

QUIT CLAIM DEED AND
AGREEMENT TO FIX LOCATION OF KNOWN
COMMON BOUNDARY

Agreement made November , 1996, by and between Johnny Holcombe and wife,
Nancy Holcombe of HARDEMSVILLE, AL., and Jim Parsons, of SHELBY
CREEK, AL.

Index # 1996-39728
12/03/1996-39728
01:01 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 MC 21.30

Recitals

A. Johnny Holcombe and wife, Nancy Holcombe are the owners of property described as follows:

See Attached Exhibit "A"

B. Jim Parsons is the owner of property described as follows:

See Attached Exhibit "B"

C. Both parties have seen the boundary line survey prepared by John Gary Ray, dated June 10, 1995 and attached hereto as Exhibit "C".

D. The land owned by the two parties have a common boundary that either conflicts or has not been clearly established.

Section One

The parties agree that the boundary line survey prepared by John Gary Ray contains the correct boundary between the parties and the parties agree to accept the boundary on this attached survey which is incorporated herein by reference, as the true and correct boundary line between their adjoining properties. Said boundary line is more specifically described in Exhibit "D" which is attached hereto and incorporated herein by reference.

Section Two

The parties hereby accept the boundary line established in the attached Exhibit "C" and more particularly described in Exhibit "D" as the true common boundary line between their respective properties.

Section Three

Johnny Holcombe and wife, Nancy Holcombe hereby remise, release and quit claim any and all property to the South of the boundary line described by John Gary Ray in Exhibit "D" to Jim Parsons.

Section Four

Jim Parsons hereby remises, releases and quit claims any and all property to all the property North of the boundary line described by John Gary Ray in Exhibit "D" to Johnny Holcombe and wife, Nancy Holcombe.

Courtney

In witness whereof, each party to this agreement has caused it to be executed on the date indicated below.

Johnny Holcombe (L.S.) 11/27/96
Johnny Holcombe Date

Nancy Holcombe (L.S.) 11/27/96
Nancy Holcombe Date

Jim Parsons (L.S.)
Jim Parsons Date

State of Alabama)
County of Shelby)

I, the undersigned, hereby certify that Johnny Holcombe and wife, Nancy Holcombe, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day of same bears date.

GIVEN UNDER MY HAND THIS 27th DAY OF NOVEMBER, 1996.

My Commission Expires: 8/22/98

C. L. Parsons
Notary Public

State of Alabama)
County of Shelby)

I, the undersigned, hereby certify that Jim Parsons, 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, he executed the same voluntarily on the day of same bears date.

GIVEN UNDER MY HAND THIS 25th DAY OF NOVEMBER, 1996.

My Commission Expires: 3/26/98

Dawn Roscoe
Notary Public

Exhibit A

The NW 1/4 of SW 1/4, SE 1/4 of SW 1/4, all of that part of the SW 1/4 of SW 1/4, lying North and East of Chancellors Ferry Road. All being in Section 2, Township 20, Range 2 East, Shelby County, Alabama.

EXHIBIT "B"

This Instrument Prepared By:
James F. Burford, III
Suite 200, 100 Vestavia Office Park
Birmingham, Alabama 35216

Send Tax Notice To:

JIM PARSONS
ONE SOUTH OAK DR.
BIRMINGHAM, AL 35242

WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVORS

STATE OF ALABAMA)
SHELBY COUNTY) KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Three Hundred Eighty-Five Thousand Four Hundred and No/100 Dollars (\$385,400.00) to the undersigned grantor or grantors in hand paid by the GRANTEE herein, the receipt of which is acknowledged, we, HARPERSVILLE LAND COMPANY VII, AN ALABAMA GENERAL PARTNERSHIP (hereinafter referred to as GRANTORS) do grant, bargain, sell and convey unto JAMES T. PARSONS and BOBBIE JO PARSONS (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, together with every contingent remainder and right of reversion, the following described real estate situated in Shelby County, Alabama to-wit:

Parcel A: The NE 1/4 of Section 11, Township 20, Range 2 East, being situated in Shelby County, Alabama. Contains 161.10 acres more or less.

