

STATE OF ALABAMA)
SHELBY COUNTY)

1322
WARRANTY DEED

SEND [REDACTED] NOTICE TO:
J. DONALD GILBERT
c/o ACTIVE INVESTMENT
P.O. Box 485
Pelham ALA 35264

THIS IS A WARRANTY DEED executed and delivered this 19th day of January, 1988, by Clayton-Bailey Properties, an Alabama general partnership (the "Grantor"), to Active Investment, an Alabama general partnership (the "Grantee"), its successors and assigns.

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of Thirty-Five Thousand and No/100 Dollars (\$35,000), the Grantor does by these presents GRANT, BARGAIN, SELL and CONVEY unto the Grantee, its successors and assigns, the following described real estate, situated Shelby County, Alabama, to wit:

A parcel of land situated in the south half of the northwest quarter of the southwest quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, said Parcel being more particularly described as follows:

Commence at the northwest corner of the northwest quarter of the southwest quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama thence proceed South 0°19'52" West along the west line of said northwest quarter of the southwest quarter, 654.74 feet to a point; thence proceed South 87°49'10" East 658.14 feet to an iron pin set, said point being THE POINT OF BEGINNING.

Thence continue along previous course, bearing South 87°49'10" East, 100.00 feet to an iron pin set; thence proceed South 2°08'18" West, 161.35 feet to an iron pin set; thence proceed North 87°51'42" West, 100.00 feet to an iron pin set; thence proceed North 2°08'18" East, 161.42 feet to the POINT OF BEGINNING,

Together with a non-exclusive thirty-one foot (31') easement for vehicular and pedestrian ingress and egress over and across that certain private drive situated adjacent to and extending along the southern most boundary of the foregoing described property as shown by that certain survey of Kurtis R. Webb dated October 19, 1987, together with a non-exclusive utility easement over and across that portion of such private drive which is immediately adjacent to the foregoing described property for the purpose of enabling the Grantee to "tap on" or connect to existing utilities located in such private drive. Provided, however, Grantor reserves the right to dedicate said private drive to the City of Pelham, Alabama.

This conveyance is made subject to the following:

1. Taxes due and payable October 1, 1988;
2. Transmission Line Permit to Alabama Power Company as shown by instrument recorded in Deed Book 138 page 51 in the Probate Office of Shelby County, Alabama;
3. Easement to Alabama Power Company and South Central Bell as shown by instrument recorded in Real 99 page 474 in said Probate Office;
4. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights conveyed in Deed Book 61 page 9 and Deed Book 80 page 325 in said Probate Office;

Pelham Title

5. Right of way for telephone lines, if any, as shown by instrument recorded in Deed Book 56 page 296 in said Probate Office;
6. Public utility easements as shown by survey of Kurtis R. Webb, dated October 19, 1987, including a 10 foot easement on the South side;
7. Cahaba Business Center Declaration of Protective Covenants to be recorded in said Probate Office.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

And the Grantor for itself and for its successors and assigns, covenant with the said Grantee, its successors and assigns, that the Grantor is lawfully seized in fee simple of said premises; that said premises are free from all encumbrances, unless otherwise noted above; that the Grantor has a good right to sell and convey the same as aforesaid; and that the Grantor, its successors and assigns, shall warrant and defend said premises to the Grantee, its successors and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Clayton-Bailey Properties, an Alabama general partnership, acting through its general partner, has caused this Warranty Deed to be executed this 19th day of January, 1988.

Clayton-Bailey Properties
an Alabama general partnership

By Larry Clayton
General Partner

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STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that LARRY CLAYTON, whose name as General Partner of Clayton-Bailey Properties, an Alabama general partnership, with full authority, executed the same voluntarily, on the day the same bears date, for and as the act of Clayton-Bailey Properties.

Given under my hand and official seal this 19th day of January, 1988.

Del J. Luta
Notary Public

My Commission Expires: 8-6-88

THIS INSTRUMENT PREPARED BY:

David S. Maxey
Berkowitz, Lefkovits, Isom & Kushner
1100 Financial Center
Birmingham, Alabama 35203

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

88 JAN 21 AM 8:36

44401

1. Doc Tax \$ 35.00
2. Mtg. Tax _____
3. Recording Fee 5.00
4. Indexing Fee 1.00
TOTAL 41.00 -2-

Thomas A. Snowden, Jr.
JUDGE OF PROBATE