

STATE OF ALABAMA]

SHELBY COUNTY]

A F F I D A V I T

Before me, the undersigned authority, personally appeared **PEGGY SPAIN McDONALD**, who, being first duly sworn, stated the following:

1. My name is Peggy Spain McDonald, the Grantee in that certain Deed recorded in Book 285, Page 558, Office of the Judge of Probate of Shelby County, Alabama, a copy of which is attached hereto as **Exhibit A**.
2. I subsequently sold said real estate to Valleydale Development Company under Deed recorded in Real Book 377, Page 77 and Real Book 377, Page 79, of said Probate Office, but did not include in that grant the non-exclusive easement for ingress, egress and utilities as described in the Deed attached as **Exhibit A**.
3. I disclaim any interest in said easement and certify that no utilities were installed within the easement during the time of my ownership of the property. So far as I am concerned, the easement may be terminated.

DONE this 9th day of September 1994.

Peggy Spain McDonald
 PEGGY SPAIN McDONALD
by Cameron Towell
 attorney in fact

Sworn to and subscribed before me this 12th day of September, 1994.

Norm Jean Earn

 Notary Public

My Commission Expires: 6-6-98

Inst # 1994-28839

116225

09/21/1994-28839
 03:15 PM CERTIFIED
 SHELBY COUNTY JUDGE OF PROBATE
 004 MCD 17.00

WTA

EXHIBIT A

This document was prepared by
H. Hampton Boles, Balch, Bingham, Baker, Hawthorne, Williams & Ward
600 North 18th Street, Birmingham, Alabama 35203

STATE OF ALABAMA)
COUNTY OF SHELBY)

3/20/74

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of Fifty-One Thousand Dollars (\$51,000.00) in hand paid by PEGGY SPAIN McDONALD (hereinafter referred to as "GRANTEE"), to the undersigned THE HARBERT-EQUITABLE JOINT VENTURE, under Joint Venture Agreement dated January 30, 1974 (hereinafter referred to as "GRANTOR"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents grant, bargain, sell and convey unto the said GRANTEE the following described real estate situated in Shelby County, Alabama:

A tract of land located in the West 1/2 of the Northwest 1/4 of Section 29, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Begin at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 29; thence North 89° 14' 05" West along the South boundary of said Northwest 1/4 a distance of 526.01 feet, more or less, to a point (said point being 800 feet east of the SW corner of the SW 1/4 of NW 1/4); thence North 00° 23' 05" West a distance of 1166.55 feet to a point; thence North 46° 23' 20" East 717.90 feet to a point; thence South 00° 28' 50" East along the east boundary of the West 1/2 of the Northwest 1/4 of said Section 29, a distance of 1668.79 feet to the point of beginning.

ALSO:

A non-exclusive easement 25 feet in width for ingress and egress over and across the following described strip of land and for any underground public utility facilities including, but not limited to, electric, telephone, gas, sanitary sewer, and water under the following described strip of land:

The East 25 feet of the NW 1/4 of the NW 1/4 of Section 29, Township 19, Range 2 West, lying South of the South Right of Way line of Valleydale Road and North of the North property line of the property described above.

Such land is conveyed subject to the following:

BOOK 285 PAGE 558

1. Mineral and mining rights not owned by GRANTOR.
2. Any applicable zoning ordinances.
3. Easements and rights of way of record.

TO HAVE AND TO HOLD unto GRANTEE, her heirs and assigns,
forever.

IN WITNESS WHEREOF, the GRANTOR has caused this con-
veyance to be executed by each Venturer by their respective
duly authorized officers thereunto on this the 26 day of

February, 1974.

THE HARBERT-EQUITABLE JOINT VENTURE:

By: THE EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES

Attest:

Sanathy M. Selay
Secretary

By James E. Hayden
Its Vice President
James E. Hayden

Attest:

W. H. [Signature]
Secretary

By: HARBERT CONSTRUCTION CORPORATION

By [Signature]
Its Vice President



800: 285 PAGE 559

STATE OF New York)
COUNTY OF New York)

I, John T. DiStasio, a Notary Public in and for said County in said State, hereby certify that James E. Gove, whose name as Vice President of The Equitable Life Assurance Society of the United States, a corporation, as General Partner of The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974, 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, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation as General Partner of The Harbert-Equitable Joint Venture.

Given under my hand and official seal, this the 26th day of FEBRUARY, 1974.



John T. DiStasio
Notary Public

My commission expires: _____

NOTARY PUBLIC
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AUG 1 1974
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STATE OF ALABAMA)
JEFFERSON COUNTY)

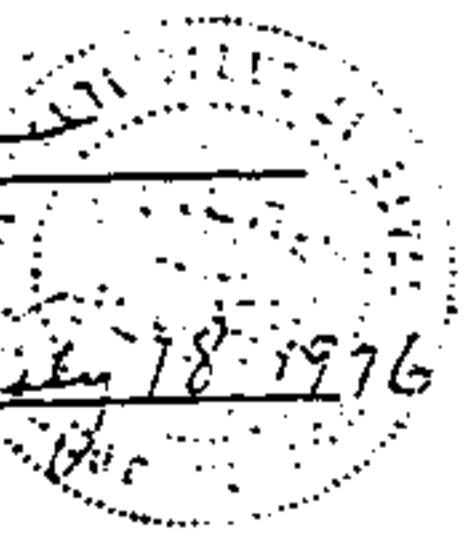
I, Judy M. Johnson, a Notary Public in and for said County in said State, hereby certify that Charles M. Johnson, whose name as Vice President of Harbert Construction Corporation, a corporation, as General Partner of The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974, 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, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation as General Partner of The Harbert-Equitable Joint Venture.

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Given under my hand and official seal, this the 1st day of March, 1974.

Judy M. Johnson
Notary Public

My commission expires: July 18, 1976



Inst # 1994-28839

09/21/1994-28839
03:15 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 17.00