


THIS INSTRUMENT PREPARED BY  
Howard W. Neiswender  
Balch & Bingham LLP  
1901 Sixth Avenue North, Suite 1500  
Birmingham, AL 35203

Send Tax Notice to:)  
Carolyn M. Holland  
P. O. Box 1008  
Alabaster, AL 35007

STATE OF ALABAMA )  
SHELBY COUNTY )

  
20091230000474620 1/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

**PERSONAL REPRESENTATIVE'S DEED**

*(This deed prepared without benefit of survey or title examination)*

**THIS IS A PERSONAL REPRESENTATIVE'S DEED** executed and delivered this 28<sup>th</sup> day of December, 2009, by **CLAY MONTGOMERY HOLLAND**, as **Personal Representative of the Estate of H. SHERMAN HOLLAND, JR., Deceased, Shelby County, Alabama Probate Court Case No. PR-2007-000272** (hereinafter referred to as the "**Grantor**"), to **CAROLYN M. HOLLAND**, an unmarried person and the wife of H. Sherman Holland at the time of his death and the sole distributee of all the real property contained in the Estate of H. Sherman Holland, Jr., deceased (hereinafter referred to as the "**Grantee**").

**KNOW ALL MEN BY THESE PRESENTS:**

**WHEREAS, H. SHERMAN HOLLAND, JR.** (the "Decedent") died on May 6, 2007; and

**WHEREAS**, the Decedent's last will and testament ("Will") was duly probated in the Office of the Judge of Probate for Shelby County, Alabama on the 25th day of May, 2007, Case No. PR-2007-000272; and

**WHEREAS**, the Decedent was survived by his wife, **CAROLYN M. HOLLAND**; and

**WHEREAS**, the Decedent's Estate is currently being administered in the Office of the Probate Judge for Shelby County, Alabama, Case No. PR-2007-000272; and

**WHEREAS, CLAY MONTGOMERY HOLLAND** was duly appointed as the Personal Representative of the Decedent's Estate; and

**WHEREAS**, at the time of his death, the Decedent owned certain real property lying and being in Shelby County, Alabama (the "Real Property"); and

**WHEREAS, CAROLYN M. HOLLAND** and the Decedent's children and grandchildren filed certain disclaimers against the Will of the Decedent ("Disclaimers"), which are recorded in the Office of the Probate Judge for Shelby County, Alabama, pursuant to Alabama Code Section 43-8-41; and

**WHEREAS**, an Order of the Probate Court of Shelby County, Alabama (the "Order") provides as follows:

All of the residuary of the Decedent's estate that exceeds the Decedent's remaining federal estate and generation-skipping

transfer tax exemptions and that remains after the payment of all taxes, costs and expenses will be distributed outright to the Decedent's Wife as a result of the disclaimers filed in the Probate Court of Shelby County, Alabama, and pursuant to Alabama's laws of intestacy . . .; and

**WHEREAS**, pursuant to such Order and Alabama's laws of intestacy, all of the Decedent's Real Property devolved to the Decedent's wife, **CAROLYN M. HOLLAND**; and

**WHEREAS**, the Grantor, pursuant to the Order, desires through this conveyance to transfer all of the Decedent's right, title and interest in and to the Real Property to the Grantee; and

**WHEREAS**, certified copies of the Will and the Order are attached hereto as **Exhibit B**.

**NOW, THEREFORE**, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid to the Grantor, the receipt of which is hereby acknowledged, the Grantor hereby grants, bargains, sells and conveys unto **CAROLYN M. HOLLAND** all of its right, title, interest and claim in and to the Real Property situated in Shelby County, Alabama described on **Exhibit A** attached hereto, including all mineral rights, appurtenances thereto belonging or in anywise appertaining and all roads, alleys and ways bounding such property.

**THIS CONVEYANCE** is subject to the following:

- (1) General and special taxes and assessments for 2009 and subsequent years not yet due and payable.
- (2) All mineral, mining and oil and gas rights not owned by the Grantor, if any.
- (3) All easements, covenants, reservations, restrictions and encumbrances of record (whether such encumbrances are monetary or non-monetary) and any easement for any utility serving such property, whether of record or not.
- (4) Rights of third parties, including the public at large, with respect to any portion of such property located in a public right of way.
- (5) All unrecorded easements, encroachments, overlaps, boundary line disputes and other matters that would be revealed by an accurate survey or inspection of such property.
- (6) All other matters set forth on **Exhibit A** attached hereto regarding specific parcels as noted therein.

