

1581

THIS INSTRUMENT PREPARED BY:
 WILLIAM S. WRIGHT
 Balch & Bingham
 P.O. Box 306
 Birmingham, Alabama 35203

STATE OF ALA. JEFFERSON CO.
 I CERTIFY THIS INSTRUMENT
 WAS FILED ON

1989 DEC 21 AM 8:24

RECORDED & \$ _____ MIT. TAXES
 DEED TAX HAS BEEN PD. ON THIS INSTRUMENT

George C. Reynolds
 JUDGE OF PROBATE

STATE OF ALABAMA
 COUNTIES OF JEFFERSON AND SHELBY

DEED**KNOW ALL MEN BY THESE PRESENTS THAT:**

THIS DEED is being executed and delivered as of December 18, 1989 by J. W. NALL, SR., a married man, individually and as Trustee under the Wesley L. Burnham Trust Agreement dated February 9, 1977, Grantor to WESLEY L. BURNHAM, JR., as Grantee.

WHEREAS, pursuant to the aforesaid Trust Agreement J.W. Nall, Sr. was designated as Trustee; and

WHEREAS, a portion of the corpus of the trust established pursuant to said Trust Agreement was comprised of a certain interest in the real property situated in Jefferson and Shelby Counties, Alabama, which is described on Exhibit A hereto (the "Property");

CONVEYANCE

NOW, THEREFORE, in consideration of the premises, Ten Dollars (\$10.00) in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the undersigned, J.W. Nall, Sr., individually and as such Trustee, (hereinafter referred to as "Grantor", whether one or more), does hereby

GRANT, BARGAIN, SELL AND CONVEY UNTO WESLEY L. BURNHAM, JR.

all of Grantor's rights, titles, and interests in and to the real estate described on Exhibit A hereto;
SUBJECT TO:

1. Current general real estate taxes and any special city or county taxes and assessments, and all taxes for the year 1990 and subsequent years not yet due and payable.
2. Mineral, mining or riparian rights, title to beds or bottoms of bodies of water and other rights not owned by Grantor, including without limitation mineral and mining rights and rights incident thereto recorded in Volume 255, page 572, in the Probate Office of Jefferson County, Alabama, and in Volume 8, page 244, Volume 4, page 454 and Volume 4, page 542 in the Probate Office of Shelby County, Alabama, and the rights of upstream and downstream riparian owners with respect to Cahaba River bordering the Property.
3. Easements, rights-of-way restrictions, conveyances, encumbrances, building lines, financing statements and other matters of record, including without limitation easements and reservations as recorded in Volume 6685, page 926 in the Probate Office of Jefferson County, Alabama, and refiled in Real 218, page 557 in the Probate Office of Shelby County, Alabama, easements for Alabama Power Company as recorded in Volume 6657, page 44, Volume 6693, page 287, Real 38, page 108, Volume 2756, page 67 and Volume 3596, page 90 in the Probate Office of Jefferson County, Alabama, and in Volume 218, page 58 and Volume 218, page 381 in the Probate Office of Shelby County, Alabama, and right-of-way for Jefferson County as recorded in Real 2887, page 154 in the Probate Office of Jefferson County, Alabama.
4. Encroachments and matters of survey.
5. Applicable zoning and building laws or ordinances.

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Land Title

6. Existing written leases, recorded or unrecorded, including without limitation, that certain Lease dated January 29, 1966 from See Land Corporation and Altadena Valley Golf Club, Inc. to Altadena Valley Golf and Country Club.

TO HAVE AND TO HOLD unto said Grantee and his heirs and assigns forever.

AND I do for myself and for my heirs, executors, and administrators covenant with the said Grantee, his heirs and assigns, that I am lawfully seized in fee simple of said premises; that said premises are free from all encumbrances except as noted herein; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors, and administrators shall warrant and defend the same to those said Grantee, his heirs and assigns, forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18 day of December, 1989.

WITNESS:

J. W. Nall, Sr.

GRANTORS:

J. W. Nall, Sr. (SEAL)
J.W. Nall, Sr., as Trustee under
the Wesley L. Burnham Trust Agreement

STATE OF Alabama

COUNTY OF Jefferson

I, the undersigned, Notary Public in and for said County in said State, hereby certify that J.W. Nall, Sr., whose name is signed to the foregoing instrument, as Trustee under the Wesley L. Burnham Trust Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such Trustee and with full authority, executed the same voluntarily pursuant to said Trust Agreement.

Given under my hand this the 19th day of Dec., 1989.

