

STATE OF ALABAMA )

Affidavit

TALLADEGA COUNTY )

20090126000101980 1/4  
Bk: LR200901 Pg: 19742  
Jefferson County, Alabama  
I certify this instrument filed on:  
01/26/2009 02:11:18 PM AFF  
Judge of Probate- Alan L. King

Before me the undersigned Notary Public in and for said County and State personally appeared, F. D. BOECKHOLDT who being duly sworn deposes and says as follows:

That his/her name is, F. D. BOECKHOLDT and that he/she is familiar with the family for 40 years and has personal knowledge of the following; That **Peter M. Grammas**, who is deceased and died intestate on or about January 21, 2008. At the time of death of **Peter M. Grammas**, he was owner of the following described real property in Shelby County, Alabama per deed dated July 1, 1996 and recorded in Instrument #1996-21266 in the Probate Office of Shelby County, Alabama:

See Attached Exhibit "A" to Affidavit

And also, at the time of death of **Peter M. Grammas**, he was owner of the following described real property in Shelby County, Alabama per deed recorded on July 31, 1996 in Instrument #1996-24720 in the Probate Office of Shelby County, Alabama:

See Attached Exhibit "B" to Affidavit

And also, at the time of death of **Peter M. Grammas**, he was owner of the following described real property in Jefferson County, Alabama per deed dated May 8, 1996 and recorded in Instrument #9606/2866 in the Probate Office of Jefferson County, Alabama:

See Attached Exhibit "C" to Affidavit

And also, at the time of death of **Peter M. Grammas**, he was owner of the following described real property in Jefferson County, Alabama per deed recorded May 31, 1996 in Instrument #9606/7958 in the Probate Office of Jefferson County, Alabama:

See Attached Exhibit "D" to Affidavit

Also, that the above **Peter M. Grammas**, deceased January 21, 2008 and was survived by his spouse, **Xanthi H. Grammas**. **Peter M. Grammas had no surviving parents at the time of his death. Peter M. Grammas had no surviving issue at the time of his death. Xanthi H. Grammas is the only surviving heir at law of Peter M. Grammas.**

F. D. BOECKHOLDT is over the age of twenty-one (21) years and of sound mind.

Further affiant saith not.

F. D. Boeckholdt  
1295 PONDEROSA CIR  
SYL, AL 35157 - 4235

State of Alabama )  
County of ALABAMA )

I, the undersigned Notary Public, for said County in said State, do hereby certify that F. D. BOECKHOLDT whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 12<sup>th</sup> day of JANUARY, 2009.

Betty L. Jones  
NOTARY PUBLIC  
My Commission Expires: 2/22/11

This document prepared by:  
Gregory S. Graham  
Attorney-at-Law  
803 3rd St. S. W.  
P. O. Drawer 307  
Childersburg, Alabama 35044

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Shelby Cnty Judge of Probate, AL  
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## Exhibit "A"

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 13, Township 20 South, Range 3 West, Pelham, Shelby County, Alabama, more particularly described as follows:

Commence at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 20 South, Range 3 West, Pelham, Shelby County, Alabama and run easterly along the south line of said quarter-quarter section a distance of 174.65 feet to a point on the westerly right of way line of Interstate Highway No. 65 (I-65); thence run northeasterly along the said westerly right of way line of said I-65 a distance of 152.29 feet to a point; thence continue northeasterly along said right of way line a distance of 276.88 feet to a point; thence continue northeasterly along said right of way line a distance of 290.78 feet to the point of beginning of the property known as Lot 6, Valley Commerce Park, an Unrecorded Subdivision, (Lot 6 of said Unrecorded Subdivision being the parcel described) said point being an existing rebar iron; thence continue northeasterly along said right of way line of said I-65 Highway a distance of 181.35 feet to an existing rebar iron at the southeast corner of Lot 7 of Valley Commerce Park; thence 90 degrees 17 minutes 17 seconds measured (90 degrees 15' 59" map) left and run northwesterly along the southeasterly line of said Lot 7 for a distance of 251.42 feet to an existing rebar iron on the right of way line of the cul-de-sac curve to the right of Commerce Drive, said curve having a radius of 80.0 feet and a central angle of 76 degrees 06 minutes 19 seconds; thence run northwesterly along the arc of said curve and along said right of way line a distance of 106.26 feet to the end of said curve and to the beginning of a curve to the left, said curve having a radius of 30.00 feet and subtending a central angle of 90 degrees 15 minutes 56 seconds measured (89 degrees 51' 37" map); thence run northwesterly and westerly along the arc of said curve and along said right of way line a distance of 47.26 feet measured (47.05 feet map) to the end of said curve; thence at tangent to said curve run southwesterly along the southerly right of way line of said Commerce Drive a distance of 110.59 feet to the beginning of a curve to the left, said curve having a radius of 350.00 feet and a central angle of 01 degrees 54 minutes 16 seconds measured (01 degrees 59' 37" map); thence run southwesterly along the arc of said curve and along said right of way line for 11.63 feet measured (12.18 feet map) to a point; thence 106 degrees 05 minutes 05 seconds left from tangent to said curve and run southeasterly for a distance of 414.19 feet measured (415.55 feet map) to the point of beginning.

Exhibit "A" being the same property shown in that deed recorded as Instrument #1996/21266 in the Office of the Judge of Probate of Shelby County, Alabama. Properties are subject to exceptions, reservations and mineral rights shown in the referenced prior deed.

## Exhibit "B"

A parcel of land located in the Southwest Quarter of Section 31, Township 19 South, Range 2 West and the Northwest Quarter of Section 6, Township 20 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter of Section 31; thence run north along the quarter line 506.79 feet; thence left 121 degrees 25 minutes 36 seconds, 1325.96 feet; thence right 129 degrees 39 minutes 13 seconds, 359.51 feet; thence left 90 degrees 00 minutes, 137.27 feet to a Point "A" at the Point of Beginning; thence continue along the same course 182.14 feet to the easterly right-of-way of U.S. Highway 31; thence right 90 degrees 00 minutes, 136.39 feet along said easterly right-of-way; thence right 90 degrees 00 minutes 00 seconds, 175.00 feet to a Point "B"; thence right 90 degrees 00 minutes 00 seconds, 10.15 feet; thence left 45 degrees 00 minutes 00 seconds, 10.10 feet; thence right 45 degrees 00 minutes 00 seconds, 119.00 feet to the Point of Beginning.

Exhibit "B" being the same property shown in that deed recorded as Instrument #1996/24720 in the Office of the Judge of Probate of Shelby County, Alabama. Properties are subject to exceptions, reservations and mineral rights shown in the referenced prior deed.



**Exhibit "C"**

**Parcel I**

**Commence at the Southwest corner of the East 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 18, Township 17 South, Range 3 West; thence Northwardly along the West boundary of said half 1/4-1/4 Section 57.9 feet; thence to the right at an angle of 45°45' Northeastly 1127.01 feet to the Southerly boundary line of the right of way of a public highway (U.S. Highway #78); thence turn 90°07'50" right and run Southeastly along said road right of way for 104.53 feet to the point of beginning; thence continue along the last described course and along said road right of way for 119.82 feet to the right and run Southwestly along said road right of way for 286.37 feet; thence turn 89°14'13" right and run Northwestly for 119.73 feet; thence turn 90°44'34" right and run Northeastly for 288.18 feet to the point of beginning.**

**All situated in Jefferson County, Alabama.**

**Parcel II**

**Commence at the Southwest corner of the East half of the Southwest 1/4 of the Southeast 1/4 of Section 18, Township 17 South, Range 3 West; thence Northwardly along the West boundary of said half 1/4-1/4 Section 57.9 feet; thence to the right at an angle of 45°45' Northeastwardly 837.3 feet for the point of beginning of the tract of land herein described; continue thence Northeastwardly along the last named course 287.5 feet to the South boundary line of the right of way of a public highway as presently located; thence to the right at an angle of 90°00' along said South boundary of said highway right of way 105.0 feet; thence to the right at an angle of 90°00' Southwestwardly 287.5 feet; thence to the right at an angle of 90°00' 105.0 feet to the point of beginning.**