**TO HAVE AND TO HOLD** to the Grantee, her heirs, representatives and assigns forever.



The Grantor intends by the execution of this conveyance to vest title in and to the property described on Exhibit A attached hereto in Grantee.

This instrument is executed by **CLAY MONTGOMERY HOLLAND** solely in his capacity as Personal Representative, without warranty or representation of any kind on the part of the Grantor, express or implied, except that there are no liens or encumbrances outstanding against the property described on Exhibit A attached hereto which were created by the Grantor. Neither this instrument nor anything herein contained shall be construed as creating any personal obligation or liability on the part of the undersigned in his individual capacity, and the undersigned expressly limits his liability hereunder to such property held by the Grantor in his capacity as Personal Representative as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Personal Representative's Deed this 28<sup>th</sup> day of December, 2009.

**GRANTOR:**

Clay Montgomery Holland  
**CLAY MONTGOMERY HOLLAND, as Personal  
Representative of the Estate of H. SHERMAN  
HOLLAND, JR. Deceased, Shelby County,  
Alabama Probate Court Case Number PR-2007-  
000272**

**STATE OF ALABAMA**

**SHELBY COUNTY**

I, the undersigned, a Notary Public, hereby certify that **CLAY MONTGOMERY HOLLAND, as Personal Representative of the Estate of H. SHERMAN HOLLAND, JR.**, whose name is signed to the foregoing Personal Representative's Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Personal Representative's Deed, he, in his capacity as Personal Representative, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 28<sup>th</sup> day of December, 2009.

Patricia K. Humphrey  
Notary Public  
My Commission Expires: \_\_\_\_\_

[NOTARIAL SEAL]

**MY COMMISSION EXPIRES 2/16/2011**

**EXHIBIT A**

**DESCRIPTION OF THE PROPERTY**

**The following described real property situated in Shelby County, Alabama:**

**Property No. 1**

Tax Parcel No. 07-5-15-0-001-002.001

Tax Parcel No. 07-5-15-3-000-001.000

Tax Parcel No. 07-5-16-0-001-013.000

From a flat iron at the NW corner of Section 15, Township 19 South, Range 2 East, run thence (true) South 00 degrees 08 minutes 33 seconds West, along the true West boundary of said Section 15 for a distance of 2607.85 feet to a ½" rebar at the true NW corner of the NW ¼-SW ¼ of said Section 15, being the point of beginning of herein described parcel of land; thence run North 89 degrees 18 minutes 04 seconds East along the true North boundary of said NW ¼-SW ¼ for a distance of 885.32 feet; thence run North 01 degree 38 minutes 34 seconds West along an accepted property line for a distance of 210.00 feet; thence run North 89 degrees 18 minutes 04 seconds East, along an accepted property line for a distance of 420.00 feet; thence run South 01 degrees 38 minutes 34 seconds East along an accepted property line for a distance of 210.00 feet to a ½" rebar on the true North boundary of aforementioned NW ¼-SW ¼; thence run North 89 degrees 18 minutes 04 seconds East along the true North boundary of said NW ¼-SW ¼ for a distance of 19.50 feet to a 5/8" rebar at the true NW corner of the NE ¼-SW ¼ of said Section 15; thence continue North 89 degrees 18 minutes 04 seconds East along the true North boundary of said NE ¼-SW ¼ for a distance of 1324.82 feet to a ½" rebar at the true NE corner of said NE ¼-SW ¼; thence run South 00 degrees 12 minutes 09 seconds East along the true East boundary of said NE ¼-SW ¼ for a distance of 1286.05 feet to a ½" rebar; thence run North 89 degrees 17 minutes 42 seconds West along an accepted property line for a distance of 1339.07 feet to a 1.5" pipe thence run South 87 degrees 40 minutes 03 seconds West along an accepted property line for a distance of 1354.14 feet to a 1" solid bar; thence run South 89 degrees 37 minutes 56 seconds West along the accepted South boundary of the NE ¼-SE ¼ of Section 16, Township 19 South Range 2 East for a distance of 1339.12 feet to a 1.5" solid bar accepted as the SW corner of said NE ¼-SE ¼; thence run North 00 degrees 08 minutes 42 seconds West along the accepted West boundary of said NE ¼-SE ¼ for a distance of 1307.88 feet to a ½" rebar accepted as the NW corner of said NE ¼-SE ¼; thence run South 89 degrees 42 minutes 45 seconds East along the accepted North boundary of said NE ¼-SE ¼ for a distance of 1380.41 feet to the point of beginning of herein described parcel of land. Situated in the N ½-SW ¼ and the SW ¼-NW ¼ of Section 15, Township 19 South, Range 2 East and the NE ¼-SE ¼ of Section 16. Township 19 South, Range 2 East, Shelby County, Alabama.

