



This instrument was prepared by
Mitchell A. Spears
Attorney at Law
P.O. Box 119 205/665-5102
Montevallo, AL 35115-0091 205/665-5076

Send Tax Notice to: Edward Earl Smith &
(Name) Meredith Cobb Smith
(Address) 807 Highway 10
Montevallo, AL 35115
MINIMUM VALUE: \$5,000.00

Warranty Deed, Jointly For Life With Remainder To Survivor

STATE OF ALABAMA
SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION** -----DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,

BRICE R. ALSUP, an unmarried man, and BRICE R. ALSUP, JR., a married man (as the only heirs at law of LUCILLE B. ALSUP, deceased),

(herein referred to as grantors) do grant, bargain, sell and convey unto

EDWARD EARL SMITH and MEREDITH COBB SMITH

(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 a portion of that certain tract of land ("Parent Tract") as described in Deed Book 174, Page 182, in the Office of the Judge of Probate, Shelby County, Alabama, and lying within the Southeast 1/4 of Section 19, Township 22 South, Range 3 West of the Huntsville Principal Meridian, Shelby County, Alabama and being more particularly described by the following metes and bounds description based on field survey measurements; Commence at the Southeast corner of said Section 19, said corne being witnessed by a railroad spike found in place; run thence North 57 degrees 45 minutes West for a distance of 522.45 feet; thence North 06 degrees 26 minutes East for a distance of 107.15 feet; thence North 05 degrees 12 minutes East for a distance of 385.18 feet; thence North 04 degrees 52 minutes 36 seconds East for a distance of 606.12 feet (North 04 degrees 53 minutes E for a distance of 605.75 feet, per the Parent Tract description) to a 1-3/4" pipe found in place and the Point of Beginning of the parcel herein described (also being the Point of Beginning of the above described Parent Tract); thence along the East boundary of said Parent Tract for the following three courses: (1) North 05 degrees 08 minutes 52 seconds West for a distance of 348.51 feet to a 1-3/4" pipe found in place; (2) North 05 degrees 00 minutes 09 seconds West for a distance of 289.33 feet to a 5/8" rebar found in place; (3) North 05 degrees 51 minutes 01 second West for a distance of 96.42 feet, more or less, to the centerline of Davis Creek, and the southerly boundary of that certain tract of land conveyed by Edward G. Mahaffey (sic) and wife, Mary Lee Mahaffey to Lois Alberta Ackerley ("Ackerley Tract") in that certain warranty deed recorded in Deed Book 216, Page 842, in the Office of the Judge of Probate, Shelby County, Alabama; thence meander in a westerly and northerly direction along the centerline of said Davis Creek, also being the southerly and westerly boundary of said Ackerley Tract, as approximated by the following eight (8) courses: (1) North 52 degrees 13 minutes 22 seconds West for a distance of 125.62 feet; (2) North 57 degrees 48 minutes 40 seconds West for a distance of 104.69 feet; (3) North 26 degrees 38 minutes 55 seconds West for a distance of 86.09 feet; (4) North 28 degrees 14 minutes 29 seconds East for a distance of 111.68 feet; (5) North 48 degrees 27 minutes 50 seconds West for a distance of 57.93 feet; (6) North 38 degrees 53 minutes 16 seconds West for a distance of 50.79 feet; (7) North 22 degrees 26 minutes 24 seconds West for a distance of 85.28 feet; (8) North 14 degrees 10 minutes 32 seconds West for a distance of 58.67 feet, to a point on the south right of way line of Shelby County Road No. 10 (formerly Montevallo-Aldrich Road); thence south 87 degrees 31 minutes 00 seconds West (basis of bearings) along said right of way line for a distance of 349.80 feet, more or less, to a 5/8" rebar found in place at the Northwest corner of the above described Parent Tract; thence South 04 degrees 55 minutes 18 seconds East along the West boundary of said Parent Tract for a distance of 1236.42 feet to a 1-3/4" pipe found in place at the Southwest corner of said Parent Tract; thence South 89 degrees 26 minutes 16 seconds East along the South boundary of said Parent Tract for a distance of 605.58 feet, to the Point of Beginning. Situated in Shelby County, Alabama.