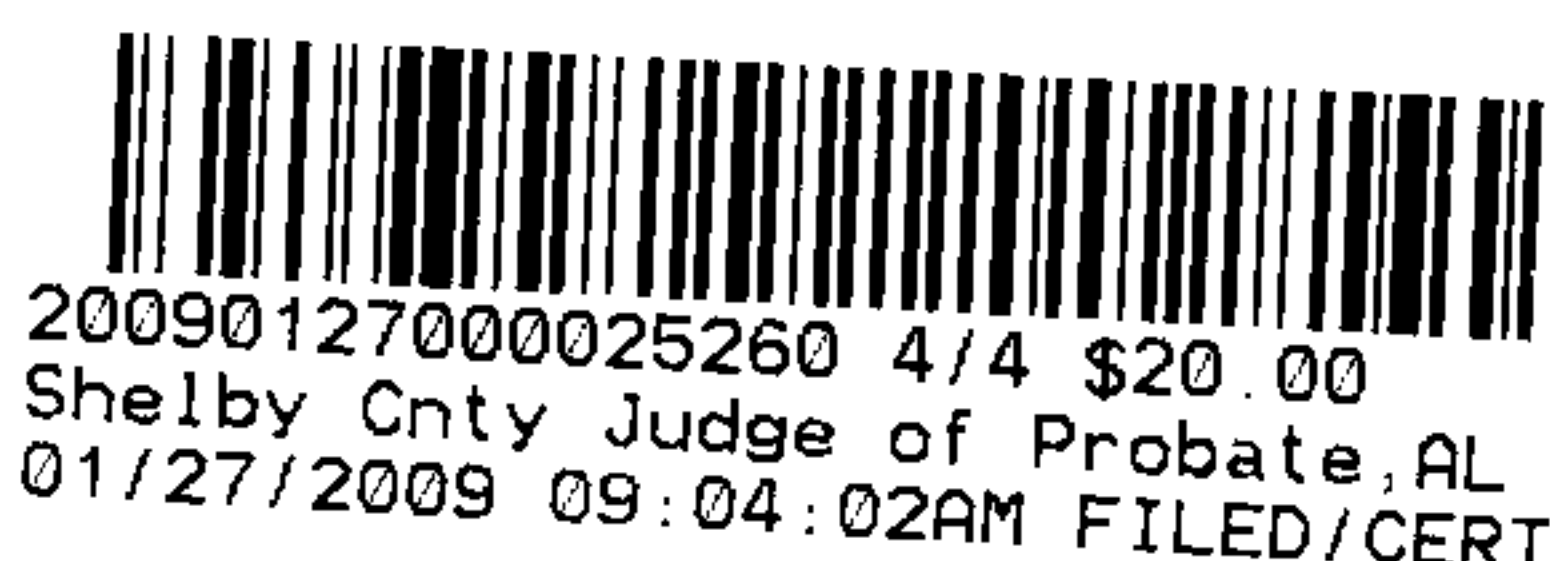
**Exhibit "C"**

**Parcels I and II being the same properties shown in that deed recorded as Instrument #9606/2866 in the Office of the Judge of Probate of Jefferson County, Alabama. Properties are subject to exceptions, reservations and mineral rights shown in the referenced prior deed.**



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Shelby Cnty Judge of Probate, AL  
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**PARCEL I:**