According to the survey of Sam W. Hickey, dated November 1, 2005.





20091230000474620 5/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

Less and except:

From a 1-1/2" pipe at the accepted Southeast corner of the NW1/4-SW1/4 of Section 15, Township 19 South, Range 2 East being the point of beginning of herein described parcel of land, run thence True S 87 degrees 40 minutes 03 seconds for a distance of 1354.14 feet to a 1" solid bar accepted as the Southwest corner of said NW1/4-SW1/4; thence run North 01 degrees 41 minutes 03 seconds East for a distance of 323.00 feet to a 1/2" rebar that is South 01 degrees 41 minutes 03 seconds West 969.91 feet off a 1/2" rebar from the Northwest corner of said NW1/4- SW1/4; thence run North 87 degrees 38 minutes 59 seconds East for a distance of 1347.16 feet to a 1/2" rebar on the accepted East boundary of NW1/4-SW1/4; thence run South 00 degrees 26 minutes 36 seconds West for a distance of 323.00 feet to the point of beginning of herein described parcel of land, containing 10.00 acres, situated in the NW1/4-SW1/4 of Section 15, Township 19 South, Range 2 East, Shelby County, Alabama.

**Property No. 2**

Tax Parcel No. 07-5-15-3-000-002.000

Tax Parcel No. 07-5-15-4-000-016.000

The SE ¼ of the SW ¼ and a strip 132 yards wide off the West side of the SW ¼ of the SE ¼ of Section 15, Township 19, Range 2 East, Shelby County, Alabama.

EXCEPT that part of said strip which lies SE of the right of way of the Wilsonville and Vincent Highway.

SUBJECT TO: 1. Transmission line permit to Alabama Power Company as shown by instrument recorded in Deed Book 82, page 51, in Probate Office. 4. Right-of-Way granted to Shelby County by instrument recorded in Deed Book 117, page 35, in Probate Office. 5. Less and except any portion of land lying within road right-of-way. 6. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to gas, oil, sand and gravel in, on and under subject property.

Less and Except:

COMMENCE AT THE SW CORNER OF SAID SECTION 15; THENCE S86DEG—40'--38"E ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1332.57 TO THE SW CORNER OF THE SE 1/4 — SW 1/4 OF SAID SECTION 15; THENCE N3DEG—35'—44" E, ALONG THE WEST LINE OF SAID 1/4 — 1/4 SECTION A DISTANCE OF 62.33 TO A POINT LYING ON THE NORTH RIGHT—OF—WAY LINE OF SHELBY COUNTY HIGHWAY NO. 62 (80'RIGHT—OF--WAY), SAID POINT BEING THE POINT BEGINNING; THENCE LEAVING SAID 1/4— 1/4 LINE, S86DEG—02'—04"E ALONG SAID RIGHT—OF—WAY LINE A DISTANCE OF 67.51; THENCE, LEAVING SAID RIGHT—OF—WAY, N3DEG—35'—42"E A DISTANCE OF 1289.61 TO A POINT LYING ON THE NORTH LINE OF THE SE 1/4 — SW 1/4 OF SAID SECTION 15; N85DEG—13'—02"w ALONG SAID NORTH LINE A DISTANCE OF 67.51' TO THE NW CORNER OF SAID 1/4 — 1/4 SECTION;



THENCE S3DEG—35'—44"W, ALONG THE WEST LINE OF SAID 1/4 — 1/4  
SECTION A DISTANCE OF 1290.57 TO THE POINT OF BEGINNING. SAID  
PARCEL OF LAND CONTAINS 2.0± ACRES OF LAND, MORE OR LESS.

NOTES:

RIGHT—OF—WAY OF ALABAMA STATE HIGHWAY NO. 25 (u.s. HIGHWAY  
NO. 231) (35'

EACH SIDE OF PARALLEL TO CENTER LINE), ACCORDING TO SHELBY  
COUNTY TAX MAP.

**Property No. 3**

Tax Parcel No. 13-7-25-2-001-001.000

A parcel of land situated in the N 1/2 of the NW 1/4 of Section 25, Township 20 South,  
Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of the NW 1/4 of said Section 25; thence south 1 degree 13  
minutes 26 seconds east a distance of 685.27 feet; thence south 87 degrees 22 minutes 13  
seconds west distance of 1410.24 feet to the east right of way line of US Highway #31  
(200 foot right of way); thence north 21 degrees 20 minutes 58 seconds west along said  
right of way a distance of 241.89 feet; thence leaving said right of way line north 85  
degrees 38 minutes 12 seconds east a distance of 368.36 feet; thence north 87 degrees 11  
minutes 34 seconds east a distance of 211.34 feet; thence north 20 degrees 10 minutes 48  
seconds west a distance of 214.58 feet; thence north 22 degrees 18 minutes 28 seconds  
west a distance of 218.50 feet to the north line of said Section 25; thence north 85 degrees  
32 minutes 50 seconds east along the north line of said section 25 a distance of 1063.97  
feet to the point of beginning.

