

SEND TAX NOTICE TO:

OLLIE W. McCLUNG, JR.  
BIRMINGHAM PRESBYTERY OF  
CUMBERLAND PRESBYTERIAN  
CHURCH  
515 UNIVERSITY BOULEVARD  
BIRMINGHAM, AL 35205

STATE OF ALABAMA )

SHELBY COUNTY )

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That:

WHEREAS, the Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church, an unincorporated association of churches (hereinafter referred to as the "Presbytery"), owns fee simple title to certain real property located in Shelby County, Alabama, more particularly described on Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as the "Property"); and

WHEREAS, the Presbytery met in called session pursuant to that certain call dated February 3, 1989 at the Hueytown Cumberland Presbyterian Church, Birmingham, Alabama on Tuesday, February 28, 1989 at 7:30 p.m. for the purpose of acting on a resolution transferring title of the Property from the Presbytery to the Trustees of The Frank E. Spain Endowment Trust; and

WHEREAS, at said called session, the Presbytery did unanimously adopt and approve a resolution authorizing and directing the Trustees of the Presbytery to convey title to the Property to the Trustees of The Frank E. Spain Endowment Trust to be held and used for the benefit of the Presbytery as more particularly set out in the Agreement of Trust of The Frank E. Spain Endowment Trust dated as of December 12, 1988.

NOW, THEREFORE, the undersigned, OLLIE W. McCLUNG, JR., KERMIT PURCELL, and DALE DUNNAWAY, being all the Trustees of the Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church (hereinafter referred to as "Grantors"), in consideration of Ten Dollars and other good valuable consideration, in hand paid by CARL H. IVEY, NINA W. KENT, VIRGIL WHEAT, KERMIT PURCELL and OLLIE W. McCLUNG, JR., as Trustees of The Frank E. Spain Endowment Trust (hereafter referred to as "Grantees"), the receipt and sufficiency of which is hereby acknowledged by the Grantors, the said Grantors do by these presents, grant, bargain, sell and convey unto Grantees, their successors and assigns, that certain real property lying and being in Shelby County, Alabama, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

Said conveyance is made subject to:

1. Ad valorem taxes for the current year, which constitute a lien on said property, but are not yet due and payable.
2. All easements, liens, rights-of-way and other restrictions of record, including, but not limited to, that certain right-of-way to Shelby County, Alabama recorded in Deed Volume 177 at Page 42 in the Office of the Judge of Probate of Shelby County, Alabama.
3. Riparian and other rights created by the location of the Property adjacent to Acton Creek.

4. Title to all minerals within and underlying the Property, together with all mining rights and other rights, privileges and immunities relating thereto, together with any release of liability for injury or damage to persons or property as a result of the exercise of such rights.

TO HAVE AND TO HOLD to the said Grantees, their successors and assigns forever. And Grantors, for themselves, and their successors and assigns, warrant and covenant to the said Grantees, their successors and assigns, that they are lawfully seized in fee simple of said premises; that they are free from all encumbrances; that they have a good right to sell and convey the same as aforesaid; and that they will, and their successors and assigns, 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, the said Grantors have hereunto set their hands and seals this the 24th day of June, 1989.

BIRMINGHAM (ALABAMA) PRESBYTERY OF  
THE CUMBERLAND PRESBYTERIAN CHURCH,  
an unincorporated association of  
churches

By: Ollie W. McClung, Jr. 6/5/89  
Ollie W. McClung, Jr., Trustee

By: Kermit Purcell  
Kermit Purcell, Trustee

By: Dale Dunnaway  
Dale Dunnaway, Trustee

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned authority, a notary public in and for said county in said state, hereby certify that Ollie W. McClung, Jr., whose name is signed to the foregoing conveyance as a Trustee of the Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church, an unincorporated association of churches, and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, he executed the same on behalf of said Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church in said stated representative capacity.

Given under my hand and seal of office this 5th day of June, 1989.

