

31  
STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Five Hundred Five and No/100 Dollars (\$505.00) to Alabama Power Company, a corporation (hereinafter referred to as "Grantor"), in hand paid by Homer M. Lincoln, individually, and James C. Murphy, individually (hereinafter referred to as "Grantee"), the receipt of which is hereby acknowledged, the said Alabama Power Company does by these presents grant, bargain, sell and convey unto the said Homer M. Lincoln, individually, and James C. Murphy, individually, surface rights only in and to the following described real estate, situated in Shelby County, Alabama, to-wit:

That portion of the parcel of land which is described in detail on Exhibit "A" hereto, and shown on the map attached as Exhibit "B" hereto, which lies above that certain datum plane of 397 feet above mean sea level as established by the United States Coast and Geodetic survey as adjusted in January 1955.

Such land is conveyed subject to any existing easements for any purpose including easements for public roads, utilities, lines and pipelines, and ad valorem tax liens for the current tax year which will be paid when due by Grantor.

Grantor reserves for itself, its successors and assigns, all rights necessary or convenient to the operation of its Lay Dam and its other dams on the Coosa River, and the manufacture of electricity at such dams, and this conveyance is accepted by Grantee as full compensation for all damages consequential or otherwise arising from the operation of such dams, the manufacture of electricity or any and all actions incidents thereto, together with rights of ingress and egress over and across that part of the lands so described which lies above such datum plane first above described.

This deed cancels and supersedes that certain unrecorded deed dated October 3, 1984, a copy of which is attached hereto and made a part hereof.

TO HAVE AND TO HOLD, to the said Homer M. Lincoln and James C. Murphy, their heirs and assigns forever.

✓ J. E. N. J.

IN WITNESS WHEREOF, the said Alabama Power Company has caused this instrument to be executed in its name by Randy S. Hardigree its Vice President, and its corporate seal to be affixed and these presents to be attested to by Shirley A. Thomas, its Asst. Secretary thereto respectively authorized on this, the 30 day of May, 1990.

(CORPORATE SEAL)

ALABAMA POWER COMPANY

ATTEST:

Shirley A. Thomas  
Asst. Secretary

BY:

Randy S. Hardigree  
Vice President

BOOK 293 PAGE 917

APPROVED AS TO FORM  
BALCH & BINGHAM

By: Harold Williams

STATE OF ALABAMA

JEFFERSON COUNTY

I, J. D. Roberson, a Notary Public in and for said County in said State hereby certify that Randy S. Hardigree, whose name as Vice President of Alabama Power Company, a corporation, is signed to the foregoing conveyance 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.

Given under my hand and official seal, this, the 30 day of May, 1990.

J. D. Roberson  
Notary Public - State at Large

Commission Expires  
6-16-93

BOOK 293 PAGE 918

NARRATIVE DESCRIPTION

A parcel of land in the East Half of the Southeast Quarter (E 1/2 of SE 1/4) of Section 2, Township 24 North, Range 15 East, Shelby County, Alabama, being more particularly described as follows:

All of that part of Lot No. 16 of Murphy's Fish Camp Subdivision as recorded in Map Book No. 3, Page 72, in the Office of Judge of Probate, Shelby County, Alabama, which lies above that certain datum plane of 397 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January 1955.

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*Exhibit "A"*

MURPHY'S FISHING CAMP  
SUBDIVISION  
MB. 3 PG. 72

Part of Lot 16 lying above  
the 392' Contour line Above  
mean Sea level.  
Approx. 0.02 Acre

