

This form furnished by: **Cahaba Title, Inc.**

Eastern Office
(205)833-1571
FAX 833-1577

Riverchase Office
(205)988-5600
FAX 988-5905

This instrument was prepared by:
(Name) Mitchell A. Spears
(Address) P. O. Box 91
Montevallo, Alabama 35115

Send Tax Notice to:
(Name) Clarence Hill
(Address) 468 Melton St.
Montevallo, AL 35115

WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVOR

STATE OF ALABAMA

SHELBY

COUNTY }

KNOW ALL MEN BY THESE PRESENTS,

Fifty-Three Thousand and 00/100 ----- (\$53,000.00) --

That in consideration of _____ DOLLARS
to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,

Nora Whatley, an unmarried woman
(herein referred to as grantors) do grant, bargain, sell and convey unto

Clarence Hill and wife, Eleanor Hill
(herein referred to as GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of
them in fee simple, the following described real estate situated in Shelby County,
Alabama to-wit:

Lots 1 and 2, according to Fancher's Subdivision of a part of the SW 1/4
of the NE 1/4 of Section 3, Township 24 North, Range 12 East, as recorded
in Map Book 4 page 31 in the Probate Office of Shelby County, Alabama, being
situated in Shelby County, Alabama.

SUBJECT TO:

Property Taxes for 1992 and subsequent years.
Subject to easements and rights-of-ways servicing subject property.
Any loss, claim, liability, expense, cost, and any attorney's fees arising
from or occasioned by any redemption from the foreclosure by the Foreclosure
Deed recorded in Real 326 page 193 in the Probate Office of Shelby County, Alabama,
dated December 31, 1990, by any person(s), firm(s), corporation(s),
governmental entities, trustee(s) in bankruptcy, creditor(s), and any other
entity(ies) or person(s) having a right to redeem under the State and/or
Federal Law.

PURCHASE MONEY FIRST MORTGAGE IN FAVOR OF JACK WHATLEY AND MARK WHATLEY,
EXECUTED ON EVEN DATE HERewith, IN THE SUM OF \$53,000.00.

SEE ATTACHED AFFIDAVITS WITH EXHIBITS.

TO HAVE AND TO HOLD to the said GRANTEES for and during their joint lives and upon the death of either of them,
then to the survivor of them in fee simple, and to the heirs and assigns for such survivor forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES,
their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances,
unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our)
heirs, executors and administrators shall warrant and defend the same to the GRANTEES, their heirs and assigns forever, against
the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand(s) and seal(s), this 26th
day of November, 19 91

WITNESS

(Seal)

Nora Whatley
Nora-Whatley (Seal)

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF ALABAMA

SHELBY

COUNTY }

General Acknowledgment

I, _____ the undersigned authority _____, a Notary Public in and for said County, in said State,
hereby certify that Nora Whatley

whose name 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 conveyance she executed the same voluntarily on the day the same bears
date.

Given under my hand and official seal this 26th day of November A.D., 19 91

8/93

M A Spears

BOOK 375 PAGE 194

STATE OF ALABAMA)
COUNTY OF SHELBY)

AFFIDAVIT

Comes now, George H. Kornegay, the Affiant herein, and after first being duly sworn, said Affiant does hereby depose and say as follows:

1. My name is George H. Kornegay, and I am a resident of Shelby County, Alabama, residing at 461 Melton Street, Montevallo, Alabama 35115. I have personal knowledge of the facts stated herein.

2. On or about October 22, 1958, Walter F. Fancher subdivided a parcel of land located between Melton Street and Hicks Street in Montevallo, Shelby County, Alabama, and such subdivision was divided into sixteen (16) separate parcels (such subdivision plat is attached hereto as Exhibit "A").

3. Subsequent to the development of such subdivision, known as "Fancher's subdivision", I purchased Lots 1 and 2, with the specific description of said property being hereinafter described as follows:

Lots 1 and 2, according to Fancher's Subdivision of a part of the SW 1/4 of the NE 1/4 of Section 3, Township 24 North, Range 12 East, as recorded in Map Book 4, Page 31, in the Probate Office of Shelby County, Alabama.

My purchase of the above described property occurred in the latter part of 1958 or the early part of 1959, and in 1959, I built a residential structure upon Lots 1 and 2 of said subdivision.