Patricia J. Rhine  
Notary Public

My Commission Expires:

Notary Public, Alabama State at Large  
My Commission Expires October 5, 1992  
Commission Expires October 5, 1992

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned authority, a notary public in and for said county in said state, hereby certify that Kermit Purcell, whose name is signed to the foregoing conveyance as a Trustee of the Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church, an unincorporated association of churches, and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, he executed the same on behalf of said Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church in said stated representative capacity.

Given under my hand and seal of office this 24 day of June, 1989.

Jeannette P. Lee  
Notary Public

MY COMMISSION EXPIRES DECEMBER 12, 1991

My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned authority, a notary public in and for said county in said state, hereby certify that Dale Dunnaway, whose name is signed to the foregoing conveyance as a Trustee of the Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church, an unincorporated association of churches, and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, he executed the same on behalf of said Birmingham (Alabama) Presbytery of the Cumberland Presbyterian Church in said stated representative capacity.

Given under my hand and seal of office this 21<sup>st</sup> day of May, 1989.

Patt M Arnold  
Notary Public

My Commission Expires: \_\_\_\_\_

MY COMMISSION EXPIRES DECEMBER 20, 1989

PREPARED BY:

Deborah A. Pickens  
SPAIN, GILLON, GROOMS, BLAN & NETTLES  
The Zinszer Building  
2117 Second Avenue North  
Birmingham, Alabama 35203  
(205) 328-4100

COR:15SPDEED

# EXHIBIT A

A tract of land in the NW 1/4 of the NE 1/4 of Section 15, Township 19 South, Range 2 West (hereinafter called "said forty") and being more particularly described as: Beginning at the NE corner of said forty and run South along the East line of said forty 392 feet; thence turn 77 deg. 02' right and run in a straight line in a Southwesterly direction 410.48 feet; thence turn 77 deg. 02' left and run in a straight line in a Southerly direction and parallel with the East line of said forty 838.26 feet to a point on the South line of said forty 400 feet West of the SE corner of said forty; thence turn 90 deg. 35' right and run in a Westerly direction and along the South line of said forty 932.12 feet to the SW corner of said forty; thence turn 89 deg. 20' right and run in a Northerly direction and along the West line of said forty 1329.5 feet to the NW corner of said forty; thence turn 90 deg. 42' right and run in an Easterly direction and along the North line of said forty 1334.5 feet to the point of beginning.

## LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

Commence at the Northeast corner of the NW 1/4 of NE 1/4 of Section 15, Township 19 South, Range 2 West; thence run Southerly along the east line of said NW 1/4 of NE 1/4 a distance of 1326.37 feet to a point being the southeast corner of said NW 1/4 of NE 1/4; thence turn an angle of 90 deg. 34' to the right and run westerly along the south line of said NW 1/4 of NE 1/4 a distance of 400 feet to the point of beginning; thence turn an angle of 89 deg. 25' to the right and run northerly a distance of 22 feet, more or less, to the point of intersection with the south 40 foot right of way line of Valley Dale Road (Shelby County Highway 17); thence run northwesterly along the said 40 foot right of way line along a curve to the right a distance of 500 feet, more or less, to a point of tangency; thence run along the said south 40 foot right of way line a distance of 445 feet, more or less, to a point of intersection of the said south 40 foot right of way line and the west line of the said NW 1/4 of NE 1/4; thence run southerly along the said West line of said NW 1/4 of NE 1/4 a distance of 122 feet, more or less, to a point; thence turn an angle of 89 deg. 20' to the left and run easterly along the south line of said NW 1/4 of NE 1/4 a distance of 932.12 feet to the point of beginning.

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

89 SEP -8 PM 2:23

*Thomas A. Snowden, Jr.*  
JUDGE OF PROBATE

|                           |           |
|---------------------------|-----------|
| 1. Deed Tax -----         | \$ 100.00 |
| 2. Mtg. Tax -----         | \$        |
| 3. Recording Fee -----    | \$ 10.00  |
| 4. Indexing Fee -----     | \$ 3.00   |
| 5. No Tax Fee -----       | \$        |
| 6. Certified Stamp Fee -- | \$ 1.00   |
| Total -----               | \$ 104.00 |

BOOK 255 PAGE 344