

Declaration of Trust  
(Public Housing Modernization  
Grant Projects)

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing



26600-4661  
Inst # 1994-00992

Whereas, (1, see instructions) The Housing Authority of the Town of Columbiana, Alabama  
(herein called the Public Housing Agency (PHA), a public body corporate and politic, duly created and organized pursuant to and in accordance with the  
provisions of the laws of the (2) State of Alabama, and the United States of America, Secretary of Housing and  
Urban Development (herein called HUD) pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, et seq.) and the Department of Housing and  
Urban Development Act (5 U.S.C. 624) entered into a certain contract with the effective date as of (3) June 27, 19 72 (herein called  
the Annual Contributions Contract) and a certain Modernization Project Grant Amendment to the Annual Contributions Contract with the effective date as  
of (4) \_\_\_\_\_, 19 \_\_\_\_\_, (herein called the Modernization Grant Amendment) providing for a grant to be made by HUD to assist the PHA  
in modernizing lower income housing project(s); and

Whereas, as of the date of the execution of this Declaration of Trust, the Modernization Grant Amendment and the Annual Contributions Contract  
cover certain individual lower income housing projects located in: (5) the Town of Columbiana, County of Shelby,  
State of Alabama which will provide approximately (6) 176 dwelling  
units; and which lower income housing projects are known as Modernization Project No. (7) AL09P072906-93 and individual projects as follows:

Project No. (8) <u>AL09P072001</u>	with approximately <u>60</u>	dwelling units,
Project No. (8) <u>AL09P072002</u>	with approximately <u>6</u>	dwelling units, and
Project No. (8) <u>AL09P072003</u>	with approximately <u>20</u>	dwelling units; and
Project No. (8) <u>AL09P072004</u>	with approximately <u>6</u>	dwelling units,
Project No. (8) <u>AL09P072005</u>	with approximately <u>6</u>	dwelling units, and
Project No. (8) <u>AL09P072006</u>	with approximately <u>46</u>	dwelling units; and
Project No. (8) <u>AL09P072007</u>	with approximately <u>32</u>	dwelling units,
Project No. (8) _____	with approximately _____	dwelling units, and
Project No. (8) _____	with approximately _____	dwelling units; and

Whereas, the modernization of each Project will have been financed with grant assistance provided by HUD.  
Now Therefore, to assure HUD of the performance by the PHA of the covenants contained in the Modernization Grant Amendment and the Annual  
Contributions Contract, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes  
herein stated, the following described real property situated in: (9) the Town of Columbiana, County of  
Shelby, State of Alabama  
(Insert legal description for each individual project. ) (10)

See Attached Exhibit "A"

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08:46 AM CERTIFIED To Wit:  
SHELBY COUNTY JUDGE OF PROBATE  
DOB MCD .00

and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that during the existence of the trust hereby created, HUD has been granted and is possessed of an interest  
in the above described Project property, To Wit:

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging,  
pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said  
property or any part thereof, appurtenances thereto, or any rent, revenues, income, or receipts therefrom or in connection therewith, or any of the benefits or  
contributions granted to it by or pursuant to the Modernization Grant Amendment and the Annual Contributions Contract, or any interest in any of the same  
except that the PHA may (1) to the extent and in the manner provided in the Annual Contributions Contract, (a) lease dwellings and other spaces and  
facilities in any Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of any Project, or  
(c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of  
public utilities; or (d) enter into and perform contracts for the sale of dwelling units to members of tenant families, as authorized by the United States  
Housing Act of 1937, or (2) with the approval of HUD, release any Project from the trust hereby created; Provided, That nothing herein contained shall be  
construed as prohibiting the conveyance of title to or the delivery of possession of any Project to HUD pursuant to the Annual Contributions Contract.

The endorsement by a duly authorized officer of HUD (1) upon any conveyance or transfer made by the PHA of any real or personal property which is  
determined to be excess to the needs of any Project, or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as  
streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities, or (3) upon any instrument transferring  
or conveying a dwelling unit, or an interest therein, to a member of a tenant family, or (4) upon any instrument of release made by the PHA of any Project  
shall be effective to release such property from the trust hereby created.

