

Inst # 2001-45243

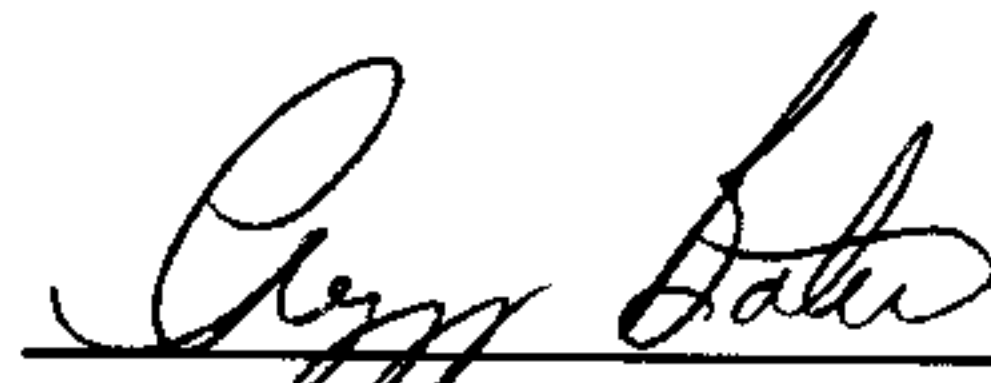
STATE OF ALABAMA )

SHELBY COUNTY )

10/18/2001-45243  
04:27 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
AFFIDAVIT 20.00

Before me, the undersigned authority, in and for said County, and said State, personally appeared Peggy Bates, who is known to me, and who being by me first duly sworn, deposes and says:

I am Peggy Bates, and I am over the age of nineteen years and a resident citizen of Shelby County, Alabama. During October of 1998 and since said date, I have been employed as the City Clerk for the City of Pelham, Alabama. In this position, I have personal knowledge of the fact that the Warranty Deed, attached hereto as "Exhibit A" and incorporated herein by reference as if fully set out herein, was delivered to the City of Pelham shortly after its execution. However, this deed was never recorded for record in the Probate Court of Shelby County, Alabama. This deed was either lost or misplaced, and but for these circumstances, the deed would have been and certainly should have been recorded for record. The attached copy of said deed is a true and correct copy of the original deed.

  
\_\_\_\_\_  
PEGGY BATES - AFFIANT

STATE OF ALABAMA )

COUNTY OF SHELBY )

Before me, the undersigned, personally appeared Peggy Bates, known by me and being first duly sworn upon her oath, states that she has read the above and foregoing Affidavit and that

***Affidavit of Peggy Bates***  
***Page Two***

she has executed the same voluntarily on the day the same bears date.

Sworn to and subscribed before me this the 26<sup>th</sup> day of September, 2001.

Jada Renee Helger  
NOTARY PUBLIC  
My commission expires: 11-8-2003

## EXHIBIT "A"

Send Tax Notice To:  
City of Pelham  
P O Box 1238  
Pelham, AL 35124

This instrument was prepared by:

Kelly Reid-Salless  
5330 Stadium Trace Parkway  
Birmingham, Alabama 35244

## Warranty Deed

STATE OF ALABAMA

COUNTY OF JEFFERSON

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One Dollar and any other valuable considerations (\$1.00) \_\_\_\_\_ DOLLAR

ABNER C. JOHNSON &  
H. ALBERT AWTREY

(herein referred to as GRANTOR) in and paid by the grantee herein, the receipt of which is hereby acknowledged the said GRANTOR does by these presents, grant, bargain, sell and convey unto

## CITY OF PELHAM, ALABAMA

(herein referred to as GRANTEE, whether one or more), the following described real estate, situated in Shelby County, Alabama to wit:  
Property described in Exhibit "A" attached hereto.

The above area is conveyed subject to all easements, restrictions, covenants and rights of ways of Record.  
Further, the use of said land is restricted to that of conservation and wild-life habitat which will run with the land and be enforceable in perpetuity.