203 PAGE 920

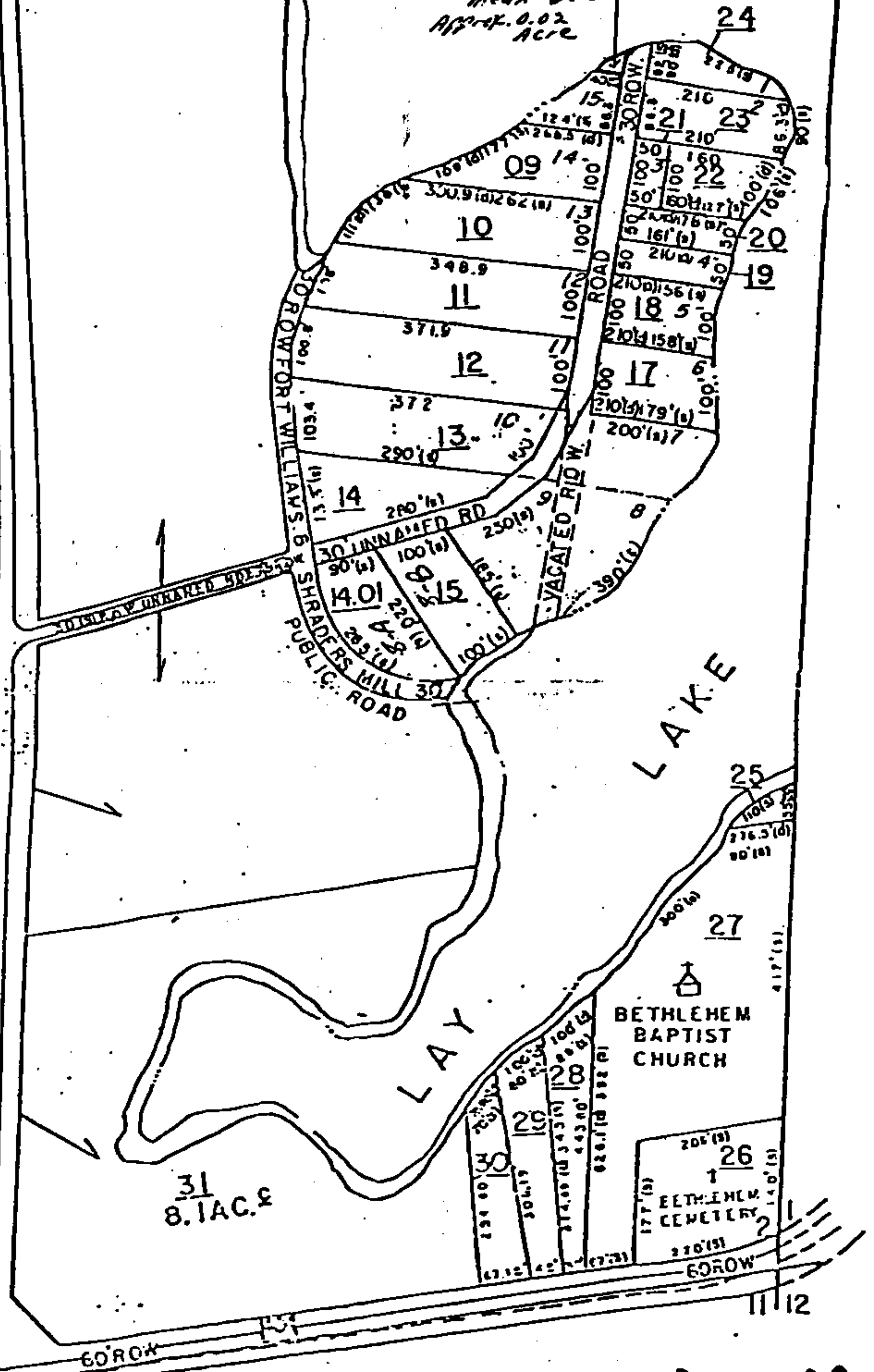


Exhibit B

State of Alabama )  
JEFFERSON COUNTY )

C.R. (Cotton River) Parcel  
No. 3864  
Affects C.R. Parcel  
No. 1725

This instrument prepared in  
the Corporate Real Estate CR 3864  
Dept. of Alabama Power Co.  
Birmingham, Ala.  
By James D. Kellum

