

WARRANTY DEED

This instrument was prepared by
Steven R. Sears, attorney
655 Main Street, BX Four
Montevallo, AL 35115+0004
telephone: 665-1211
without benefit of title evidence.

Please send tax notices to:

Marcia M Sears
BX 444
Montevallo, AL 35115

State of Alabama)
County of Shelby)

Know all men by these presents, that in consideration of sixty-five thousand dollars, to the undersigned grantor in hand paid by the grantee herein, the receipt whereof is acknowledged, I, **OWEN SCOTT SMITHERMAN**, of 3004 Longleaf, Helena, AL 35080, a married man, do grant, bargain, sell, and convey unto Marcia M Sears, an unremarried widow, of BX 444, Montevallo, AL 35115 (herein referred to as grantee, whether one or more) the following described real estate situated in Shelby County, Alabama, to-wit:

The NW $\frac{1}{2}$ of Lots 44 and 45, according to the Original Plan of Montevallo, that is to say the $\frac{1}{2}$ of said lots which front on Main Street, also all that land lying between said lots and Shoal Creek, being more particularly described according to a survey of Steven H Gay, Ala Reg No 17522, dated 23 April 1997, as follows:

Begin at the NE corner of Lot 44, according to the Original Plan of Montevallo; thence run SW along the NW line of Lots 44 and 45 and the SE right of way of Main Street to the point of commencement of a curve to the left, having a central angle of 33°17'02" and a radius of 251.54 feet; thence run along the arc of said curve along the SE right of way 146.12 feet; thence turn an angle from the tangent if extended to said curve to the left of 80°03'50" and run SE 113.3 feet; thence turn left 61°02'20" and run NE 215.42 feet; thence turn left 93°28' 21" and run NW 166.47 feet to the point of beginning; being situated in Shelby County, Alabama.

LESS AND EXCEPT that land conveyed to the State of Alabama pursuant to a decree of condemnation entered in Shelby County Circuit Court case

CV02:1567MJ, as recorded at instrument 2003:1201000776530 of the Shelby County Probate records on 01 December 2003, more particularly described as:

Part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of §28, Twp 22 S, R 3 W, identified as Tract 4 of Project # BR-458(6) in Shelby County, Alabama and being more fully described as follows:

Commencing at the NE corner of §4, Twp 24 N, R 12 E; run thence W along the N line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ 184.32 feet to the existing E right of way line of Ala State Hwy 119; thence run N along said right of way line 242.62 feet to the point of beginning: Thence run N along said right of way line 264.34 feet to a point that is 35.88 feet E of and radial to the centerline of said project at Station 18+37.92; thence run S 83.03 feet to a point that is 50 feet E of and radial to said centerline at Station 17+50; thence run SE 41.49 feet to a point that is 85 feet E of and radial to said centerline at Station 17+25; thence run S 139.73 feet to a point that is 85 feet E of and radial to said centerline at Station 15+62.82, the S property line; thence run W along said S property line 57.45 feet to the point of beginning.

Assigned ad valorem tax parcel identification numbers 58.27.8.28.2.201.003 and 58.27.8.28.2.201.004.

Source of title: A warranty deed from Merle Lawley Farrington Clark to grantor herein, executed 25 April 1997 and recorded on 30 April 1997 at instrument number 1997:13315 in the Shelby County Alabama Probate Office.

It is the intent of this instrument to convey the old Fancher house and property at 540 Main Street, Montevallo, AL 35115, whether or not correctly described above.

No part of the property conveyed herein forms any part of the homestead of any grantor. Each grantor owns other property which does form homestead.

To have and to hold to the said grantee, her heirs and assigns forever.

OWEN SCOTT SMITHERMAN, does for himself and for his administrators, heirs, and successors covenant with the said grantee, her heirs and assigns, that he is lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that he has a good right to sell and convey the same as aforesaid; that he will and their administrators, heirs, and successors shall warrant and defend the same to the said grantee, her heirs and assigns forever, against the lawful claims of all persons.



20091030000407680 3/3 \$82.00
Shelby Cnty Judge of Probate, AL
10/30/2009 02:50:17 PM FILED/CERT

In witness whereof, I, **OWEN SCOTT SMITHERMAN**, have set my hand and seal, this 29 October 2009.

Witness:

Arthur [Signature]

Owen Scott Smitherman (Seal)
OWEN SCOTT SMITHERMAN

State of Alabama)
County of Shelby)

I, the undersigned notary public for the State of Alabama at Large, hereby certify that **OWEN SCOTT SMITHERMAN**, whose name is signed to the foregoing conveyance, and who is (made) 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 29 October 2009.

Steve [Signature]

My Commission Expires 07 March 2010

Notary public

Shelby County, AL 10/30/2009

State of Alabama

Deed Tax : \$65.00