

This instrument prepared
without title examination by:

Send Tax Notice To:

Mary Thornton Taylor
Dominick, Fletcher, Yeilding,
Wood & Lloyd, P.A.
2121 Highland Avenue
Birmingham, Alabama 35205

Hollybrook Lake Corporation
% Ms. Nancy Brower
523 Smyer Lake Road
Leeds, Alabama 35094

Inst # 1999-44787

10/29/1999-44787
01:25 PM CERTIFIED
SHELBY COUNTY ALABAMA

WARRANTY DEED

STATE OF ALABAMA)

) KNOW ALL PERSONS BY THESE PRESENTS:

SHELBY COUNTY)

That for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration to the undersigned S.W. SMYER, JR., aka Sidney W. Smyer, Jr., a married man, and S.W. SMYER, III, aka Sidney W. Smyer, III, an unmarried man ("Grantors"), in hand paid by the HOLLYBROOK LAKE CORPORATION, an Alabama non-profit corporation ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, Grantors do by these presents grant, bargain, sell and convey unto the said Grantee in fee simple the following described real estate (the "Property") situated in Shelby County, Alabama, to-wit:

PARCEL ONE known as Hollybrook Lake Road:

A strip of land thirty feet in width (the "Road") lying essentially to the rear of the lots comprising the survey of Hollybrook Lake as recorded in Map Book 4, page 74 in the Office of the Judge of Probate of Shelby County, Alabama (the "Hollybrook Lake Survey"), said Road being the roadway currently used as access by the shareholders of Grantee to their respective lots in the Hollybrook Lake Survey; said Road beginning at the southern right-of-way of Shelby County Highway #41 and meandering in a southerly, easterly and westerly direction until it meets the bridge and spillway as shown on the Hollybrook Lake Survey. Said Road is designated as "Hollybrook Lake Road" on the April 12, 1999 survey prepared by Arrington Engineering & Land Surveying, Inc., Order # 18593, which survey was revised on June 2, 1999 (the "Arrington Survey"). The legal description for the Road as set forth on the Arrington Survey is attached hereto as Exhibit A and made a part hereof.

Grantors intend hereby to convey said Road to Grantee in fee simple and not as an easement.

Less and except all parts of said Road which are within the boundaries of the lots comprising the Hollybrook Lake Survey and were previously conveyed to the owners of said lots; and less and except any part of the Road previously conveyed to John N. and Virginia S. Randolph in Instrument #1996-09015 in said Probate Office; and less and except any part of the Road situated within Lot 1, Hollybrook Lake Survey; and less and except the property upon which a wooden fence is constructed and maintained by Grantor S. W. Smyer, III, as shown on the Arrington Survey and any real property situated northeasterly thereof.

Grantors hereby reserve for themselves, and their heirs, tenants and assigns a non-exclusive easement for the use of the Road pursuant to the terms, conditions and provisions of Section 2.C of the Declaration of Covenants and Restrictions; Quitclaim Deed; and Agreements recorded as Instrument #1998-20485 in said Probate Office (the "Declaration"), as amended by the First Amendment thereto recorded as Instrument #1998-20486 (the "Amendment").

PARCEL TWO known as the Spillway Strip:

See Exhibit B attached hereto and made a part hereof.

The Property is conveyed subject to the following:

- (1) General and special taxes and assessments for 1999 and subsequent years not yet due and payable.
- (2) Fire district and library district assessments for the current year and all subsequent years thereafter.
- (3) Mining and mineral rights not owned by Grantor.
- (4) All applicable zoning ordinances.
- (5) The terms, conditions and provisions of the Declaration of Covenants and Restrictions; Quitclaim Deed; and Agreements recorded as Instrument #1998-20485 in said Probate Office, as amended by the First Amendment thereto recorded as Instrument #1998-20486.
- (6) All easements, restrictions, covenants, reservations, agreements, rights-of-way, and any other matters of record.

The Property is not the homestead of Grantor S.W. Smyer, Jr. or his spouse.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

And we do for ourselves and for our heirs, executors, and administrators covenant with the Grantee, its successors 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, and that we will and our heirs, executors and administrators shall warrant and defend the same to the said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantors S. W. Smyer, Jr. and S. W. Smyer, III have hereto set their signatures and seals this 13th day of July, 1999.


S. W. Smyer, Jr.


S. W. Smyer, III

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that S. W. Smyer, Jr., a married man, 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 such conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 13TH day of July, 1999.

Mary P. Thornton
Notary Public

[SEAL]

My commission expires:

5/24/03

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that S. W. Smyer, III, an unmarried man, 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 such conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 28TH day of June, 1999.

Mary Baudette Johnson
Notary Public

[SEAL]

My commission expires:

7/24/2001



**ARRINGTON
ENGINEERING
AND LAND
SURVEYING, INC.**

Office: (205) 985-9315
Fax: (205) 985-9385
email: AESURV@AOL.COM
137 Business Center Drive
Birmingham, Alabama 35244