Parcel B: A parcel of land located in the NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4 of Section 11, Township 20 South, Range 2 East, more particularly described as follows:

From the true SE corner of the SW 1/4 of NE 1/4 of Section 11, Township 20 South, Range 2 East, run thence true North 89 deg. 22 min. 01 sec. West along the true South boundary of said SW 1/4 of NE 1/4 a distance of 1322.14 feet to the true SW corner of said SW 1/4 of NE 1/4; thence continue along aforementioned course a distance of 276.09 feet to a point on the East boundary of Shelby County Highway No. 79; thence turn 122 deg. 15 min. 15 sec. left and run 69.95 feet along said Highway boundary; thence turn 57 deg. 32 min. 35 sec. left and run 238.95 feet; thence turn 18 deg. 36 min. 05 sec. left and run 105.27 feet; thence turn 18 deg. 37 min. 30 sec. right and run 1222.26 feet to a point on the East boundary of the NW 1/4 of SE 1/4 of aforementioned Section 11; thence turn 90 deg. 32 min. 55 sec. left and run 31.61 feet to the point of beginning of herein described parcel of land; being situated in Shelby County, Alabama. Contains 1.28 acres more or less.

SUBJECT TO: (1) Taxes due in the year 1993 and thereafter; (2) Easements, restrictions and rights-of-way of record; and (3) Encroachment of fence as shown on the survey of Hickey and Martin Land Surveying dated February 14, 1989.

Applegate Realty, Inc. and Jimmy H. Harvey are the only partners of Harpersville Land Company VII, an Alabama General Partnership.

TO HAVE AND TO HOLD to the said GRANTEE 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 of such survivor forever, together with every contingent remainder and right of reversion.

And, we do, for ourselves and for our heirs, executors, and administrators, covenant with the said GRANTEE, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we, our heirs, executors and administrators, shall defend the title to the same against all persons claiming the same.

Witness my hand and seal this 10th day of June, 1994.

10/26/1994-22138
10:13AM CERTIFIED
SHELBY COUNTY, ALA. CLERK OF COURTS
JAMES T. PARSONS

Inst # 1994-32138

EXHIBIT "B" CONTINUED

administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the undersigned, HARPERSVILLE LAND COMPANY VII, AN ALABAMA GENERAL PARTNERSHIP, has set its hand and seal, this 24th day of October, 1994.

HARPERSVILLE LAND COMPANY VII,
AN ALABAMA GENERAL PARTNERSHIP

By: Applegate Realty, Inc.
Its: General Partner

By: Randall H. Goggans
Its: President

Jimmy H. Harvey
Its: General Partner

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that RANDALL H. GOGGANS, whose name as President of Applegate Realty, Inc. as General Partner of HARPERSVILLE LAND COMPANY VII, AN ALABAMA GENERAL PARTNERSHIP, 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 said conveyance, he, as such General Partner and with full authority, executed the same voluntarily for and as the act of said partnership on the day the same bears date.

Given under my hand and seal this 24 day of OCTOBER, 1994.

[Signature]
Notary Public
My Commission Expires: 3-1-98

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JIMMY H. HARVEY, whose name as General Partner of HARPERSVILLE LAND COMPANY VII, AN ALABAMA GENERAL PARTNERSHIP, 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 said conveyance, he, as such General Partner and with full authority, executed the same voluntarily for and as the act of said partnership on the day the same bears date.

Given under my hand and seal this 24 day of OCTOBER, 1994.