Less and except:

Commence at the NE corner of the NW 1/4 of Section 25, Township 20 South, Range 3  
West, Shelby County, Alabama; thence S 1deg-13'-26" E a distance of 685.27'; thence S  
B7deg-22'-13" W a distance of 1140.00 to the point of beginning; thence continue along  
the last described course a distance of 270.24' to a point lying on the East right-of-way  
line of U. S. Highway #31 (200' right-of- way); thence N 21deg-20'-SB" W along said  
right-of-way line a distance of 241.89'; thence leaving said right-of- way line N B5deg-  
38'-12" E a distance of 348.36'; thence S 2deg-33'-09" E a distance of 239.63' to the  
point of beginning. Said parcel of land contains 1.67 acres, more or less.

And less and except:

Commence at the NE corner of the NW 1/4 of Section 25, Township 20 South, Range 3  
West, Shelby County, Alabama; thence S 1deg;13'-26" E a distance of 685.27'; thence S  
87deg-22'-13"W a distance of 500.00' to the point of beginning; thence continue along  
the last described course a distance of 408.67'; thence N 2deg-33'-09" W a distance of  
447.55'; thence S 85deg-32'50" W a distance of 65.01'; thence N 22deg-18'28" W a  
distance of 218.50' to a point lying on the North Line of said Section 25, thence N 85deg-



32'-50" E along said North line a distance of 563.97'; thence, leaving said North line S 1deg-10'-07" E a distance of 669.37' to the point of beginning. Said parcel contains 6.82 acres, more or less.

**Easement for Ingress, Egress, Drainage and Utility**

Commence at the NE corner of the NW 1/4 of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama; thence S 1deg-13'-26" E a distance of 685.27'; thence S 87deg-22'-13" W a distance of 908.67' to the point of beginning; thence along last described course a distance of 501.57' to a point lying on the East right-of-way line of U.S. Highway #31 (200' right-of-way); thence N 2deg-20'-58" W along said right-of-way line a distance of 42.23'; thence leaving said right-of-way line N 87deg-22'-13" E a distance of 515.18'; thence S 2deg-33'-09" E a distance of 40.00' to the point of beginning.

**Property No. 4**

Tax Parcel No. 13-7-25-2-001-001.001

Commence at the NE corner of the NW 1/4 of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama; thence S 1deg-13'-26" E a distance of 685.27'; thence S 87deg-22'-13" W a distance of 908.67' to the point of beginning; thence continue along said last described course a distance of 231.33'; thence N 2deg-33'-09" W a distance of 239.63'; thence N 85deg-38'-12" E a distance of 20.00'; thence N 22 deg-01'-09" W a distance of 105.29'; thence N 21deg-15'-59" W a distance of 83.15'; thence N 85deg-32'-50" E a distance of 214.70'; thence N 20deg-10'-48" W a distance of 21.30'; thence N 85deg-32'-50" E a distance of 65.01'; thence S 2deg-33'-09" E a distance of 447.55' to the point of beginning. Said parcel of land contains 2.32 acres, more or less.

**Property No. 5**

Tax Parcel No. 13-7-25-2-001-002.000

A parcel of land situated in the NW 1/4 of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the NE corner of the NW 1/4 of said Section 25; thence S 85 degrees 32 minutes 50 seconds West a distance of 1063.97 feet to the Point of Beginning; thence continue along the last described course a distance of 211.50 feet; thence South 21 degrees 21 minutes 25 seconds East a distance of 321.98 feet; thence South 22 degrees 01 minute 09 seconds East a distance of 105.29 feet; thence North 87 degrees 11 minutes 34 seconds East a distance of 211.34 feet; thence North 20 degrees 10 minutes 48 seconds West a distance of 214.58 feet; thence North 22 degrees 18 minutes 28 seconds West a distance of 218.50 feet to the Point of Beginning.

ALSO a 20 foot strip of land for a road for ingress and egress to said lot, described as follows: Begin at the SE corner of the lot herein conveyed and run South 18 degrees East 20 feet; thence South 89 degrees West to the East right of way line of Highway 31;



thence North along the East right of way line of said Highway 20 feet; thence North 89 degrees East 580 feet to the point of beginning of said road.