The individual projects covered by the Modernization Grant Amendment shall be subject to this Declaration of Trust for a period of twenty years  
beginning on the date of the Modernization Grant Amendment. Each individual project shall also be subject to this Declaration of Trust for a period of  
twenty years after the date of the most recent Modernization Grant Amendment applicable to that project. Upon expiration of the period during which the  
PHA is obligated to operate the individual projects in accordance with the Annual Contributions Contract, the trust hereby created shall terminate and no  
longer be effective.

In Witness Whereof, the PHA by its officers thereunto duly authorized has caused these presents to be signed in its name and its corporate seal to be  
hereunto affixed and attested this 7th day of December, 19 93.

(Seal)

(1) The Housing Authority of the Town  
of Columbiana, Alabama

By: Martha J. Annett Chairperson

Attest: [Signature] Secretary

**EXHIBIT "A"**

**SHELBY COUNTY**

**AL09P072001**

**STATE OF ALABAMA**

A parcel or tract of land in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 25, Township 21, South, Range 1 West, Huntsville Meridian, more particularly described as follows:

From the Northwest corner of the said NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 25 as a point of beginning, run north, 88 degrees 00 minutes east, with the north line of said forty acre tract a distance of 680.0 feet to a point; thence south, 1 degree 00 minutes east a distance of 600.0 feet to a point; thence south, 88 degrees 00 minutes west a distance of 680.0 feet and to the west line of said forty acre tract; thence north, 1 degree 00 minutes west, with the west line of said forty acre tract, a distance of 600.0 feet and to the point of beginning; said land situated, lying and being in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 25, Township 21, South, Range 1 West, in the Town of Columbiana, Shelby County, Alabama, and containing 9.365 acres, more or less.

**EXHIBIT "A"**

**SHELBY COUNTY**

**AL09P072002**

**STATE OF ALABAMA**

A parcel of land in the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 26, Township 21 South, Range 1 West, more particularly described as follows: From the northwest corner of the said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 26, run South, 52 degrees 29 minutes east, a distance of 397.5 feet to a point on the southerly line of Depot Street for a point of beginning; thence south, 55 degrees 10 minutes east along the southerly line of Depot Street, a distance of 210 feet to a point; thence south, 35 degrees 50 minutes west a distance of 210 feet to a point; thence north, 55 degrees 10 minutes west a distance of 210 feet to a point; thence north, 35 degrees 50 minutes east, a distance of 210 feet and to the point of beginning; said land situated, lying and being in the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 26, Township 21 South, Range 1 West, in the Town of Columbiana, Shelby County, Alabama, containing 1.012 acres, more or less.



## EXHIBIT "A"

SHELBY COUNTY  
STATE OF ALABAMA

AL09P072003

### Helena

Commencing at the Northwest corner of the SE $\frac{1}{4}$ , of the NW $\frac{1}{4}$ , Section 15, Township 20 South, Range 3 West; thence S 44° 09' E, a distance 164.4 feet to a point; thence S 60° 18' E, a distance 179.15 feet to a point; thence S 83° 45' E, a distance 30.0 feet to a point; thence S 3° 33' W, a distance 56.25 feet to a point; thence S 7° 15' W, a distance 156.8 feet to a point; thence S 14° 03' W, a distance 224.4 feet to a point; thence S 12° 01' W, a distance 525.3 feet to a point; thence S 71° 17' E, a distance 131.0 feet to a point; thence S 71° 34' E, a distance 495.45 feet to a point; thence S 7° 38' E, a distance 55.65 feet to the point of beginning (a concrete monument) of the tract herein described; thence S 7° 38' E, a distance 213.0 feet to a concrete monument; thence N 89° 20' W, a distance 521.9 feet to a concrete monument; thence N 1° 22' E, a distance 364.2 feet to a concrete monument; thence S 71° 50' E, a distance 510.3 feet to the point of beginning.