[Signature]
Notary Public
My Commission Expires: 3-1-98

h:\pam\goggans\persons.vcd

Inst. 6 1994-32130

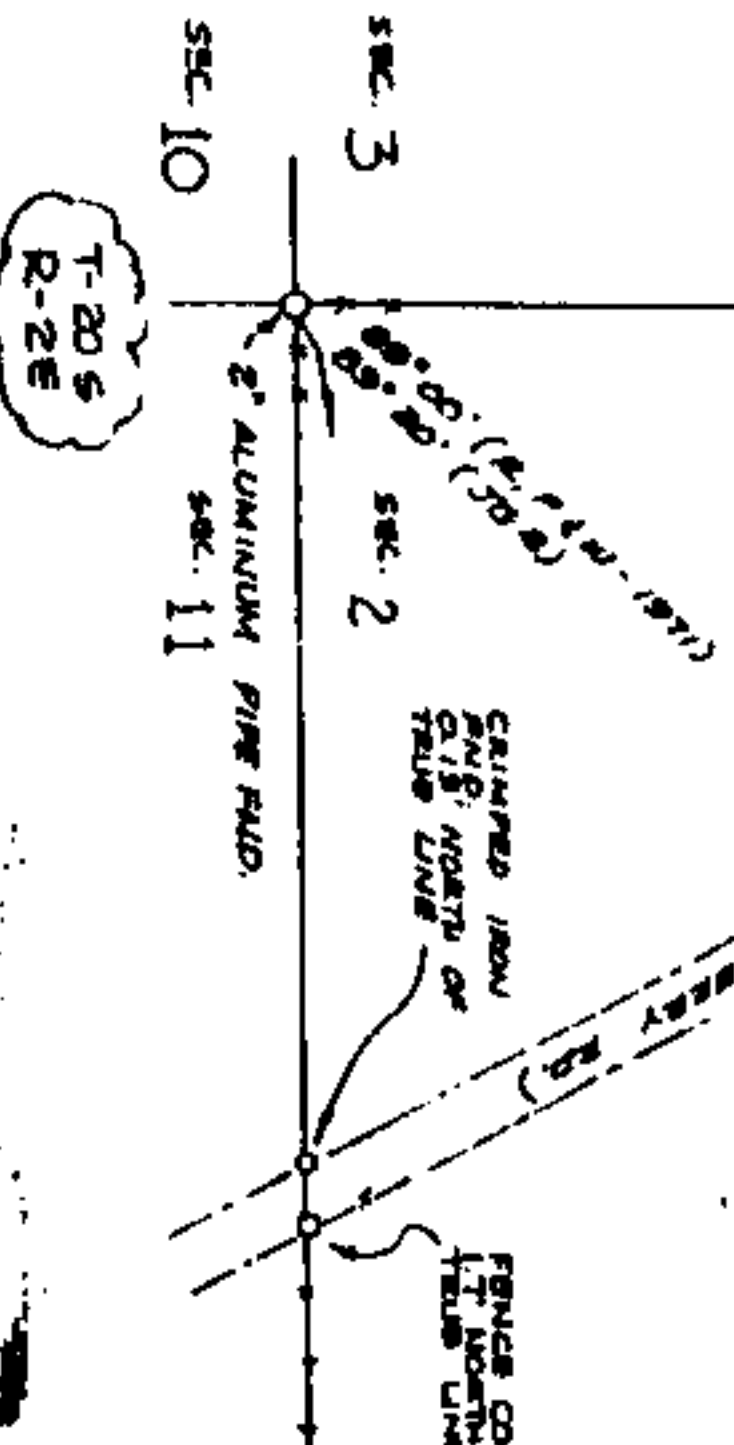
10/26/1994-32130

10:13 AM CERTIFIED

JEFFERSON COUNTY, ALABAMA

NOTARY PUBLIC

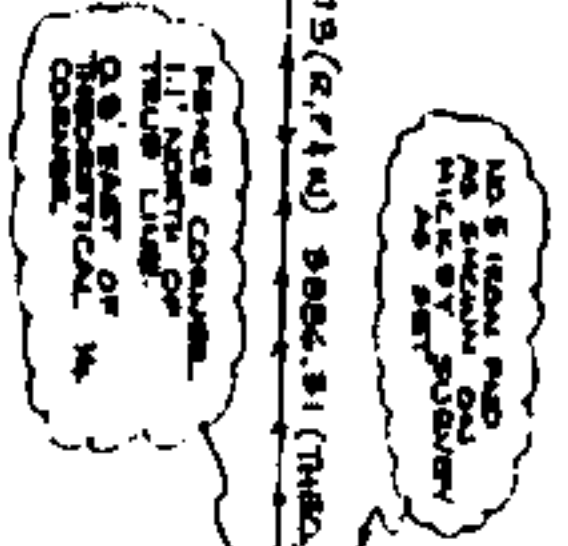
SECTION DISTANCE: 5421.15 (R.P. 1071)
5420.90 (J.D. 2)