DESCRIPTION: HOLLYBROOK LAKE ROAD

A 30.0 FOOT WIDE ROADWAY FOR INGRESS AND EGRESS, SAID EASEMENT BEING 15.0 FEET ON BOTH SIDES OF A CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 18 SOUTH, RANGE 1 EAST AND RUN SOUTH 00°00'00" WEST FOR 1319.93 FEET TO THE SOUTHEAST CORNER OF SAID 1/4 - 1/4 SECTION; THENCE RUN SOUTH 32°13'53" WEST FOR 919.17 FEET TO A POINT AT THE CENTER OF THE NORTHWEST END OF A BRIDGE AND THE POINT OF BEGINNING OF THE ROADWAY CENTERLINE HEREIN DESCRIBED; THENCE RUN NORTH 20°36'31" WEST FOR 59.93 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 65.00 FEET AND A CHORD BEARING OF NORTH 51°19'17" WEST; THENCE RUN ALONG SAID CURVE FOR 69.69 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 82°02'03" WEST ALONG SAID TANGENT FOR 69.46 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 153.11 FEET AND A CHORD BEARING OF NORTH 72°29'44" WEST; THENCE RUN ALONG SAID CURVE FOR 50.98 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 62°57'24" WEST ALONG SAID TANGENT FOR 49.14 FEET; THENCE RUN NORTH 45°57'21" WEST FOR 25.01 FEET; THENCE RUN NORTH 68°33'47" WEST FOR 30.84 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 259.77 FEET AND A CHORD BEARING OF NORTH 58°53'08" WEST; THENCE RUN ALONG SAID CURVE FOR 87.75 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 49°12'29" WEST ALONG SAID TANGENT FOR 93.01 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 300.16 FEET AND A CHORD BEARING OF NORTH 39°26'14" WEST; THENCE RUN ALONG SAID CURVE FOR 102.37 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 29°40'00" WEST FOR 86.66 FEET; THENCE RUN NORTH 15°16'09" WEST FOR 15.09 FEET; THENCE RUN NORTH 35°33'08" WEST FOR 137.02 FEET; THENCE RUN NORTH 43°51'20" WEST FOR 123.42 FEET; THENCE RUN NORTH 18°31'19" WEST FOR 104.89 FEET; THENCE RUN NORTH 42°04'31" WEST FOR 57.71 FEET; THENCE RUN SOUTH 69°05'54" WEST FOR 61.90 FEET; THENCE RUN SOUTH 33°38'20" WEST FOR 150.20 FEET; THENCE RUN SOUTH 47°09'39" WEST FOR 111.31 FEET; THENCE RUN SOUTH 40°15'56" WEST FOR 133.19 FEET; THENCE RUN SOUTH 70°53'07" WEST FOR 134.43 FEET; THENCE RUN SOUTH 50°20'09" WEST FOR 38.95 FEET; THENCE RUN SOUTH 28°32'24" WEST FOR 52.84 FEET; THENCE RUN SOUTH 04°13'54" WEST FOR 57.84 FEET; THENCE RUN SOUTH 10°52'26" EAST FOR 208.33 FEET; THENCE RUN SOUTH 11°48'52" WEST FOR 26.34 FEET; THENCE RUN SOUTH 56°30'31" WEST FOR 62.52 FEET; THENCE RUN SOUTH 89°48'48" WEST FOR 53.97 FEET; THENCE RUN

DESCRIPTION
PAGE 2

NORTH 67°53'20" WEST FOR 51.70 FEET; THENCE RUN NORTH 63°50'39" WEST FOR 25.91 FEET; THENCE RUN NORTH 72°40'06" WEST FOR 172.14 FEET; THENCE RUN NORTH 25°1'02" WEST FOR 21.86 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 81.50 FEET AND A CHORD BEARING OF NORTH 56°32'39" WEST; THENCE RUN ALONG SAID CURVE FOR 87.32 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 87°14'16" WEST ALONG SAID TANGENT FOR 88.20 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 190.00 FEET AND A CHORD BEARING OF NORTH 57°29'10" WEST; THENCE RUN ALONG SAID CURVE FOR 197.32 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 27°44'05" WEST ALONG SAID TANGENT FOR 47.28 FEET TO A POINT ON THE SOUTHEAST RIGHT OF WAY LINE OF HIGHWAY #41 AND THE END POINT OF SAID ROADWAY CENTERLINE.

EXHIBIT B



**ARRINGTON
ENGINEERING
AND LAND
SURVEYING, INC.**

Office: (205) 985-9315
Fax: (205) 985-9385
email: AESURV@AOL.COM
137 Business Center Drive
Birmingham, Alabama 35244

DESCRIPTION OF SPILLWAY STRIP:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 18 SOUTH, RANGE 1 EAST AND RUN SOUTH 00°00'00" WEST FOR 1319.93 FEET TO THE SOUTHEAST CORNER OF SAID 1/4 - 1/4 SECTION; THENCE RUN SOUTH 32°13'53" WEST FOR 919.17 FEET; THENCE RUN SOUTH 72°16'49" WEST FOR 83.47 FEET; THENCE RUN SOUTH 50°47'12" WEST FOR 204.50 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE RUN SOUTH 34°56'39" EAST FOR 19.76 FEET TO THE POINT OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 86.98 FEET AND A CHORD BEARING OF SOUTH 65°11'54" WEST; THENCE RUN ALONG SAID CURVE FOR 27.64 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 18.00 FEET AND A CHORD BEARING OF NORTH 53°53'05" WEST; THENCE RUN ALONG SAID CURVE FOR 32.56 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN NORTH 02°04'09" WEST FOR 57.97 FEET; THENCE RUN SOUTH 87°29'57" EAST FOR 6.06 FEET; THENCE RUN SOUTH 34°56'39" EAST FOR 56.85 FEET TO THE POINT OF BEGINNING.

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SHELBY COUNTY JUDGE OF PROBATE
006 MMS 21.50