[NOTARIAL SEAL]

Quetta S. Lombardi
Notary Public
My Commission Expires 5/9/93

EXHIBIT A

Description of Mortgaged Property

The following property situated in Jefferson and Shelby Counties, Alabama:

TRACT "B"

The following property in Shelby County, Alabama:

A parcel of land located in the NE1/4 of Section 4, Township 19 South, Range 2 West, and the NW1/4 of the NW1/4 of Section 3, Township 19 South, Range 2 West, all in Shelby County, Alabama, more particularly described as follows: Begin at the NE corner of Section 4, Township 19 South, Range 2 West; thence in a westerly direction along the north line of said Section 4, a distance of 1588.12 feet; thence 48 degrees 49 minutes 45 seconds left, in a southwesterly direction, a distance of 236.84 feet; thence 3 degrees 11 minutes 48 seconds left, in a southwesterly direction, a distance of 508.95 feet; thence 2 degrees 15 minutes 12 seconds left, in a southwesterly direction, a distance of 412.0 feet; thence 82 degrees 57 minutes right, in a northwesterly direction, a distance of 79.0 feet; thence 30 degrees 51 minutes left, in a westerly direction, a distance of 201.0 feet; thence 90 degrees right, in a northerly direction, a distance of 258.0 feet; thence 37 degrees 57 minutes right, in a northeasterly direction, a distance of 207.0 feet; thence 6 degrees 11 minutes 29 seconds left in a northeasterly direction, a distance of 379.33 feet; thence 11 degrees 35 minutes 29 seconds right, in a northeasterly direction, a distance of 170.11 feet to the intersection with the north line of said Section 4; thence 131 degrees 10 minutes 15 seconds left, in a westerly direction along the north line of said Section 4 to the intersection with the southeasterly right of way line of Acton Road; thence in a southwesterly direction along said right of way line to the intersection with the west line of the NE1/4 of said Section 4; thence 33 degrees 37 minutes 45 seconds left, in a southerly direction along said west line of said Section 4, a distance of 1366.15 feet; thence 112 degrees 21 minutes 45 seconds left, in a northeasterly direction, a distance of 494.18 feet; thence 12 degrees 05 minutes 15 seconds right, in a northeasterly direction, a distance of 683.44 feet; thence 11 degrees 49 minutes left, in a northeasterly direction, a distance of 574.27 feet; thence 2 degrees 45 minutes 45 seconds right, in a northeasterly direction, a distance of 773.80 feet; thence 3 degrees 55 minutes 15 seconds left, in a northeasterly direction, a distance of 585.62 feet; thence 49 degrees 44 minutes 45 seconds left, in a northeasterly direction, a distance of 134.22 feet to the SW corner of Lot 39 River Estates, as recorded in Map Book 4, Page 27 in the Office of the Judge of Probate in Shelby County, Alabama; thence 112 degrees 53 minutes 30 seconds left, in a southwesterly direction, a distance of 203.96 feet; thence 145 degrees 53 minutes 30 seconds right, in a northeasterly direction, a distance of 345.0 feet to a point in the westerly line of said Lot 39; thence 33 degrees left, in a northeasterly direction, along the westerly line of said Lot 39, a distance of 360.0 feet to the NW corner of said Lot 39, said point being in the southwesterly line of River Estates Road; thence 73 degrees 30 minutes left, in a northwesterly direction along said southwesterly line of River Estates Road, a distance of 83.45 feet to the intersection with the north line of the NW1/4 of the NW1/4 of Section 3, Township 19 South, Range 2 West; thence 31 degrees 26 minutes left, in a westerly direction along the north line of said 1/4-1/4 Section, a distance of 417.20 feet to the Point of Beginning, containing 78.8 acres, more or less.

TRACT "C"

The following property in Jefferson County, Alabama:

A parcel of land located in the South 1/2 of the SE1/4 of Section 33, Township 18 South, Range 2 West, and the SW1/4 of the SW1/4 of Section 34, Township 18 South, Range 2 West, all in Jefferson County, Alabama, more particularly described as follows: Begin at the SE corner of said Section 33; thence in a westerly direction along the south line of said Section 33, a distance