JOHN HOWARD & NANCY C. HOLCOMB
681 SUN VALLEY RD
HARTSVILLE, AL. 35076

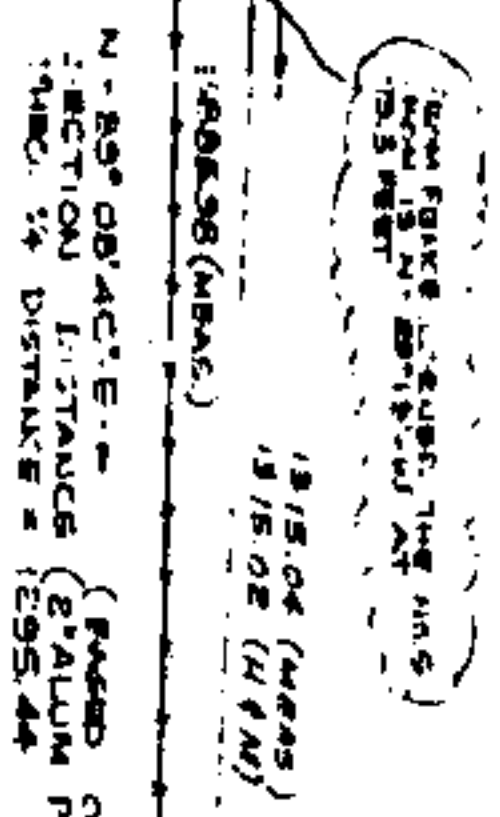
APPROXIMATE SURVEYED LINE OF
RAY, PEOPLES & WHITE
AS SHOWN ON SURVEY OF 4/9/71
D.M. RAY, L.S. NO. 1710

C.E. LITTLE ESTATE
% C.E. CLARK
2612 CHERRY ROAD
BIRMINGHAM, AL. 35216



THE ALABAMA SHELBY POND & FIELDS EARTHWORK, INC
P.O. BOX 1
BOYD BACH, AL. 36761

RESURVEY
OF
THE SOUTH BOUNDARY
OF
SECTION 2, T-20S, R-2E
ACCORDING TO A SURVEY BY
RAY, PEOPLES & WHITE
DATED 4-9-71
(D.M. RAY, L.S. NO. 1710)



SURVEYED LINE AS SHOWN ON
BY HICKY & MARTIN L.S. IT
DATED FEBRUARY 14, 1989 &
REVISED ON 2-20-89, JOB NO.
SAM W. HICKY L.S. NO. 401
FROM THE PILE THE
13.15.04 (MEAS.)
13.15.02 (H&M)

HARTSVILLE LAI
% GOGGANS DRIVE
1 BAYBEECHAS CT
BIRMINGHAM, AL

STATE OF ALABAMA
SHELBY COUNTY

John Gary Ray, a Registered Professional Engineer & Land Surveyor in the State of Alabama, do hereby
state that this is a true and correct plat of a re-survey of a D.M. Ray survey (L.S. 8 1710 and dated 4-9-
) performed by me, in accordance with the Minimum Technical Standards for the Practice of Land
Surveying in the State of Alabama, of property located as shown hereon as the South Boundary Line of
Section 2, Township 20 South, Range 2 East.

WITNESS MY HAND AND SEAL THIS 10TH DAY OF JUNE, 1995.

EXHIBIT C

RE PROPERTY

○ FENCE LINE

○ FENCE LINE

EXHIBIT D

July 26, 1996

MEMORANDUM

To: Courtney Mason, Jr.
1904 Indian Lake Drive
Birmingham, Al. 35244
Phone: 733-2600

From: John Gary Ray
Registered P.E. & L.S. 12295
300 County Road 414
Wilsonville, Al. 35186

Re: Description of an east-west fence line which is being accepted as a possession boundary between John Howard Holcombe and adjacent & previous property owners

Description:

Commence at a 2" aluminum pipe, the location of which is in close conformity to the Southwest Corner of Section 2, T-20S, R-2E, based on a survey by Ray, Peoples & White (surveying company) dated 4-9-71, by D.M. Ray, PLS No. 1719; thence proceed North- 89 degrees 02 minutes- East for 814.2 feet to a fence corner lying on the east side of County Highway No. 79, known as Chancellor's Ferry Road, said fence corner being accepted as a possession corner, and being the point of beginning of the accepted line of possession herein described; thence continue in an easterly direction along a fence line for 1777.5 feet to a fence corner, being the point of ending of the possession line herein described, said fence corner being South- 29 degrees 19 minutes- East a distance of 79.3 feet from a number 5 Iron found in place in accordance with a survey by Sam W. Hickey, L.S. No. 4848, dated 2-14-89 and revised on 2-28-89; said fence corner also being the recognized and accepted Southeast Corner of property owned by John Howard Holcombe.

The line described above is as shown on a survey by John Gary Ray, Registered P.E. & L.S. # 12295, dated 6-10-95, which was performed for John Howard Holcombe for the purpose of re-establishing the line surveyed by Ray, Peoples & White as referenced above.

Inst # 1996-39728

12/03/1996-39728
01:01 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 MCD 23.50