Subject to: 1. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to gas, oil, sand and gravel in, on or under subject property. The minerals are, however, conveyed to the extent owned, if owned. 2. Rights of way granted to Shelby County by instruments recorded in Deed Book 167, Pages 334 and 357 in Probate Office. 3. Rights of others to use access easement set out in Deed Book 218, Page 255, and corrected in Real 248, Page 603.

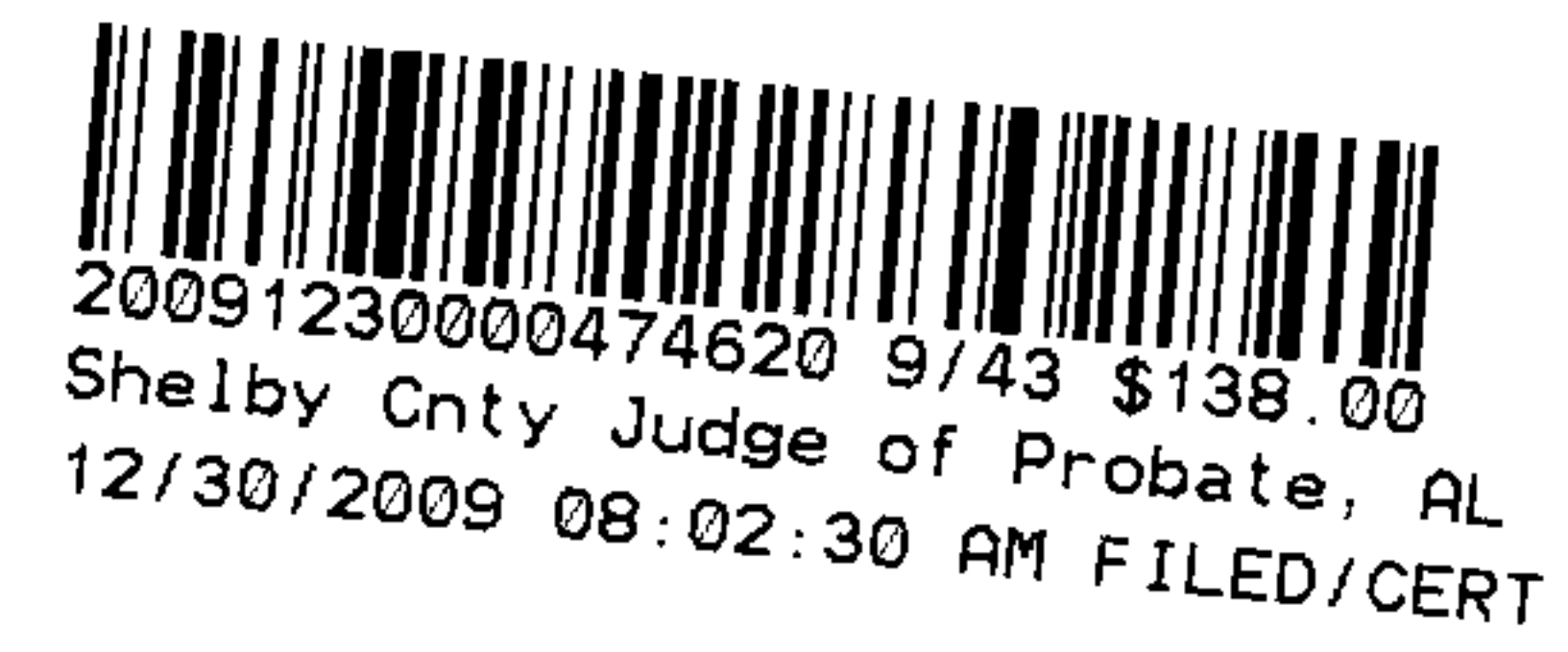
Less and except any part of said parcel conveyed by Sherman Holland, Jr. to Carter Homes and Development, Inc., by deed recorded May 5, 2000, Instrument No. 2000-148000 in the Probate Court of Shelby County, Alabama.

