

This instrument was prepared by:

William R. Justice  
P.O. Box 1144, Columbiana, Alabama 35051

Grantee's address:  
P.O. Box 1254  
Alabaster, AL 35007

Inst # 2001-01862

01/17/2001-01862  
02:54 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
520.00  
003 MHB

## **WARRANTY DEED**

### **STATE OF ALABAMA**

**SHELBY COUNTY** KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Five Hundred Thousand and no/100 DOLLARS (\$500,000.00) to the undersigned GRANTOR in hand paid by the GRANTEE herein, the receipt whereof is acknowledged, the undersigned Mary Elizabeth Livingston and Violet Arledge, as personal representatives of the estate of Benjamin Edward Gunn, deceased, (herein referred to as GRANTOR, whether one or more) do grant, bargain, sell and convey unto Freddie F. Wilhite (herein referred to as GRANTEE, whether one or more) the following described real estate situated in SHELBY County, Alabama to-wit:

#### **Parcel I**

The Southeast 1/4 of Section 16, Township 22 South, Range 1 West, Shelby County, Alabama, more particularly described as follows:

i) Beginning at the SE corner of Section 16, Township 22 South, Range 1 West, Shelby County, Alabama, said point being the point of beginning; thence South 87 deg. 56 min. 52 sec. West a distance of 1,016.58 feet to the Easterly right of way line of Shelby County Highway No. 86; thence North 25 deg. 27 min. 33 sec. East along said right of way a distance of 387.70 feet; thence South 69 deg. 48 min. 00 sec. East and leaving said right of way a distance of 345.76 feet; thence North 20 deg. 12 min. 00 sec. East a distance of 210.00 feet; thence North 69 deg. 48 min. 00 sec. West a distance of 326.43 feet to the Easterly right of way line of Shelby County Highway 86; thence North 25 deg. 27 min. 33 sec. East along said right of way a distance of 308.31 feet to the Southerly right of way line of Heart of Dixie Railroad; thence North 88 deg. 46 min. 50 sec. East and leaving said County right of way and along said railroad right of way a distance of 176.88 feet to a point of curve to the right having a radius of 1,402.50 feet and a central angle of 17 deg. 50 min. 52 sec.; thence Easterly along the arc and along said right of way a distance of 436.88 feet; thence South 01 deg. 25 min. 14 sec. East and leaving said right of way a distance of 728.07 feet to the point of beginning; being situated in Shelby County, Alabama.

ii) Commence at the SE corner of Section 16, Township 22 South, Range 1 West, Shelby County, Alabama; thence North 01 deg. 25 min. 14 sec. West a distance of 728.07 feet; thence continue Northerly along said line, a distance of 104.81 feet to the point of beginning; thence continue Northerly along said line, a distance of 106.88 feet to the Southerly right of way line of Shelby County Highway 42 and to the point on a curve the left having a radius of 2,933.08 feet and a central angle of 9 deg. 20 min. 09 sec., said curve subtended by a chord bearing North 67 deg. 31 min. 32 sec. West and a chord distance of 477.39 feet; thence Westerly along the arc and along said right of way a distance of 477.91 feet to the Easterly right of way line of Shelby County Highway 86; thence South 25 deg. 27 min. 33 sec. West and leaving said Highway 42 and along said Highway 86, a distance of 264.15 feet to the Northerly right of way line of Heart of Dixie Railroad; thence North 88 deg. 46 min. 50 sec. East and leaving said Highway 86 and along said Railroad right of way a distance of 126.63 feet to a point of curve to the right having a radius of 1,502.50 feet and a central angle of 16 deg. 36 min. 34 sec.; thence Easterly along the arc and along said right of way a distance of 435.56 feet to the point of beginning; being situated in Shelby County, Alabama.

iii) Beginning at the SW corner of the SW 1/4 of the SE 1/4 of Section 16, Township 22 South, Range 1 West, Shelby County, Alabama, said point being the point of beginning; thence North 87 deg. 56 min. 52 sec. East, a distance of 1,535.66 feet to the Westerly right of way line of Shelby County Highway 86; thence North 25 deg. 27 min. 33 sec. East along said right of way, a distance of 908.36 feet to the Southerly right of way line of Heart of Dixie Railroad; thence South 88 deg. 46 min. 50 sec. West and leaving said Highway 86 and along said Railroad right of way a distance of 721.81 feet to a point of curve to the right having a radius of 909.16 feet and a central angle of 33 deg. 56 min. 02 sec.; thence Westerly along the arc and along said right of way a distance of 538.46 feet; thence North 57 deg. 17 min. 08 sec. West along said right of way a distance of 450.36 feet to a point of curve to the left having a radius of 904.88 feet and a central angle of 23 deg. 02 min. 53 sec.; thence Westerly along the arc and along said right of way a distance of 364.00 feet; thence South 00 deg. 57 min. 58 sec. East and leaving said right of way, a distance of 1,378.08 feet to the point of