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of Five Hundred Five and No/100 Dollars (\$505.00) to Alabama Power Company, a corporation (hereinafter referred to as "Grantor"), in hand paid by Homer M. Lincoln, individually, and James C. Murphy, individually (hereinafter referred to as "Grantee"), the receipt of which is hereby acknowledged, the said Alabama Power Company does by these presents, grant, bargain, sell and convey unto the said Homer M. Lincoln, individually, and James C. Murphy, individually, surface rights only in and to the following described real estate, situated in Shelby County, Alabama, to-wit:

That portion of the parcel of land which is described in detail on Exhibit A hereto, and shown on the map attached as Exhibit B hereto, which lies above that certain datum plane of 397 feet above mean sea level as established by the United States Coast and Geodetic survey as adjusted in January 1955.

Such land is conveyed subject to any existing easements for any purpose including easements for public roads, utilities, lines, and pipelines, and ad valorem tax liens for the current tax year which will be paid when due by Grantor.

Grantor reserves for itself, its successors and assigns, all rights necessary or convenient to the operation of such dams and the manufacture of electricity, and this conveyance is accepted by Grantee as full compensation for all damages consequential or otherwise arising from the operation of such dams, the manufacture of electricity or any and all actions incident thereto, together with rights of ingress and egress over and across that part of the lands so described which lies above such datum plane first above described.

This conveyance is made subject to that certain mortgage or indenture executed by Alabama Power Company to the Chemical Bank and Trust Company (now Chemical Bank), as Trustee, dated January 1, 1942, as amended and supplemented, and Alabama Power Company agrees that it shall with one hundred twenty (120) days from the date of this conveyance secure a release from said indenture of the land interests and land rights conveyed hereunder.

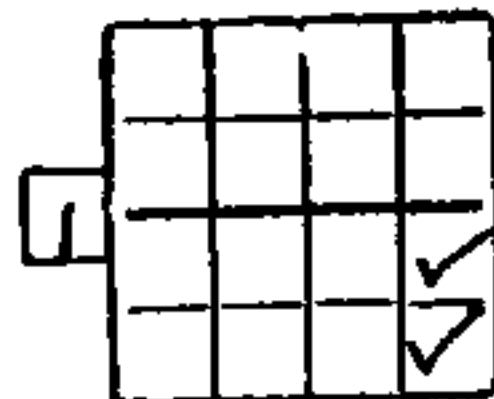
TO HAVE AND TO HOLD, to the said Homer M. Lincoln and James C. Murphy, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Alabama Power Company has caused this instrument to be executed in its name by Ollie D. Smith, its Vice President and its corporate seal to be affixed and these presents to be attested by John H. Snyder, its Asst. Secretary thereto respectively authorized on this the 3 day of October, 1984.

ATTEST

ALABAMA POWER COMPANY

5 H 0 2 0 4



S 2 T 24 N R 15 E  
Shelby Cty.

John H. Snyder  
Asst. Secretary

By Ollie D. Smith  
Vice President

REC'D AS  
FORM  
FILED AS  
AND  
PLUS  
FACIL, BIRGHAM, BAKER, HARRIS,  
SMITH, ROWMAN & THARGARD  
BY James D. Kellum  
BY Ollie D. Smith  
LAND MANAGEMENT MANAGER  
C.R. COTTON RIVER PARCEL

STATE OF ALABAMA     )  
                              )  
JEFFERSON COUNTY    )

I, J. D. Roberson, a Notary Public in  
and for said County in said State hereby certify that Ollie  
D. Smith, whose name as Vice President  
of Alabama Power Company, a corporation, is signed to the fore-  
going conveyance and who is known to me, acknowledged before me  
on this day that, being informed of the contents of the instru-  
ment, he, as such officer and with full authority, executed the  
same voluntarily for and as the act of said Corporation.

Given under my hand and official seal this the 3 day  
of October, 1984.