**Property No. 6**

Tax Parcel No. 13-7-25-2-001-007.000  
Tax Parcel No. 13-7-25-2-001-007.010  
Tax Parcel No. 13-7-25-2-001-007.011  
Tax Parcel No. 13-7-25-2-001-007.009  
Tax Parcel No. 13-7-25-2-001-009.001

Commence at the Northwest Corner of the NW 1/4, Section 25, Township 20 South, Range 3 West; thence S 88deg 52'57" E along the North line of said 1/4 Section for a distance of 203.59'; thence S 0deg 50'22" E for a distance of 483.52' to a point on the easterly R.O.W. line of CSX Transportation Railroad (100' R.O.W.), said point also being the POINT OF BEGINNING; thence N89deg 04'21" E and leaving said R.O.W. line for a distance of 430.77'; thence S 5deg 56'40" E for a distance of 39.84'; thence S 6deg 14'55" E for a distance of 102.89'; thence S 87deg 32.03" E for a distance of 283.67' to a point on the westerly R.O.W. line of U. S. Highway # 31 (200' R.O.W.) thence S 15deg 10'45" E along said R.O.W. line for a distance of 212.82' to the beginning of a 266' spiral curve to the right said curve having a P.I. equal to 301+ 64.43 and a C.S. equal to 305+ 27.81; thence along said spiral curve and along said R.O.W. line a distance of 274.27' meas (276.41 map) to the end of said curve, said point also being the beginning of a curve to the right having a central angle of 0deg 20'47", a radius of 810.08 and subtended by a chord which bears S 11deg 29'01" E a chord distance of 10.94'; thence along said curve and along said R.O.W. line a distance of 10.94'; thence N 88deg 09'44" W and leaving said R.O.W. line a distance of 365.03'; thence S 1deg 54'22" E a distance of 136.37'; thence S 88deg 25'22" E for a distance of 26.48'; thence S 2deg 03'13" E for a distance of 89.29'; thence S 87deg 56'47" W for a distance of 400.75'; thence N 82deg 56'19" W for a distance of 126.25' to a point lying on the easterly R.O.W. line of said CSX Transportation Railroad; thence N 0deg 51'14" along said R.O.W. line for a distance of 153.03'; thence N 0deg 08'17" E and along said R.O.W. line a distance of 688.93' to the POINT OF BEGINNING. Said parcel of land containing 12.90 acres, more or less.





**Property No. 7**

Tax Parcel No. 13-7-25-3-001-008.002

Commence at the Southwest corner of the Southwest quarter of the Southwest quarter of said Section 25; thence East a distance of 130.60 feet to Westerly right of way line of U.S. Highway 31; thence Northeast 675 feet along right of way Northwest a distance of 210 feet to the point of beginning; continue Northwest to the Easterly right of way RR Northerly 105 feet along the right of way Easterly 137.74 feet; thence Southwest 105 feet to the point of beginning.

**Property No. 8**

Tax Parcel No. 13-7-25-3-001-012.000

A part of Section 25, Township 20, Range 3 West, Shelby County, Alabama, more particularly described as follows. Begin at a point on the East side of U.S. Highway 31 where the Northern boundary line of the NW<sup>1</sup>/<sub>4</sub> of SW of said Section 25, Township 20, Range 3 West intersects the Eastern boundary of the right-of-way of said Highway 31; thence run with said right-of-way boundary, South 13 degrees 40 minutes West, 743 feet to Wilson Road, now known as Shelby County Highway number 68; thence along said Wilson Road, South 56 degrees 20 minutes East, 92 feet; thence along Wilson Road South 64 degrees 50 minutes East 327 feet to an iron stake, to the beginning of this property; thence run Northerly 637 feet to Carter's line; thence East 105 feet to an iron stake; thence South 650 feet to said Wilson Road; thence in a Westerly direction to the point of beginning.

**Property No. 9**

**Tax Parcel No. 13-7-25-3-001-018.000**

BEG NE COR SE1/4 SW1/4 S925(S) W150 S306.01 TO NORTH ROW COUNTY ROAD 68 NLY 680(S) E150.51 N600 E200 TO POB 4.4 TO POB ALSO ALL THAT PART EAST OF HICKORY HILL DRIVE AND WEST OF COUNTY ROAD 68 LESS: BEG INT EAST ROW HICKORY HILL DRIVE AND S LN SW1/4 N209.64 E362.22 SE180 SW140(S) W467.73 TO POB ALSO: ALL THAT PART OF COUNTY ROAD 68 AND EAST OF UNNAMED ROAD.

**Property No. 10**

Tax Parcel No. 13-7-26-1-006-063.000

Lot 192 according to the Final Plat of Holland Lakes Sector 3 as recorded in Map Book 37, Page 85 in the Office of the Judge of Probate of Shelby County, Alabama.

**Property No. 11**

Tax Parcel No. 13-7-26-1-006-105.000

A part of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 26, Township 20 South, Range 3 West, being more particularly described as follows: Beginning at the Northwest corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section and run South along West line of said NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , 665.16 feet; thence turn an angle left of 88 deg. 50 min. 30 sec. and run East 530 feet, more or less, to centerline of Buck Creek; thence run Northwesterly along meanderings of said creek to the West line of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 26; thence run South along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section, 285 feet, more or less to the point of beginning.