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beginning; being situated in Shelby County, Alabama.

iv) Commence at the SW corner of the SW 1/4 of the SE 1/4 of Section 16, Township 22 South, Range 1 West, Shelby County, Alabama; thence North 00 deg. 57 min. 58 sec. West a distance of 1,378.08 feet; thence continue Northerly along said line a distance of 101.57 feet to the point of beginning; thence continue Northerly along said line, a distance of 12.71 feet to the Southerly right of way line of Shelby County Highway 42 and to a point on a curve to the left having a radius of 3,574.20 feet and a central angle of 0 deg. 38 min. 15 sec., said curve subtended by a chord bearing South 84 deg. 20 min. 16 sec. East and a chord distance of 39.77 feet; thence Easterly along the arc and along said right of way, a distance of 39.77 feet; thence South 84 deg. 39 min. 23 sec. East along said right of way, a distance of 1,535.71 feet; thence South 08 deg. 25 min. 37 sec. West and leaving said right of way a distance of 383.50 feet to the Northerly right of way line of Heart of Dixie Railroad; thence South 88 deg. 46 min. 50 sec. West along said right of way a distance of 285.94 feet to a point of curve to the right having a radius of 809.16 feet and a central angle of 33 deg. 56 min.

02 sec.; thence Westerly along the arc and along said right of way a distance of 479.23 feet; thence North 57 deg. 17 min. 08 sec. West along said right of way a distance of 450.36 feet to a point of curve to the left having a radius of 1,004.88 feet and a central angle of 24 deg. 07 min. 00 sec.; thence Westerly along the arc and along said right of way a distance of 422.97 feet to the point of beginning; being situated in Shelby County, Alabama.

v) Beginning at the NW corner of the NW 1/4 of the SE 1/4 of Section 16, Township 22 South, Range 1 West, Shelby County, Alabama, said point being the point of beginning; thence North 87 deg. 53 min. 06 sec. East, a distance of 2,636.25 feet; thence South 00 deg. 45 min. 10 sec. East, a distance of 1,296.75 feet; thence South 01 deg. 25 min. 14 sec. East a distance of 365.15 feet to the Northerly right of way line of Shelby County Highway 42 and to a point on a curve to the left having a radius of 3,013.08 feet and a central angle of 20 deg. 58 min. 26 sec., said curve subtended by a chord bearing North 74 deg. 10 min. 10 sec. West and a chord distance of 1,096.82 feet; thence Westerly along the arc and along said right of way, a distance of 1,102.98 feet; thence North 84 deg. 39 min. 23 sec. West along said right of way, a distance of 1,544.82 feet to a point of curve to the right having a radius of 3,494.20 feet and a central angle of 00 deg. 47 min. 50 sec.; thence Westerly along the arc and along said right of way a distance of 48.62 feet; thence North 00 deg. 57 min. 58 sec. West and leaving said right of way, a distance of 1,116.61 feet to the point of beginning; being situated in Shelby County, Alabama.

Less and except:

A parcel of land in the SE 1/4 of the SE 1/4 of Section 16, Township 22 South, Range 1 West, being a part of the same land described in a Deed to Edward Gunn, recorded in Deed Book 130 page 199, of the Real Property Records of Shelby County, Alabama. Said parcel of land being more particularly described as follows: Commencing at a 1 1/2 inch pipe, found at the Southeast corner of said Section 16; thence South 87 deg. 57 min. 02 sec. West, along the South line of said Section, a distance of 517.85 feet to a point; thence North 02 deg. 02 min. 58 sec. West a distance of 213.17 feet to a 1/2 inch rebar set, with a cap stamped "S. Wheeler CA 0502", at the point of beginning; thence North 69 deg. 48 min. 00 sec. West, a distance of 210.00 feet to a point; thence North 20 deg. 12 min. 00 sec. East, a distance of 210.00 feet to a point; thence South 69 deg. 48 min. 00 sec. East, a distance of 210.00 feet to a 1/2 inch rebar set, with a cap stamped "S. Wheeler CA 0502"; thence South 20 deg. 12 min. 00 sec. West, a distance of 210.00 feet to the point of beginning; being situated in Shelby County, Alabama.

