

857

Purchase price 140,000

Send Tax Notice To:

Jimmy L. Hayes

P.O. Box 310

Canton, AL 35045

STATE OF ALABAMA)

SHELBY COUNTY)

STATUTORY WARRANTY DEED

THIS IS A STATUTORY WARRANTY DEED executed and delivered this 5th day of February, 1990, by 119 PROPERTIES, LTD., an Alabama limited partnership (hereinafter referred to as the "Grantor"), to JIMMY L. HAYES and BILLY R. HATLEY, as tenants in common (hereinafter referred to as the "Grantee").

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of One Hundred Fifty-Nine Thousand One Hundred Twelve and 00/100 Dollars (\$159,112.00) in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, the Grantor does by these presents, grant, bargain, sell and convey unto the Grantee, JIMMY L. HAYES and BILLY R. HATLEY, as tenants in common, that certain real property situated in the City of Pelham, Shelby County, Alabama, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Subject Property"),

TOGETHER WITH all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor, if any, in and to any and all roads, alleys and ways bounding said premises.

This conveyance is subject to the following:

1. Ad valorem taxes for tax year 1990, not yet due and payable;
2. Mineral and mining rights;
3. Limitations of access and abutters rights as conveyed to State of Alabama for I-65;
4. Easement Agreement as set out in Real 166 page 725, between A & M Real Estate, Inc. and McDonald's Corporation and amended in Real 185 page 446 and further amended in Real 189 page 426;
5. Easement for construction and maintenance of a channel change in Bishop Creek as set out as Easement No. 1 only, in Deed Book 302 page 15; and
6. Five foot utility and drainage easement to City of Pelham on North and West sides, a sign easement 25 feet by 35 feet at the Northeast corner, and an irregular drainage easement extending West from Easterly side, paved turnout on the North side.

TO HAVE AND TO HOLD, to the said Grantee, JIMMY L. HAYES and BILLY R. HATLEY, as tenants in common, their heirs, executors, administrators, successors and assigns forever.

The Grantor hereby covenants and agrees with Grantee, its successors and assigns, that the Grantor, its successors and

\$160,000.00 of the purchase price recited above was paid from a Mortgage closed simultaneously herewith.

People's Bank
Canton, Al.

BOOK 278 PAGE 801

assigns, will warrant and defend the above described real estate against the lawful claims (unless otherwise noted above) of all persons claiming by, through, or under the Grantor, but not further or otherwise.

IN WITNESS WHEREOF, the Grantor has caused this Statutory Warranty Deed to be executed by its General Partner which is duly authorized hereunto.

119 PROPERTIES, LTD., an Alabama limited partnership

BY: CAHABA VALLEY PROPERTIES, INC., ITS GENERAL PARTNER

By: Charles H. Stephens
Charles H. Stephens
President

BOOK 278 PAGE 802

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Charles H. Stephens, whose name as President of Cahaba Valley Properties, Inc., the general partner of 119 Properties, Ltd., an Alabama limited partnership, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as general partner of said limited partnership.

Given under my hand this the 5th day of February, 1990.

Deborah K. Foster
Notary Public
My Commission Expires: 5-29-90

THIS INSTRUMENT PREPARED BY:

David L. Silverstein
Berkowitz, Lefkovits, Isom & Kushner
1100 Financial Center
Birmingham, Alabama 35203

08360

EXHIBIT A

DESCRIPTION:

PART OF S.E. 1/4 SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE RUN EAST ALONG THE SOUTH LINE OF SAME FOR 1,826.71 FEET; THENCE 122° 59' 53" LEFT AND RUN NORTHWESTERLY FOR 399.97 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF OAK MOUNTAIN PARK ROAD; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE FOR 846.69 FEET; THENCE 91° 18' 39" RIGHT AND RUN NORTHEASTERLY FOR 152.01 FEET; THENCE 90° 00' LEFT AND RUN NORTHWESTERLY FOR 349.02 FEET; THENCE 90° 00' LEFT AND RUN SOUTHWESTERLY FOR 160.00 FEET; THENCE 88° 41' 21" RIGHT AND RUN NORTHWESTERLY FOR 25.0 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ALABAMA HIGHWAY 119; THENCE 91° 18' 39" RIGHT AND RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 253.07 FEET; THENCE 14° 02' 10" RIGHT AND CONTINUE NORTHEASTERLY FOR 9.51 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF A COUNTY ROAD; THENCE 30° 57' 50" RIGHT AND RUN EASTERLY ALONG SAID RIGHT OF WAY LINE FOR 62.56 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 45° 00' RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 390.67 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE 90° 00' LEFT AND RUN NORTHEASTERLY FOR 575.98 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF I-65 SERVICE DRIVE; THENCE 86° 19' 31" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY FOR 142.98 FEET; THENCE 22° 07' 10" RIGHT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 266.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT SAID CURVE HAVING A RADIUS OF 3,579.72 FEET AND SUBTENDING A CENTRAL ANGLE OF 3° 16' 07"; THENCE 8° 19' 34" RIGHT TO THE CHORD OF SAID CURVE AND RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE FOR 35.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID CURVE AND SAID RIGHT OF WAY LINE FOR A DISTANCE OF 169.07 FEET TO THE END OF SAID CURVE; THENCE FROM SAID CHORD, 9° 37' 54" LEFT AND RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 46.32 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT OF 95° 36' 03" AND RUN SOUTHWESTERLY FOR 240.53 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT OF 95° 08' 53" AND RUN NORTHWESTERLY 128.03 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT OF 64° 24' 19" AND RUN NORTHWESTERLY 250.0 FEET TO THE POINT OF BEGINNING.

BOOK 278 PAGE 803

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
90 FEB 13 PM 2:15

JUDGE OF PROBATE

1. Deed Tax	\$	
2. Mtg. Tax	\$	
3. Recording Fee	\$	7.50
4. Indexing Fee	\$	3.00
5. No Tax Fee	\$	1.00
6. Certified Fee	\$	1.50
Total	\$	12.50