**Property No. 12**

Tax Parcel No. 13-7-26-4-001-001.001

Lot 509 according to map of Springate, Phase 5 as recorded in Map Book 27 Page 111 in Probate Office of Shelby County Alabama, less and except that portion shown as lot 509 A according to the resurvey of lot 509 as recorded in Map Book 30 Page 102.

**Property No. 13**

Tax Parcel No. 13-7-26-4-001-012.000

Tax Parcel No. 13-7-26-4-001-012.070

A parcel of land being situated in the Southeast  $\frac{1}{4}$  of Section 26, Township 20 South, Range 3 West, in Shelby County, Alabama, and being described as follows: Commence at the Northwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 26, Township 20 South, Range 3 West; thence South 00 degrees 44 minutes 27 seconds West and run a distance of 504.61 feet to the point of beginning; thence South 89 degrees 04 minutes 24 seconds East and run a distance of 531.32 feet; thence South 04 degrees 33 minutes 23 seconds West and run a distance of 297.79 feet; thence South 37 degrees 20 minutes 51 seconds West and run an distance of 314.27 feet; thence North 89 degrees 15 minutes 33 seconds West and run a distance of 324.10 feet; thence North 00 degrees 44 minutes 27 seconds East and run a distance of 551.13 feet to the point of beginning.

LESS AND EXCEPT:

A 20 foot ingress, egress and utility easement, for the non-exclusive use of the Grantor herein, situated in the Southeast  $\frac{1}{4}$  of Section 26, Township 20 South, Range 3 West in Shelby County, Alabama and being more particularly described as follows:

Commence at the Northwest Corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 26, Township 20 South, Range 3 West; thence South 00 degrees 44 minutes 27 seconds West a distance of 504.61 feet to the POINT OF BEGINNING of the Westerly boundary of a 20 foot ingress, egress and utility easement, said easement lying 20 feet to the East and



parallel to said West line; thence continue along the last described course a distance of 551.13 feet to the end of said easement.

Subject to: Water Line Easement to Alabaster Water & Gas Board, recorded in Instrument 1993-22320, in the Probate Office of Shelby County, Alabama.

LESS AND EXCEPT:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14, according to the survey of Willow Creek South, as recorded in Map Book 23, Page 102, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

**Property No. 14**

Tax Parcel No. 13-7-26-4-001-012.069

Tax Parcel No. 13-7-35-1-001-009.002

Tax Parcel No. 13-7-35-1-001-009.003

Tax Parcel No. 13-7-35-1-001-009.006

A parcel of land located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 26 **and** the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 35, all in Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the NE corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 35, Township 20 South, Range 3 West; thence N 84 degrees 11 minutes 34 seconds W a distance of 162.06 feet to a point on the Westerly R.O.W. line of a 100 foot wide Railroad R.O.W., said point also being the POINT OF BEGINNING; thence N 12 degrees 36 minutes 42 seconds E along said Westerly R.O.W. line a distance of 986.99 feet; thence leaving said R.O.W. line N 82 degrees 29 minutes 03 seconds W a distance of 270.19 feet; thence N 78 degrees 1 minute 52 seconds W a distance of 335.96 feet; thence S 10 degrees 40 minutes 30 seconds E a distance of 265.58 feet; thence S 48 degrees 22 minutes 51 seconds W a distance of 149.46 feet; thence S 19 degrees 11 minutes 05 seconds W a distance of 115.00 feet; thence S 22 degrees 31 minutes 29 seconds E a distance of 65.88 feet; thence S 48 degrees 20 minutes 39 seconds E a distance of 175.88 feet; thence S 43 degrees 57 minutes 13 seconds E a distance of 131.67 feet; thence S 02 degrees 41 minutes 45 seconds W a distance of 41.14 feet; thence S 44 degrees 25 minutes 38 seconds W a distance of 77.05 feet; thence S 77 degrees 28 minutes 06 seconds W a distance of 48.51 feet; thence N 51 degrees 51 minutes 21 seconds W a distance of 88.12 feet; thence N 56 degrees 34 minutes 48 seconds W a distance of 68.84 feet; thence N 85 degrees 48 minutes 17 seconds W a distance of 71.94 feet; thence S 83 degrees 39 minutes 41 seconds W a distance of 126.22 feet; thence N 79 degrees 29 minutes 33 seconds W a distance of 73.46 feet; thence S 88 degrees 20 minutes 39 seconds W a distance of 83.83 feet; thence S 11 degrees 14 minutes 49 seconds E a distance of 277.59 feet; thence S 03 degrees 06 minutes 10 seconds E a distance of 79.54 feet; thence S 27 degrees 17 minutes 21 seconds E a distance of 91.38 feet; thence S 71 degrees 01 minutes 05 seconds E a distance of 130.43 feet; thence S 54 degrees 12 minutes 00 seconds E a distance of 101.10 feet; thence S 89 degrees 55 minutes 24 seconds E a distance of 60.16 feet; thence N 00 degrees 04 minutes 36 seconds E a distance of 75.20 feet; thence S 89 degrees 32 minutes 47 seconds E a distance of 57.47 feet; thence S 89 degrees 58 minutes 30