Less and except:

A parcel of land in the SE 1/4 of the SE 1/4 of Section 16, Township 22 South, Range 1 West, being a part of the same land described in a Deed to Edward Gunn, recorded in Deed Book 130 page 199, of the Real Property Records of Shelby County, Alabama. Said parcel of land being more particularly described as follows: Commencing at a 1 1/2 inch pipe found at the Southeast corner of said Section 16; thence South 87 deg. 57 min. 02 sec. West, along the South line of said Section a distance of 517.85 feet to a point; thence North 02 deg. 02 min. 58 sec. West a distance of 213.17 feet to a 1/2 inch rebar set, with a cap stamped "S. Wheeler CA 0502"; thence North 69 deg. 48 min. 00 sec. West a distance of 210.00 feet to the point of beginning; thence North 69 deg. 48 min. 00 sec. West a distance of 135.76 feet to 1/2 inch rebar set with a cap stamped "S. Wheeler CA 0502", on the Southeast right of way of County Highway No. 86; thence North 25 deg. 27 min. 33 sec. East, along said right of way, a distance of 210.89 feet to a 1/2 inch rebar set, with a cap stamped "S. Wheeler CA 0502"; thence South 69 deg. 48 min. 00 sec. East, a distance of 116.43 feet to a point; thence South 20 deg. 12 min. 00 sec. West, a distance of 210.00 feet to the point of beginning; being situated in Shelby County, Alabama.

Parcel II

The West 1/2 of Section 22, Township 22 South, Range 1 West, Shelby County, Alabama, lying South and West of railroad.

SUBJECT TO:

1. Transmission Line Permits to Alabama Power Company as shown by instruments recorded in Deed Book 133 pages 173, 188, and 189, and Deed Book 180 page 285 in the Probate Office of Shelby County, Alabama.
2. Right-of-way granted to Alabama Power Company by instrument recorded in Real Book 65 page 13 in the Probate Office of Shelby County, Alabama.
3. Right-of-way granted to Shelby County by instruments recorded in Deed Book 264 pages 615 and



- 617 and Deed Book 271 page 750 in the Probate Office of Shelby County, Alabama.
4. Easement to L & N Railroad as shown by instrument recorded in Deed Book 178 page 384 in the Probate Office of Shelby County, Alabama.
  5. Riparian rights, if any, in and to the use of creeks and branches.
  6. Less and except any part of the land lying within road, road rights-of-way, railroad, railroad rights-of-way, creeks and/or branches.
  7. Encroachment of fence onto and off of the land as shown on the survey by Rodney Shiflett dated December 11, 2000.

TO HAVE AND TO HOLD to the said GRANTEE, his, her or their heirs and assigns forever.

And GRANTOR does for GRANTOR and for GRANTOR'S heirs, executors, and administrators covenant with the said GRANTEE and GRANTEE'S heirs and assigns, that GRANTOR is lawfully seized in fee simple of said premises; that they are free from all encumbrances unless otherwise noted above; that GRANTOR has a good right to sell and convey the same as aforesaid; that GRANTOR will and GRANTOR'S heirs, executors and administrators shall warrant and defend the same to the said GRANTEE and GRANTEE'S heirs and assigns forever, against the lawful claims of all persons. GRANTOR further covenants that GRANTOR is/are lawfully the personal representatives of the estate of Benjamin Edward Gunn, deceased, and has/have in all respects made this conveyance pursuant to the authority granted GRANTOR by the will of Benjamin Edward Gunn.

IN WITNESS WHEREOF, GRANTOR has hereunto set GRANTOR'S hand and seal, this 16th day of January, 2001.

*Mary Elizabeth Livingston*  
Mary Elizabeth Livingston

*Violet Arledge*  
Violet Arledge

STATE OF ALABAMA  
COUNTY OF SHELBY

#### Acknowledgment

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mary Elizabeth Livingston and Violet Arledge, whose names as personal representatives of the estate of Benjamin Edward Gunn, deceased, 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, as such personal representatives and with full authority, executed the same voluntarily for and as the act of said estate.

Given under my hand and official seal, this the 12th day of January, 2001.

*William R. Justice*  
Notary Public

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