J. D. Roberson  
Notary Public State at Large

BOOK 293 PAGE 922

# NARRATIVE DESCRIPTION

A parcel of land in the East $\frac{1}{4}$  of the Southeast quarter (E $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 2, Township 24 North, Range 15 East, Shelby County, Alabama being more particularly described as follows:

with  
J.R.R.  
All of that part of Lot No. 16 of Murphy's Fish Camp Subdivision as recorded in Map Book No. 3, Page 72 in the Office of Judge of Probate, Shelby County, Alabama, which lies above that certain datum plane of 397 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January, 1955.

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Exhibit "A"



MB. 3 PG. 72

Part of lot 16 lying above  
the 392' contour line. Above  
mean sea level.  
Approx. 0.02  
Acre

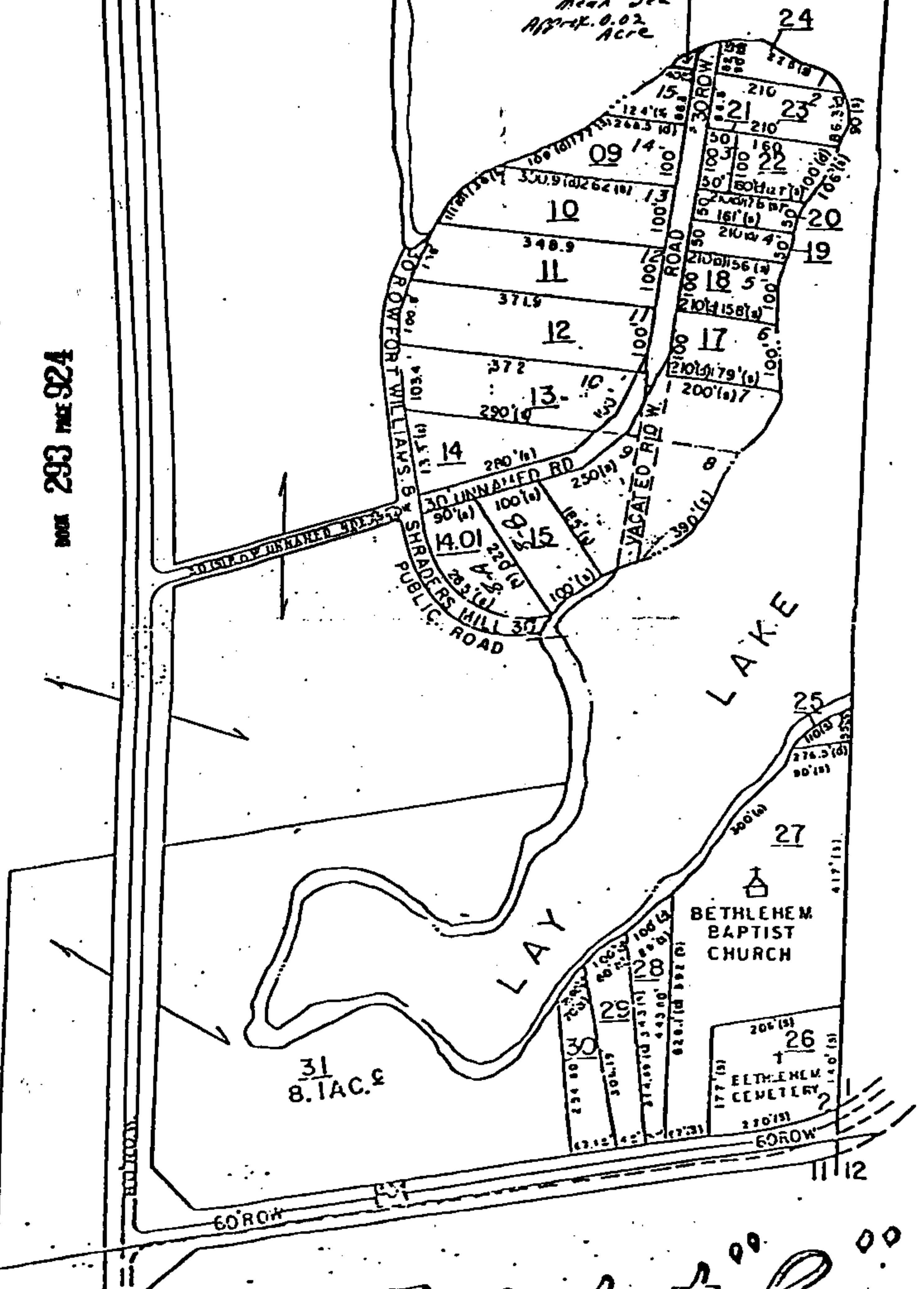


Exhibit "B"