A parcel of land situated in the Southeast Quarter of the Southwest Quarter of Section 13, Township 19 South, Range 3 West, City of Hoover, Jefferson County, Alabama, also being a part of Lot 1, One Fifty Mall Associates Plat No. 2 as recorded in Plat Book 170 at Page 81 in the Office of the Judge of Probate of Jefferson County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of Section 13, Township 19 South, Range 3 West, Jefferson County, Alabama; thence run North 00°14'03" West along the West line of said Section 13 for a distance of 354.67 feet; thence, leaving said section line, run North 89°45'57" East for a distance of 1369.89 feet to a point on the Northwest lot line of Lot 1, One Fifty Mall Associates Plat No. 2 and the point of beginning; thence run North 66°46'55" East along said Northwest lot line for a distance of 190.44 feet to the point of curvature of a tangent curve to the right having a central angle of 100°07'08", a radius of 10.00 feet, and a chord which bears South 63°09'33" East for a distance of 15.33 feet; thence proceed along said curve and along the Northeast lot line of said Lot 1 for an arc distance of 17.47 feet to the point of compound curvature of a tangent curve to the right having a central angle of 31°53'58", a radius of 76.00 feet, and a chord which bears South 02°51'00" West for a distance of 41.77 feet; thence proceed along said curve and along the East lot line of said Lot 1 for an arc distance of 42.31 feet to the point of tangency; thence South 18°48'01" West along the East lot line of said Lot 1 for a distance of 47.86 feet to the point of curvature of a tangent curve to the left having a central angle of 43°35'35", a radius of 216.00 feet, and a chord which bears South 02°59'47" East for a distance of 160.41 feet; thence proceed along said curve and along the East lot line of said Lot 1 for an arc distance of 164.34 feet to the point of tangency; thence South 24°47'35" East and along the East lot line of said Lot 1 for a distance of 14.54 feet to a point on the northerly right of way line of Alabama Highway No. 150 (right of way width: 120 feet), said point being on a nontangent curve to the left having a central angle of 2°35'32", a radius of 3879.72 feet, and a chord which bears South 61°16'47" West for a distance of 175.52 feet; thence proceed along said curve and along said right of way line and along the Southeast lot line of said Lot 1 for an arc distance of 175.53 feet; thence, leaving said northerly right of way line, run North 06°32'54" West through the interior of said Lot 1 for a distance of 278.42 feet to the point of beginning.

**PARCEL II:**

Easements and other rights constituting an interest in real property for the benefit of Parcel I set forth in the following documents:

(i) The Construction, Operating and Reciprocal Easement Agreement for Riverchase Galleria ("CORREA") by and among J. C. Penney Properties, Inc., J. C. Penney Company, Inc., Parisian, Inc., Pizitz, Inc., Federated Department Stores, Inc., and R. H. Macy Co., Inc. and Riverchase Mall Associates, an Alabama general partnership, dated as of the 19th day of December, 1984, and filed for record on the 4th day of January, 1985, recorded in Real Volume 2633, Page 267, in the Office of the Judge of Probate of Jefferson County, Alabama, as corrected by instrument recorded at Real Volume 2638, Page 42, of said records, and as amended by Declaration of Termination of Easements recorded at Real Volume 2633, Page 543, aforesaid records, as modified by Term Agreement recorded at Real Volume 3262, Page 681, aforesaid records; and further amended by First Amendment to Construction, Operating & Reciprocal Easement Agreement for Riverchase Galleria dated 2-22-94, recorded in Instrument #9502/8529; and further amended by Second Amendment to Construction, Operating & Reciprocal Easement Agreement for Riverchase Galleria dated 12-29-94 and recorded in Instrument #9504/4565.

(ii) Agreement for Easements and Other Rights by and among Galleria Venture, Galleria Land Venture, Galleria Theatre Venture and One Fifty Mall Associates dated January 17, 1992, recorded at Real Volume 4183, Page 697, records of the Judge of Probate, Jefferson County, Alabama; and amended by First Amendment to Agreement for Easements and Other Rights as recorded in Instrument #9505/5847.

(iii) Termination of Easements and Creation of New Easements by RGB Venture to Jefferson County, Alabama and The City of Hoover, and others, dated January 17, 1992, recorded at Real Volume 4183, Page 536, aforesaid records.

(iv) Grading and Fill Dirt Agreement between Galleria Land Venture and One Fifty Mall Associates dated January 17, 1992, recorded at Real Volume 4183, Page 777, aforesaid records; and amended by First Amendment to Grading and Fill Dirt Agreement as recorded in Instrument #9505/5845.

## Exhibit "D"

Parcels I and II being the same properties shown in that deed recorded as Instrument #9606/7958 in the Office of the Judge of Probate of Jefferson County, Alabama. Properties are subject to exceptions, reservations and mineral rights shown in the referenced prior deed.