Grantor's Address: PO Box 1238  
Pelham, Alabama 35124

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

And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEE, his, her or their heirs and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall, warrant and defend the same to be said GRANTEE, his, her or their heirs, successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR who is authorized to execute this conveyance, hereto set its signature and seal, this the 22<sup>nd</sup> Day of October, 1993.

BY:

ABNER C. JOHNSON

BY:

H. ALBERT AWTREY

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned authority a Notary Public in and for said County, in said State, hereby certify that ABNER C JOHNSON AND H ALBERT AWTREY whose names are signed to the foregoing conveyance, and who are known to me, the conveyance, they executed the same voluntarily.

Given under my hand and official seal, this the 22<sup>nd</sup> Day of October, 1993.

Charles R. Abbott  
Notary Public

My Commission Expires: 1-26-99  
Form ALA-32(Rov. 12-74)

Inst # 2001-45243

**EXHIBIT**

10/18/2001-45243  
 04:27 PM CERTIFIED  
 SHELBY COUNTY JUDGE OF PROBATE  
 004 CH 20.00

02/13/1998-04859  
 09:30 AM CERTIFIED  
 SHELBY COUNTY JUDGE OF PROBATE  
 002 NCD 11.50

Inst # 1998-04859

Commence at the NE Corner of the NW 1/4 of the NW 1/4 of Section 29, Township 20S, Range 2W; thence S 00 deg-11'-50" W a distance of 578.27' to the POINT OF BEGINNING; thence continue along last described course a distance of 584.94' to the NE corner of Lot 174 Weatherly Sector 2 Phase 2 as recorded in the Office of the Judge of Probate of Shelby County, Al Map Book 14 Page 73-A; thence N 89 deg-48'-10" W and along north line of said lot a distance of 90.00' to the NE corner of Lot 175 as recorded in said Map Book 14, Page 73-A; thence N 89deg-48'-10" W a distance of 50' thence S 75deg-11'-50" W a distance of 235.00; thence S 28deg-41'-50" W a distance of 210.00'; thence; S 31deg-56'-45" E a distance of 45.00' to the NE corner of Lot 176 as recorded in said Map Book 14, Page 73-A; thence S 30deg-03'-15" W a distance of 115.00'; thence S 39deg-33'-15" W a distance of 95.00'; thence S 73deg-33'-15" W a distance of 90.00'; thence S 08deg-15'-43" W a distance of 213.51' to the northeasterly right-of-way of Weatherly Way ( 60' R.O.W.) and also a point on a curve to the right; thence along said right-of-way and the arc of said curve distance of 227.85', said curve having a radius of 690.00', a chord distance of 226.82' and a chord bearing of N 41deg-13'-39" W; thence N 31deg-46'-03" W and along said right-of-way a distance of 129.44 to the beginning of a curve to the right; thence along said right-of-way and the arc of said curve a distance of 257.95', said curve having a radius of 267.50', a chord distance of 248.07' and a chord bearing of N 04deg-08'-33" W; thence N 23deg-28'-57" E and along said right-of-way a distance of 309.70' to the beginning of a curve to the left; thence along said right-of-way and the arc of said curve a distance of 203.66', said curve having a radius 430.00', a chord distance of 201.76' and a chord bearing of N 03deg-54'-51" E to the beginning of a reverse curve and leaving said right-of-way to the southerly right-of-way of a 60' unimproved right-of-way; thence along the arc of said reverse curve and said right-of-way a distance of 36.24', said curve having a radius: 25.00', said curve having a chord distance of 33.15' and a chord bearing of N 37deg-52'-28" E; thence N 79deg-24'-11" E and along said unimproved right-of-way a distance of 396.21' to the beginning of a curve to the left; thence along the arc of said curve and said right-of-way a distance of 65.38', said curve having a radius of 230.00', said curve having a chord distance of 65.16' and a chord bearing of N 71deg-15'-35" E; thence N 63deg-06'-59" E and along said right-of-way a distance of 322.04' to Point of Beginning