20050323000131280 1/2 $32.00
Shelby Cnty Judge of Probate,AL
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CORRECTION OF DESCRIPTION

STATE OF ALABAMA §
COUNTY OF SHELBY §

WHEREAS, pursuant to a Warranty Deed dated September 8, 1986, recorded in Book 90, at Page 898, Mack A. Nix and wife, Lurlene M. Nix, conveyed the following-described land to Pauline S. Brantley, to-wit:

"Commencing at the southwest corner of the Northwest Quarter of the Southwest Quarter of Section 8, Township 24 North, Range 13 East, Shelby County, Alabama; thence run North 66° 14' East a distance of 654.84 feet to a point being the point of beginning for the property herein conveyed; thence run South 88° 46' East a distance of 80.0 feet to a point; thence run North 10° 34' East a distance of 280.2 feet to a point on the southeast right-of-way of Shelby County Highway No. 89; thence run along the southeast right-of-way of said road to a point on the north line of that certain tract of land now owned by Bobby Joe Killingsworth; thence run in a westerly direction along the north line of the Bobby Joe Killingsworth tract approximately 317.17 feet to the northwest corner of said Bobby Joe Killingsworth tract; thence run in a northerly direction along a fenceline to the point of beginning."

and

WHEREAS, in said Warranty Deed, Mack A. Nix and wife, Lurlene M. Nix, reserved all oil, gas and other minerals in, on and under the above-described land; and

WHEREAS, Lurlene M. Nix died on March 17, 1999, leaving her husband Mack A. Nix as her sole and only heir-at-law and devisee; and

WHEREAS, Mack A. Nix, an un-remarried widower, died on April 27, 2003, leaving a Last Will and Testament which has been admitted to probate in Case No. PR-2003-000625 by the Probate Court of Shelby County, Alabama, pursuant to a Decree dated December 16, 2003; and

WHEREAS, Bobby Eugene Sherrer, Jr. and James Murray Nix were appointed by the Probate Court of Shelby County as co-executors of the Last Will and Testament of Mack A. Nix; and

WHEREAS, by a Co-Executors' Deed executed simultaneously herewith, Bobby Eugene Sherrer, Jr. and James Murray Nix, in their capacities as co-executors of the Last Will and Testament of Mack A. Nix, conveyed the mineral interest reserved by Mack A. Nix and Lurlene M. Nix under said Warranty Deed to George Archie Nix, Jr., Cathy Diane Nix Bearden, Thomas Leon Nix, Peggy Joyce Nix Couch, Michael Wayne Nix, John Wesley Nix, Jr., Karen Jeaneane Nix Czeskleba, Brenda Ann Nix Haley, James Murray Nix, Bobby Eugene Sherrer, Jr., Nancy Elaine Nix Lilly, Sharon Elise Nix McDaniel, Paula Ailene Nix Stephens, Russell Bliss Nix and Samuel Ward Nix, the residuary devisees named in said Last Will and Testament; and

WHEREAS, in connection with the administration of said estate, it has come to the attention of said co-executors that the description in the above-mentioned Warranty Deed dated September 8, 1986, contains a typographical error in that two of the calls in said description referenced the "southeast right-of-way of Shelby County Highway No. 89", rather than the "southwest right-of-way of Shelby County Highway No. 89" as intended by the parties to said Warranty Deed; and

WHEREAS, Bobby Eugene Sherrer, Jr. and James Murray Nix, as co-executors of the Last Will and Testament of Mack A. Nix, desire to correct the description in said Warranty Deed so as to clarify and make more certain the land intended to be conveyed by said Warranty Deed.

Joan of Nix

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NOW, THEREFORE, for and in consideration of the aforesaid premises and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned BOBBY EUGENE SHERRER, JR. [whose address is 180 Brookhill Road, Montevallo, Alabama 35115 and whose telephone number is 205-665-2573] and JAMES MURRAY NIX [whose address is 814 North President Street, Jackson, Mississippi 39202 and whose telephone number is 601-948-6800], in their capacities as CO-EXECUTORS OF THE LAST WILL AND TESTAMENT OF MACK A. NIX, do hereby correct the description of land conveyed by the above-mentioned Warranty Deed to read as follows, to-wit:

> Commencing at the Southwest corner of the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) of Section 8 of Township 24 North, Range 13 East, Shelby County, Alabama; thence run North 66 degrees 14 minutes East a distance of 654.84 feet to a point being the point of beginning for the property herein conveyed; thence run South 88 degrees 46 minutes East a distance of 80.0 feet to a point; thence run North 10 degrees 34 minutes East a distance of 280.2 feet, more or less, to a point on the Southwest right-of-way line of Shelby County Highway No. 89; thence run in a Southeasterly direction along the Southwest right-of-way line of said road to a point on the North line of that certain tract of land now or formerly owned by Bobby Joe Killingsworth; thence run in a Westerly direction along the North line of the Bobby Joe Killingsworth tract approximately 317.17 feet, more or less, to the Northwest corner of said Bobby Joe Killingsworth tract; thence run in a Northerly direction along a fenceline to the point of beginning.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 3-5 day of January, 2005, in the capacities shown below.

ESTATE OF MACK A. NIX, DECEASED

By: Bobby Eugene Sherrer Jr.
BOBBY EUGENE SHERRER, JR. (in his capacity as co-executor of the estate of Mack A. Nix)

By: [illegible]
JAMES MURRAY NIX (in his capacity as co-executor of the estate of Mack A. Nix)

STATE OF ALABAMA §
COUNTY OF SHELBY §

I, the undersigned notary public in and for said County and State, do hereby certify that BOBBY EUGENE SHERRER, JR. and JAMES MURRAY NIX (in their capacities as co-executors of the estate of Mack A. Nix, deceased), whose names are signed to the foregoing instrument, and who are known to me, personally appeared and acknowledged before me on this day, that being informed of the contents of the instrument they signed, executed and delivered said instrument voluntarily on the day the same bears date in their capacities as co-executors of the estate of Mack A. Nix, deceased.

Given under my hand and official seal on this the 3rd day of January, 2005.

(SEAL)

Judy L. Santa Cruz
Notary Public

My commission expires: NOTARY PUBLIC, ALABAMA STATE AT LARGE MY COMMISSION EXPIRES, DECEMBER 11, 2005.

The foregoing instrument was prepared by:
James M. Nix
Jones and Nix, PLLC
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Jackson, Mississippi 39296-5601
(601) 948-6800