### TRACT "A"

Commencing at the northwest corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Section 15, Township 20S, Range 3 West; thence S 44° 09' E, a distance 164.4 feet to a point; thence S 60° 18' E, a distance 179.15 feet to a point; thence S 83° 45' E, a distance 30.0 feet to a point; thence S 3° 33' W, a distance 56.25 feet to a point; thence S 7° 15' W, a distance 156.8 feet to a point; thence S 14° 03' W, a distance 224.4 feet to a point; thence S 12° 01' W, a distance 525.3 feet to a point; thence S 71° 17' E, a distance 131.0 feet to a point; thence S 71° 34' E, a distance 495.45 feet to a point; thence S 7° 38' E, a distance 308.66 feet to the point of beginning (a concrete monument) of the tract herein described; thence S 7° 38' E, a distance 374.7 feet to a concrete monument; thence N 89° 23' W, a distance 454.67 feet to a point being 5.0 feet beyond a concrete monument that is offset 5.0 feet; thence N 1° 51' W, a distance 370.9 feet to a concrete monument; thence S 89° 23' E, a distance 417.0 feet to the point of beginning.

The above described tracts of land are according to survey made by E. J. Ladd, Reg. No. 42, on May 2, 1952, and contain 3.337 and 3.709 acres, respectively,

EXHIBIT "A"

STATE OF ALABAMA

AL09P072004

SHELBY COUNTY

Commencing at the NW corner of the SE 1/4 of the NW 1/4 of Section 15, Township 20, Range 3 W., of the Huntsville Meridian run S. 44° 09' E., 164.4 feet; thence S. 60° 18' E., 179.15 feet and to the center of the highway; thence S. 83° 45' E., 30.0 feet and to the east edge of the highway at station 10 / 25.0; thence S. 3° 33' W., with the east edge of the highway 56.25 feet and to the south edge of an unnamed road for a point of beginning;

Thence southward with the east edge of the highway, on a curve to the right having a radius of 1462.69 feet for a distance of 156.87 feet (the long chord bearing S. 7° 15' W., for 156.8 feet); thence S. 87° 46' E., 180.2 feet; thence S. 4° 43' E., 69.6 feet and to a concrete reservoir; thence S. 84° 43' E., with said reservoir 36.97 feet and to the NE corner thereof; thence S. 7° 17' W., 32.25 feet; thence N. 80° 32' E., 137.5 feet; thence N. 4° 43' W., 297.5 feet and to the south line of an unnamed road; thence S. 80° 32' W., with the south line of said road 314.1 feet and to the point of beginning;

The above described tract of land lying in the SE 1/4 of the NW 1/4 of Section 15, Township 20, Range 3 west, in Helena, Shelby County, Alabama and containing 1.748 acres, more or less.

**EXHIBIT "A"**

**SHELBY COUNTY**

**AL09P072005**

**STATE OF ALABAMA**

Commencing at the SE corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 1, Township 21, Range 1 E. of the Huntsville Meridian run N. 47° 45' W., 168.0 feet; thence N. 21° 45' W. 144.6 feet; thence N. 18° 45' W., 382.1 feet; thence S. 81° 35' W. 10.5 feet; for a point of beginning: Thence S. 18° 45' E., 75 feet and to the NE corner of the church lot; thence S. 77° W., with the north line of the church lot 227.37 feet; thence N. 6° W., 78 feet; thence N. 36° W., 180 feet; thence N. 83° 30' E., 283.5 feet; thence S. 12° 35' E., 136.3 feet and to the point of beginning.

The above described tract of land lying in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 21, Range 1 E., in Wilsonville, Shelby County, Alabama and containing 1.221 acres, more or less.

**EXHIBIT "A"**

**SHELBY COUNTY**

**AL09P072006**

**STATE OF ALABAMA**

Parcel "A"

All of Blocks 7 and 10 according to the map of Alabaster Gardens as shown by the Survey and map made by H. W. Cannon, a registered surveyor, of a part of the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 35, Township 20 South, Range 3 West, as shown by map recorded in Map Book 3 page 156 in the Probate Office of Shelby County, Alabama, and containing 4.82 Acres, more or less.