According to the survey of Jeffery N. Lucas (Alabama P.L.S. No. 16680), dated July 31, 2003.

SUBJECT TO:

- Taxes for 2004 and subsequent years. 2004 ad valorem taxes are a lien but not due and payable until October 1, 2004.

Spears

- Riparian rights in and to use of creek.
- Overlap of asphalt drive on West side of caption lands as shown on survey of Jeffery N. Lucas, dated July 31, 2003.
- Encroachment of tee box onto Southeast corner of caption lands as shown on survey of Jeffery N. Lucas, dated July 31, 2003.

SOURCE OF TITLE: Warranty Deed recorded in the Office of the Probate Judge, Shelby County, Alabama, at Deed Book 174, Page 182.

THE REAL PROPERTY HEREINABOVE DESCRIBED DOES NOT CONSTITUTE THE HOMESTEAD OF THE MARRIED GRANTOR, NOR THAT OF HIS SPOUSE, NEITHER IS IT CONTIGUOUS THERETO.

REFERENCE IS HEREBY MADE TO THE HEIRSHIP AFFIDAVIT HERETO ATTACHED AS EXHIBIT "A", SAME OF WHICH IS FULLY INCORPORATED HEREWITH.

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, we have hereunto set our hand(s) and seal(s), this 15th day of Dec., 2003.

Brice R. Alsup
BRICE R. ALSUP

Brice R. Alsup, Jr.
BRICE R. ALSUP, JR.

STATE OF Ala.)
COUNTY OF Giles)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **BRICE R. ALSUP** 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 the same bears date.

Given under my hand and official seal this 15 day of Dec., 2003.

Elizabeth Stanford
Notary Public
My commission expires: 10-24-06

STATE OF Ala.)
COUNTY OF Giles)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **BRICE R. ALSUP, JR.**, 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 the same bears date.

Given under my hand and official seal this 15 day of Dec., 2003.

Elizabeth Stanford
Notary Public
My commission expires: 10-24-06

EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF SHELBY)

HEIRSHIP AFFIDAVIT

COME NOW Brice R. Alsup, and Brice R. Alsup, Jr., as Affiants herein, and after first having been duly sworn, said Affiants do hereby depose and say as follows:

1. That Affiants have personal knowledge of the facts stated herein, are over the age of nineteen (19) years, and are competent to execute this Affidavit.

2. Mary Lee Mahaffey died testate, while residing in Shelby County, Alabama, on or about December 24, 2002. At the time of her decease, Mary Lee Mahaffey was seized of certain property situated in Shelby County, Alabama, more particularly described as follows:

