

This instrument was prepared by

Mitchell A. Spears

Attorney at Law

P.O. Box 119

Montevallo, AL 35115-0091

205/665-5102

205/665-5076

Send Tax Notice to:

(Name) Rex A. Horton and

Lynn F. Horton

(Address) 1785 McCain Parkway

Pelham, AL 35124

Warranty Deed, Jointly For Life With Remainder To Survivor

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **SIXTY-TWO THOUSAND NINE HUNDRED AND 00/100 (\$62,900.00) DOLLARS** to the undersigned grantor or grantors in hand paid by the **GRANTEES** herein, the receipt whereof is acknowledged, we, **The City of Calera, aka The Town of Calera, an Alabama Municipal Corporation and The Industrial Development Board of The City of Calera, aka The Industrial Development Board of The Town of Calera, an Alabama Public Corporation**, (herein referred to as grantors) do grant, bargain, sell and convey unto **Rex A. Horton and Lynn F. Horton**, 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:

A parcel of land being located in the N 1/2 of Section 9, Township 22 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows: Commence at a 2 inch capped pipe found at the NE corner of Section 9, Township 22 South, Range 2 West, Shelby County, Alabama; thence run an assumed bearing of South 89 deg. 48 min. 14 sec. West a distance of 3154.34 feet to a 1/2 inch rebar found; thence run South 2 deg. 44 min. 11 sec. East a distance of 237.16 feet; thence run South 87 deg. 38 min. 27 sec. East a distance of 1028.08 feet to the West right of way line of U.S. Highway No. 31; thence run South 04 deg. 29 min. 56 sec. West along said right of way a distance of 2141.66 feet to the point of beginning; thence continue South 04 deg. 29 min. 56 sec. West along said right of way a distance of 157.48 feet to a point being 797.49 feet, North 04 deg. 29 min. 56 sec. East from a concrete monument found at Station 230 + 85 of the Highway 31 right of way map; thence North 85 deg. 30 min. 04 sec. West perpendicular to said Highway a distance of 125.07 feet; thence North 55 deg. 12 min. 05 sec. East a distance of 248.66 feet; thence South 85 deg. 30 min. 04 sec. East a distance of 599.64 feet to the point of beginning; being situated in Shelby County, Alabama.

Together with beneficial rights to a common driveway easement 30 feet wide North/South along the East property line.

SUBJECT TO:

Taxes for 1999 and subsequent years.

Any loss, claim, damage or expense including additional tax due, if any, due to the fact that ad valorem taxes for subject property have been paid under a current use assessment. (See 1975 Code of Alabama Section 40-7-25.3)

Transmission Line Permit(s) to Alabama Power Company as shown by instrument(s) recorded in Deed Book 103 page 156 in Probate Office.

Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Inst. No. 1995-36729 in Probate Office.

Release(s) of damages, covenants, and provisions relating thereto as set out in instrument(s) recorded in Inst. No. 1995-36729 in Probate Office.

Release and Declaration of Covenants, dated December 22, 1995 and set out in Inst. No. 1995-36730 in the Probate Office.

Encroachment of driveway on the Northeast corner as shown on the survey by Carr & Associates by Barton F. Carr dated August 31, 1998.

THIS DEED IS RE-RECORDED TO CORRECT A CALL PREVIOUSLY DESIGNATED AS 702.07 FEET TO 792.07 FEET, IN ORDER TO CORRECT THE LEGAL DESCRIPTION UPON SAID DEED.

02/01/1999-04237
10:16 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 NWS 12.00

10/14/1998-40139
10:48 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 CRN 74.00

Inst # 1998-40139

Inst # 1999-04237

The following matters as shown on the survey by Carr & Associates by Barton F. Carr dated August 31, 1998:

- a) 40 foot drainage and utility easement on the Westerly side.
- b) 15 feet drainage and utility easement along the Southerly side.
- c) 30 foot common driveway easement along the Easterly side.

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, the said GRANTORS by its **President** who are authorized to execute this conveyance hereto set their signature and seal this the 9th day of October, 1998.

The City of Calera

WITNESS

_____(Seal)

_____(Seal)

_____(Seal)

George Roy (Seal)
By: George Roy
Its: Mayor

_____(Seal)
The Industrial Development Board of
The City of Calera
Bill Schroeder (Seal)
By: Bill Schroeder
Its: President

STATE OF ALABAMA
SHELBY COUNTY

Acknowledgment in Representative Capacity

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Bill Schroeder**, whose name as **President** 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, in his capacity as such **President**, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 9th day of October, 1998.

9/13/2001
My Commission Expires

[Signature]
Notary Public

STATE OF ALABAMA
SHELBY COUNTY

Acknowledgment in Representative Capacity

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **George Roy**, whose name as **Mayor** 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, in his capacity as such **Mayor**, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 9th day of October, 1998.

9/13/2001
My Commission Expires

[Signature]
Notary Public

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