Parcel "B"

A tract of land in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, Township 20 South, Range 3 West in Shelby County, Alabama, more particularly described as follows:

Commence at the southeast corner of said SW $\frac{1}{4}$  of SW $\frac{1}{4}$  thence northerly along the east line of said SW $\frac{1}{4}$  of SW $\frac{1}{4}$  a distance of 607.90 feet; thence 98 degrees 12 minutes 50 seconds to the left and southwesterly 324.63 feet to the point of beginning of the tract of land herein described; thence continue southwesterly along the last above described course 170.0 feet; thence 102 degrees 44 minutes to the right and northerly 405.0 feet; thence 90 degrees 00 minutes to the right and easterly 162.80 feet to a point, said point being on the arc of a curve having a radius of 966.92 feet and subtending a central angle of 3 degrees 51 minutes 27 seconds and whose tangent forms an angle to the left of 86 degrees 08 minutes 33 seconds with the last above described course extended through said point of intersection; thence northerly and along the arc of said curve 65.10 feet to the end of said curve; thence northerly along a straight line tangent to the end of said curve 114.95 feet; thence 90 degrees 00 minutes to the left and westerly 165.0 feet; thence 90 degrees 00 minutes right and northerly 220.0 feet; thence 84 degrees 00 minutes to the right and northeasterly 213.61 feet; thence 47 degrees 40 minutes 25 seconds to the right and southeasterly 292.36 feet; thence 48 degrees 19 minutes 35 seconds to the right and southerly 250.80 feet; thence 70 degrees 50 minutes to the right and southwesterly 242.68 feet; thence 63 degrees 08 minutes 30 seconds to the left and southwesterly 267.40 feet, more or less, to the point of beginning. Containing 4.95 acres, more or less.



EXHIBIT "A"

STATE OF ALABAMA

AL09P072007

SHELBY COUNTY

A part of the NW 1/4 of the SE 1/4 and the SW 1/4 of the NE 1/4, Section 26, Township 20 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the Southeast corner of the N 1/2 of the NW 1/4 of the SE 1/4 of Section 26, Township 20 South, Range 3 West, Shelby County, Alabama; thence run West along the South line of said N 1/2 a distance of 1254.57 feet; thence turn right 90 deg. 00 min. and run North a distance of 180.00 feet; thence turn right 90 deg. 00 min. and run East a distance of 100.02 feet to the point of beginning of the property described herein; thence continue along the last described course a distance of 355.58 feet to a point of curve, said curve being to the left having a radius of 227.09 feet and an interior angle of 43 deg. 15 min.; thence continue Easterly an arc distance of 171.42 feet to a point of compound curve, said curve being to the left having a radius of 25.0 feet and an interior angle of 90 deg. 00 min.; thence run North and Northwesterly an arc distance of 39.27 feet to the point of tangent, thence continue Northwesterly a distance of 73.72 feet to a point of curve, said curve being to the right, having a radius of 653.83 feet and an interior angle of 10 deg. 02 min. 26 sec.; thence continue Northwesterly and arc distance of 114.58 feet; thence from the tangent of the last described course, turn left 118 deg. 43 min. 56 sec. and run Southwesterly a distance of 84.40 feet; thence turn right 51 deg. 06 min. 05 sec. and continue Southwesterly a distance of 184.03 feet; thence turn right 89 deg. 57 min. 55 sec. and run Northwesterly a distance of 172.78 feet; thence right 86 deg. 49 min. 20 sec. and run Northeasterly a distance of 90.00 feet; thence turn left 91 deg. 02 min. 32 sec. and run Northwesterly a distance of 139.75 feet; thence turn left 90 deg. 33 min. 43 sec. and run Southwesterly a distance of 45.0 feet; thence turn right 87 deg. 52 min. 21 sec. and run Northwesterly a distance of 200.00 feet; thence turn left 92 deg. 26 min. 56 sec. and run Southwesterly a distance of 147.19 feet; thence turn left 85 deg. 19 min. 38 sec. to the tangent of a curve to the right running Southerly, said curve having a radius of 533.92 feet and an interior angle of 14 deg. 10 min. 14 sec.; thence run Southerly an arc distance of 132.05 feet to the point of tangent; thence continue Southerly a distance of 431.15 feet to a point of curve, said curve being to the left, having a radius of 25.00 feet and an interior angle of 88 deg. 36 min. 50 sec.; thence Southeasterly and arc distance of 38.67 feet to the point beginning, being Situated in Shelby County, Alabama.

Inst # 1994-00992

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