A parcel of land being a portion of that certain tract of land ("Parent Tract") as described in Deed Book 174, Page 182, in the Office of the Judge of Probate, Shelby County, Alabama, and lying within the Southeast ¼ of Section 19, Township 22 South, Range 3 West of the Huntsville Principal Meridian, Shelby County, Alabama and being more particularly described by the following metes and bounds description based on field survey measurements; Commence at the Southeast corner of said Section 19, said corner being witnessed by a railroad spike found in place; run thence North 57 degrees 45 minutes West for a distance of 522.45 feet; thence North 06 degrees 26 minutes East for a distance of 107.15 feet; thence North 05 degrees 12 minutes East for a distance of 385.18 feet; thence North 04 degrees 52 minutes 36 seconds East for a distance of 606.12 feet (North 04 degrees 53 minutes E for a distance of 605.75 feet, per the Parent Tract description) to a 1-3/4" pipe found in place and the Point of Beginning of the parcel herein described (also being the Point of Beginning of the above described Parent Tract); thence along the East boundary of said Parent Tract for the following three courses: (1) North 05 degrees 08 minutes 52 seconds West for a distance of 348.51 feet to a 1-3/4" pipe found in place; (2) North 05 degrees 00 minutes 09 seconds West for a distance of 289.33 feet to a 5/8" rebar found in place; (3) North 05 degrees 51 minutes 01 second West for a distance of 96.42 feet, more or less, to the centerline of Davis Creek, and the southerly boundary of that certain tract of land conveyed to Edward G. Mahaffey (sic) and wife, Mary Lee Mahaffey to Lois Alberta Ackerley ("Ackerley Tract") in that certain warranty deed recorded in Deed Book 216, Page 842, in the Office of the Judge of Probate, Shelby County, Alabama; thence meander in a westerly and northerly direction along the centerline of said Davis Creek, also being the southerly and westerly boundary of said Ackerley Tract, as approximated by the following eight (8) courses: (1) North 52 degrees 13 minutes 22 seconds West for a distance of 125.62 feet; (2) North 57 degrees 48 minutes 40 seconds West for a distance of 104.69 feet; (3) North 26 degrees 38 minutes 55 seconds West for a distance of 86.09 feet; (4) North 28 degrees 14 minutes 29 seconds East for a distance of 111.68 feet; (5) North 48 degrees 27 minutes 50 seconds West for a distance of 57.93 feet; (6) North 38 degrees 53 minutes 16 seconds West for a distance of 50.79 feet; (7) North 22 degrees 26 minutes 24 seconds West for a distance of 85.28 feet; (8) North 14 degrees 10 minutes 32 seconds West for a distance of 58.67 feet, to a point on the south right of way line of Shelby County Road No. 10 (formerly Montevallo-Aldrich Road); thence south 87 degrees 31 minutes 00 seconds West (basis of bearings) along said right of way line for a distance of 349.80 feet, more or less, to a 5/8" rebar found in place at the Northwest corner of the above described Parent Tract; thence South 04 degrees 55 minutes 18 seconds East along the West boundary of said Parent Tract for a distance of 1236.42 feet to a 1-3/4" pipe found in place at the Southwest corner of said Parent Tract; thence South 89 degrees 26 minutes 16 seconds East along the South boundary of said Parent Tract for a distance of 605.58 feet, to the Point of Beginning. Situated in Shelby County, Alabama.

According to the survey of Jeffery N. Lucas (Alabama P.L.S. No. 16680), dated July 31, 2003.

3. Pursuant to the Last Will and Testament of Mary Lee Mahaffey, Lucille B. Alsup was designated as a primary distributee thereunder. The Last Will and Testament of Mary Lee Mahaffey was probated, and Letters Testamentary granted to Olivia J. McCray, as Personal Representative, by the Probate Court of Shelby County, Alabama, on May 5, 2003. The Case Number of said Probate matter is PR-2003-000104. Said Will devised one-fourth of the above-designated real estate to Lucille B. Alsup.

4. Lucille B. Alsup died testate on April 30, 2003. However, the Affiants do not anticipate the probate of her Will.

5. Upon her decease, Lucille B. Alsup left to survive her, her husband, Brice R. Alsup, whose address is 12 Arnett Street, Madison, Alabama 35758; and her son, Brice R. Alsup, Jr., whose address is 190 Bayless Road, Ardmore, Tennessee 38449. Both of said heirs at law of Lucille B. Alsup are over the age of nineteen (19) years, and of sound mind. Furthermore, there are not other heirs at law or next of kin to survive Lucille B. Alsup, neither did she have any children born to her, other than as hereinabove designated, nor did she ever adopt any children. Consequently, there are no other heirs at law of Lucille B. Alsup, either as direct descendants, nor by representation, other than as stated hereinabove.
6. All debts and charges against the estate of Lucille B. Alsup have heretofore been paid and satisfied.

FURTHERMORE, the Affiants saith naught.

Brice R. Alsup
BRICE R. ALSUP, Affiant

STATE OF Ind.)
COUNT OF Delis)

Sworn to and subscribed before me this 15 day of Dec., 2003.

Elyse W. Stanford
Notary Public
My commission expires: 10-24-06

Brice R. Alsup, Jr.
BRICE R. ALSUP, JR., Affiant

STATE OF Ind.)
COUNT OF Delis)

Sworn to and subscribed before me this 15 day of Dec., 2003.

Elyse W. Stanford
Notary Public
My commission expires: 10-24-06

Instrument Prepared By:
Mitchell A Spears
Attorney at Law
P. O. Box 119
Montevallo, AL 35115
(205) 665-5076