of 1588.12 feet; thence 41 degrees 10 minutes 15 seconds right, in a northwesterly direction, a distance of 159.10 feet; thence 94 degrees 26 minutes 22 seconds right, in a northeasterly direction, a distance of 163.65 feet; thence 94 degrees 26 minutes 22 seconds left, in a northwesterly direction, a distance of 62.01 feet; thence 71 degrees 49 minutes 10 seconds right, in a northeasterly direction right, in a northeasterly direction, a distance of 69.25 feet to the beginning of a curve to the right, having a central angle of 18 degrees 10 minutes 50 seconds and a radius of 600.0 feet; thence in a northeasterly direction along said curve, a distance of 190.39 feet to end of curve; thence in a northeasterly direction, a distance of 97.0 feet; thence 90 degrees right, in a southeasterly direction, a distance of 218.43 feet; thence 90 degrees left, in a northeasterly direction, a distance of 264.98 feet; thence 15 degrees 31 minutes left, in a northeasterly direction, a distance of 331.28 feet; thence 67 degrees 21 minutes 45 seconds left, in a northwesterly direction, a distance of 345.73 feet; thence 91 degrees 56 minutes 55 seconds left, in a southwesterly direction, a distance of 629.60 feet; thence 16 degrees 53 minutes 14 seconds left, in a southwesterly direction, a distance of 499.50 feet; thence 11 degrees 42 minutes 54 seconds right, in a southwesterly direction, a distance of 398.89 feet to the intersection with the south line of said Section 33, said point being 494.09 feet east of the SW corner of the SE1/4 of said Section 33; thence 48 degrees 49 minutes 45 seconds right, in a westerly direction along said south line of said Section 33 to the intersection with the southeasterly right of way line of Acton Road; thence in a northeasterly and easterly direction along said right of way line until it intersects the southwesterly right of way line of River Estates Road as shown on plat of River Estates and recorded in Map Book 53, Page 55 in the Office of the Judge of Probate in Jefferson County, Alabama; thence in a southeasterly direction along said right of way of River Estates Road to the intersection with the south line of the SW1/4 of the SW1/4 of Section 34, Township 18 South, Range 2 West; thence 148 degrees 34 minutes right, in a westerly direction along the south line of said 1/4-1/4 Section, a distance of 417.20 feet to the Point of Beginning, EXCEPT the following 50 foot wide road right of way located in the SW1/4 of the SE1/4 of said Section 33; Commence at the SW corner of said SW1/4 of SE1/4; thence in an easterly direction, along the south line of said 1/4-1/4 Section, a distance of 494.09 feet; thence 48 degrees 49 minutes 45 seconds left, in a northeasterly direction, a distance of 398.89 feet to the Point of Beginning of herein described 50 foot wide road right of way, said point being the P.I. of a curve to the left having a central angle of 35 degrees, and a tangent of 90.0 feet; thence 75 degrees 28 minutes 45 seconds left, in a northwesterly direction along the tangent extended of said curve a distance of 90.0 feet to the end of said curve; thence in a northwesterly direction along the centerline of said 50 foot wide road right of way to the intersection with the southeasterly right of way of Acton Road, said point being the end of herein described right of way. The above described tract of land contains 33.2 acres, more or less.

TRACT "D"

The following property in Jefferson County, Alabama:

A parcel of land located in the SE1/4 of the SE1/4 of Section 33, Township 18 South, Range 2 West, more particularly described as follows: Commence at the Southwest corner of the SE1/4 of Section 33, Township 18 South, Range 2 West, thence in an Easterly direction along the south line of said 1/4 section a distance of 494.09 feet; thence 48 degrees 49 minutes 45 seconds left in a northeasterly direction, a distance of 398.89 feet; thence 11 degrees 42 minutes 54 seconds left in a northeasterly direction, a distance of 499.50 feet, to the Point of Beginning; thence 16 degrees 53 minutes 14 seconds right in a northeasterly direction, a distance of 629.60 feet; thence 91 degrees 56 minutes 55 seconds right in a southeasterly direction, a distance of 345.73 feet; thence 67 degrees 21 minutes 45 seconds right in a southwesterly direction, a distance of 331.28 feet; thence 15 degrees 31 minutes right in a southwesterly direction, a distance of 264.98 feet; thence 90 degrees right in a northwesterly direction, a distance of 488.43 feet, to the Point of Beginning, containing 6 acres, more or less, and being situated in Jefferson County, Alabama.

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

89 DEC 21 PM 3:35

John A. Reynolds
JUDGE OF PROBATE

NO TAX COLLECTED	
1. Deed Tax -----	\$
2. M/L Tax -----	\$ 12.50
3.	3.00
4.	1.00
5.	1.00
Total -----	\$ 17.50

204-175

State of Alabama
Jefferson County

I, the Undersigned, as Judge of the Court of Probate,
in and for said County, in said State, hereby certify that
the foregoing is a full, true and correct copy of the instru-
ment with the filing of same as appears of record in this
office in Vol. 3735 Record of
on page 544

Given under my hand and official seal, this the 21st
day of December 1989
George A. Reynolds
Judge of Probate