4. Prior to construction of my home upon said Lots 1 and 2, I complained to Walter F. Fancher regarding the fact that the Lots, as same front Melton Street, consisted of only approximately ninety (90) feet in width, as opposed to the one hundred (100) feet of frontage which I had purchased, and prior to my construction of my home, Walter F. Fancher, who then owned Lot 3 of said subdivision which adjoined Lot 2, extended the SW corner of Lot 2 Southward, along the Melton Street property boundary, toward Lot 3, for ten (10) feet, and set an iron pin at such location, and informed me that such pin represented my SW corner upon said Lot 2.

5. I accepted such SW corner of Lot 2, which was set by Walter F. Fancher in 1959, and upon completion of my residence, I lived upon, occupied and used such property as a residential lot from 1959 until 1972 when I moved from said property, openly, notoriously and continuously. During the period which I resided upon said Lots 1 and 2 for a period of approximately thirteen (13) years, I never experienced any boundary line disputes with Mr. Fancher or any subsequent owner of Lot 3 of said subdivision, and my ownership of said Lots 1 and 2 existed for said period without interruption, and undisputed.

6. In 1972, when I moved from said Lots 1 and 2, and conveyed such property to my successor in title, and I relocated on Melton Street in Montevallo, Shelby County, Alabama, almost directly across the street from said Lots 1 and 2, and have continued to reside in my present location from 1972 until the present. Therefore, I am familiar with the history of the usage of said Lots 1 and 2 from 1972 until the present, and I hereby acknowledge and confirm that said Lots have existed, and have been used by subsequent record

BOOK 375 PAGE 195

BOOK 375 PAGE 196

title owners of said Lots openly, notoriously and continuously from 1972 until the present.

7. I have reviewed and inspected that certain survey completed by Joseph E. Conn, Jr., dated October 4, 1991, and can attest that such survey accurately represents the designation of Lots 1 and 2 of Fancher's Subdivision, as the boundary lines of said Lots 1 and 2 have been recognized by myself, and by subsequent owners of Lots 1 and 2, since 1959, as based upon my usage and ownership of said Lots, and the subsequent usage of my successors in title since 1972 until the present. (See Exhibit "B").

8. In reference to the chain link fence which exists upon the East side of said Lots, I installed such fence in 1959, and intentionally placed said fence inside the property line of said Lots 1 and 2, for the purpose of avoiding encroachment upon any adjoining landowner.

9. This Affidavit is submitted for the purpose of clarification of the boundary lines relating to said Lots 1 and 2, as regarding the lines recognized and used by myself, and subsequent property owners of said property for approximately the past thirty-three (33) years immediately preceding the date of this Affidavit.

Furthermore, the Affiant saith naught.

George H. Kornegay
George H. Kornegay

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that George H. Kornegay, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the Affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 14th day of October, 1991.

L. Richard Damps
Notary Public 595

EXHIBIT "A"

Right of Way Line
 ALABAMA STATE HIGHWAY 25
 20' Unknown's Parcel

Right of Way Line?

CALIF

BOOK 375 PAGE 197

Note: On this 22nd day October 1950, the owner of this property, Walter E. Parmer instructed me to change the lengths of lot nos. 1 through 14 to a length of 145.0 feet in order to add 50 feet to the east side or boundary of Melton Street and 50 feet to the west side or boundary of Hicks Street. Lot nos. 15 & 16 were previously sold so no deduction from length was made. The sale was made by deed description. Errors of street lines was not made; however the altered lengths are shown.

James L. Ray Jr.
 Agent 1041

Note: All new pins are therefore 50 feet too far east or west respectively of lot nos. 1 through 14.

James L. Ray Jr.