00393

CR3864

STATE OF NEW YORK )

COUNTY OF NEW YORK )

WHEREAS, the title of Alabama Power Company to the property hereinafter described is subject to the lien of the Indenture dated as of January 1, 1942, as amended and supplemented (hereinafter called the Indenture), executed by Alabama Power Company (hereinafter called the Company) to Chemical Bank & Trust Company, as Trustee; and

WHEREAS, the name of Chemical Bank & Trust Company was changed to Chemical Bank New York Trust Company and said Chemical Bank New York Trust Company thereafter merged into Chemical Bank and said Chemical Bank is now successor Trustee under the Indenture; and

WHEREAS, pursuant to the provisions of the first paragraph of Section 10.04 of the Indenture, the Company has requested the undersigned, as Trustee under the Indenture, to release such property from the lien of the Indenture and such other action has been taken in respect thereto as is required by the Indenture.

NOW, THEREFORE, Chemical Bank, as successor Trustee, under authority of the first paragraph of Section 10.04 of the Indenture, does hereby release and quitclaim from the lien of the Indenture (subject to the exceptions and reservations set forth in the hereinafter described deed, if any), all of its right, title and interest in and to the following described property located in Shelby County, Alabama, more particularly described as follows:

A parcel of land in the east 1/2 of the southeast quarter (E 1/2 of SE 1/4) of Section 2, Township 24 north, Range 15 east, Shelby County, Alabama being more particularly described as follows:

All of that part of Lot No. 16 of Murphy's Fish Camp Subdivision as recorded in Map Book No. 3, Page 72 in the office of Judge of Probate, Shelby County, Alabama, which lies above that certain datum plane of 397 feet above mean sea level as established by the United States Coast and Geodetic Survey as adjusted in January, 1955.

The above described property is the same property described in and conveyed by deed from Alabama Power Company to Homer M. Lincoln, individually, and James C. Murphy, individually, dated October 3, 1984.

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IN WITNESS WHEREOF, Chemical Bank, as such successor Trustee, has caused its corporate name to be hereunto affixed and this instrument to be signed by its President, or a Vice President, or its Corporate Trust Officer or one of its other Trust Officers, and its corporate seal to be hereunto affixed and attested by its Secretary or an Assistant Secretary for and in its behalf on this the 18<sup>th</sup> day of October, 1984.

CHEMICAL BANK,  
as successor Trustee

By *[Signature]*  
T. J. FOLEY VICE PRESIDENT

ATTEST:

*[Signature]*  
C. G. MARTENS

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

I, Emily Fayan, a Notary Public in and for said County in said State, hereby certify that T. J. FOLEY whose name as VICE PRESIDENT of Chemical Bank, as Trustee, 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.

Given under my hand and official seal this 18<sup>th</sup> day of October, 1984

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STATE OF NEW YORK  
I CERTIFY THIS  
INSTRUMENT WAS FILED

90 JUN -1 AM 9:26

JUDGE OF PROBATE

*[Signature]*  
Notary Public  
EMILY FAYAN  
Notary Public, State of New York  
No. 24-4737006  
Qualified in Kings County  
Certificate filed in New York County  
Commission Expires March 30, 1985

1. Deed Tax	\$ 1.00
2. Mtg. Tax	\$
3. Recording Fee	\$ 27.50
4. Indexing Fee	\$ 3.00
5. N. Tax Fee	\$
6. Certified Fee	\$ 1.00
Total	\$ 32.50

