Smyer, Jr.
Astrid M. Smyer

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that S. W. Smyer, Jr. and wife, Astrid M. Smyer, whose names 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 11th day of November A.D., 1987.

John E. Guess
2120 16th Ave So.
B'ham, AL 35202

Notary Public
1-26-87

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EXHIBIT "A"

Deed from S. W. Smyer, Jr., et ux, to The Estate of Henry P. Johnston

A parcel of land situated in the NW 1/4 of Section 19, Township 18 South, Range 1 East, and the NE 1/4 of Section 24, Township 18 South, Range 1 West, all being in Shelby County, Alabama, and being more particularly described as follows:

Beginning at an existing 3/4 inch rebar at the most Southerly corner of Lot 15, Hollybrook Lake Subdivision, as recorded in Map Book 4, Page 74, in the Office of the Judge of Probate, Shelby County, Alabama, run in a North-easterly direction along Southeast lot line of said Lot 15 for a distance of 331.87 feet (map=331.65 feet) to an existing 3/4 inch rebar at the Southwest corner of Lot 16 of said subdivision; thence turn an angle to the right of 12 deg. 48 min. and run in a Northeasterly direction along the Southeast lot line of said Lot 16 for a distance of 85.42 feet to an existing 3/4 inch rebar at a bend point in said Southeast lot line; thence turn an angle to the left of 35 deg. 07 min. and run in a Northeasterly direction along said Southeast lot line for a distance of 157.90 feet (map=158.05 feet) to an existing 3/4 inch rebar at the Southwest corner of Lot 17 of said subdivision; thence turn an angle to the right of 53 deg. 18 min. 30 sec. (map=53 deg. 16 min. 00 sec.) and run in a Northeasterly direction along the Southeast lot line of said Lot 17 for a distance of 164.92 feet (map=164.75 feet) to an existing 3/4 inch rebar at a bend point in said Southeast lot line of said Lot 17; thence turn an angle to the left of 71 deg. 07 min. 00 sec. and run in a Northeasterly direction along said Southeast lot line of said Lot 17 for a distance of 159.33 feet (map=159.40 feet) to an existing 1 1/2" pipe at the Southerly corner between Lots 17 and 18 of said sub-division; thence turn an angle to the right of 119 deg. 52 min. 34 sec. (map=119 deg. 59 min.) and run in a Southeasterly direction along the Southwest lot line of said Lot 18 for a distance of 376.88 feet (map=376.60 feet) to an existing iron pin at the most Southerly corner of said Lot 18; thence turn an angle to the left of 75 deg. 18 min. 54 sec. (map=75 deg. 50 min. 00 sec.) and run in a Northeasterly direction along the Southeast lot line of said Lot 18 for a distance of 238.87 feet (map=238.95 feet) to an existing iron pin at the most Southerly corner of Lot 19 of said subdivision; thence turn an angle to the left of 24 deg. 59 min. and run in a Northeasterly direction along the Southeast lot line of said Lot 19 for a distance of 301.60 feet to an existing iron pin at the most Southerly corner of Lot 20 of said subdivision; thence turn an angle to the right of 16 deg. 25 min. and run in a North-easterly direction along the Southeast lot line of said Lot 20 for a distance of 308.72 feet to an iron pin set at the most Easterly corner of said Lot 20; thence turn an angle to the right of 13 deg. 16 min. 00 sec. and run in a Northeasterly direction for a distance of 247.20 feet to an iron pin set; thence turn an angle to the right of 39 deg. 52 min. 30 sec. and run in a Southeasterly direction for a distance of 58.82 feet to an iron pin set; thence turn an angle to the right of 28 deg. 44 min. 30 sec. and run in a Southeasterly direction for a distance of 54.62 feet to an iron pin set; thence turn an angle to the right of 29 deg. 40 min. 00 sec. and run in a Southeasterly direction for a distance of 116.56 feet to an iron pin set; thence turn an angle to the right of 26 deg. 21 min. 40 sec. and run in a Southwesterly direction for a distance of 120.72 feet to an iron pin set; thence turn an angle to the right of 41 deg. 39 min. 49 sec. and run in a Southwesterly direction for a distance of 288.85 feet to an iron pin set; thence turn an angle to the left of 16 deg. 06 min. 42 sec. and run in a Southwesterly direction for a distance of 217.67 feet to an iron pin set; thence turn an angle to the right of 61 deg. 50 min. 20 sec. and run in a Southwesterly direction for a distance of 375.99 feet to an iron pin set; thence turn an angle to the right of 23 deg. 20 min. 30 sec. and run in a Southwesterly direction for a distance of 246.02 feet to an iron pin set; thence turn an angle to the left of 29 deg. 53 min. 10 sec. and run in a Southwesterly direction for a distance of 315.82 feet to an iron pin set; thence turn an angle to the left of 24 deg. 10 min. 15 sec. and run in a Southwesterly direction for a distance of 363.71 feet to an iron pin set; thence turn an angle to the right of 76 deg. 46 min. 00 sec. and run in a Southwesterly direction for a distance of 447.03 feet to an iron pin set; thence turn an angle to the left of 9 deg. 15 min. 15 sec. and run in a Southwesterly direction for a distance of 329.70 feet to an iron pin set on the Easterly shore line of Hollybrook Lake; run thence in a Northerly direction meandering along said Easterly shore line for a distance of 940 feet, more or less, to the point of beginning.

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Handwritten initials and scribbles.

STATE OF ALABAMA
SHELBY COUNTY
LOCALITY HAS BEEN
INSTRUMENT FILED

1987 NOV 18 PM 2:34

Deed 10373
Rec
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Handwritten signature.

According to survey of Laurence D. Weygand, Reg. P.E. & L.S. #10373, dated