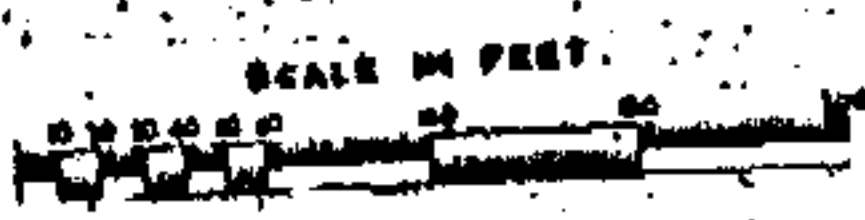
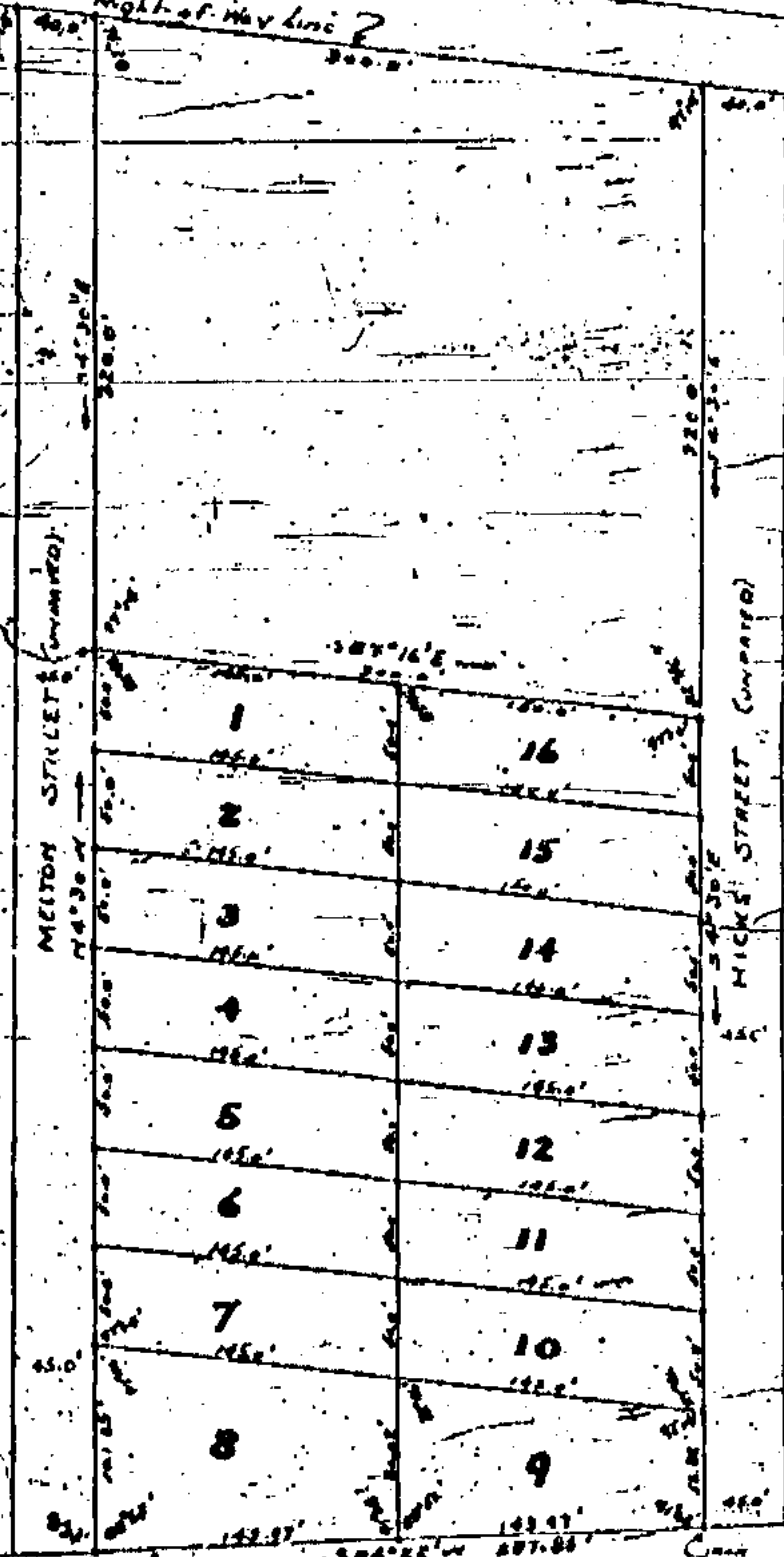
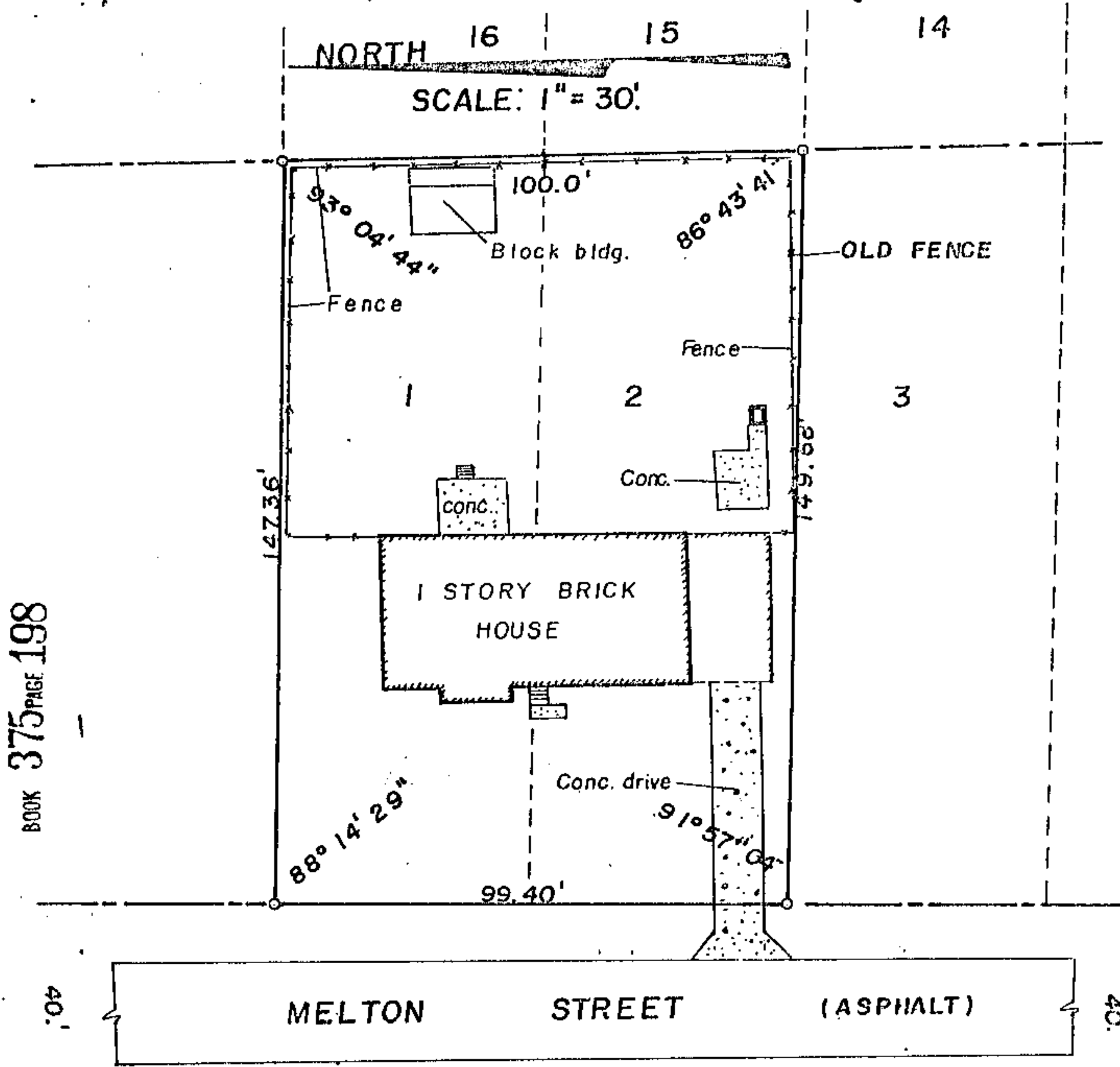


EXHIBIT "B"



STATE OF ALABAMA
COUNTY OF SHELBY

I, Joseph E. Conn, Jr., a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon, that the house and all improvements are within the bounds of the lots as shown, that there are no visible encroachments upon the subject property except as shown excluding utility service lines, wires or pipes that serve the subject property only. I further certify that I have consulted the Federal Insurance Administration's Flood Hazard Map for the area and have determined that the subject lots are not in a flood prone area, the correct legal description being as follows:

LOTS 1 and 2 of Fancher's Subdivision as recorded in map book 4, page 31 in the Office of the Judge of probate of Shelby County, Alabama.

According to my survey this the 4th day of October, 1991

Joseph E. Conn, Jr. # 9049

File No. 4298
Fancher's Subdivision
Lots 1 & 2
Jack Whatley
Oct. 1991

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

91 NOV 27 PM 4:18

JUDGE OF PROBATE

1. Deed Tax	\$ <u>no tax pd.</u>
2. Mig. Tax	\$ <u>12.50</u>
3. Recording Fee	\$ <u>3.00</u>
4. Indexing Fee	\$ <u>1.00</u>
5. No tax Fee	\$ <u>1.00</u>
6. Certified Fee	\$ <u>1.00</u>
Total	\$ <u>17.50</u>



SURVCONN
ENGINEERS • SURVEYORS
PELIAM HALL
PELHAM, ALABAMA 36564