seconds E a distance of 360.93 feet to a point on the Westerly line of said 100 foot wide Railroad R.O.W.; thence N 12 degrees 36 minutes 42 seconds E along said Westerly R.O.W. line a distance of 148.52 feet to the POINT OF BEGINNING. Containing 16.59 acres, more or less.

**Property No. 15**

Tax Parcel No. 23-2-09-0-001-019.001  
Tax Parcel No. 23-2-09-0-001-019.047  
Tax Parcel No. 23-2-09-0-001-019.048

Part of the NE 1/4 being situated in Section 9, Township 21 South, Range 3 West, and being more particularly described as follows:

Beginning at the NE corner of the SE 1/4 of the NE 1/4 of said Section 9; thence South 0 degrees 25 minutes 46 seconds West and run along the East line of said 1/4-1/4 section for 364.25 feet; thence North 89 degrees 23 minutes 04 seconds West and run 1046.48 feet; thence North 1 degree 38 minutes 56 seconds East and run 66.09 feet; thence North 18 degrees 21 minutes 04 seconds West and run 154.94 feet; thence North 9 degrees 19 minutes 26 seconds East and run 148.44 feet; thence North 25 degrees 54 minutes 39 seconds West and run 68.59 feet; thence South 89 degrees 58 minutes 56 seconds West and run 263.50 feet to the point of a curve to the left, said curve having a central angle of 4 degrees 54 minutes and a radius of 453.55 feet; thence South 87 degrees 31 minutes 56 seconds West and run along the chord of said curve 38.78 feet; thence North 6 degrees 09 minutes 08 seconds West and run 211.82 feet; thence North 14 degrees 27 minutes 30 seconds West and run 349.28 feet; thence South 89 degrees 27 minutes 30 seconds East and run 404.21 feet; thence North 16 degrees 38 minutes 30 seconds East and run 12.83 feet; thence South 60 degrees 34 minutes 49 seconds East and run 1270.01 feet to the point of beginning.

Subject to: Mineral and mining rights and rights incident thereto as recorded in Volume 324, Page 302 in the Probate office of Shelby County, Alabama.

**Property No. 16**

Tax Parcel No. 27-5-22-0-001-004.001

All that portion of the SW 1/4 of NE 1/4 of Section 22 South, Township 22 South, Range 3 West, which lies South and Southeast of the paved Spring Creek Highway.

ALSO all that portion of the NW 1/4 of SE 1/4 of Section 22, Township 22 South, Range 3 West, North of the centerline of Dry Creek and East of the paved Spring Creek Highway.

ALSO, all that portion of the NW 1/4 of the SE 1/4 of Section 22, Township 22 South, Range 3 West, which lies North of the Southernmost boundary of the old Spring Creek Highway, South of Dry Creek and East of the right of way of paved Spring Creek



Highway, including any land contained within the right of way of the old Spring Creek Highway.

Situated in Shelby County, Alabama.

**SUBJECT TO:**

- Permit to Alabama Power Company recorded in Deed Book 326, Page 693.

**Property No. 17**

Tax Parcel No. 27-5-22-0-001-040.000


A parcel of land located in the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 22, Township 22 South, Range 3 West, Shelby County, Alabama, described as follows: Beginning at the NE corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 22, Township 22 South, Range 3 West; thence S 01 deg. 13 min. 58 sec. W a distance of 469.55 feet; thence N 89 deg. 47 min. 30 sec. W a distance of 740.68 feet to the point of beginning; thence S 26 deg. 24 min. 01 sec. E a distance of 117.21 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S 10 deg. 58 min. 58 sec. E a radial distance of 1462.00 feet; thence Southwesterly along the arc, through a central angle of 25 deg. 05 min. 29 sec. a distance of 640.25 feet; thence S 53 deg. 55 min. 33 sec. W a distance of 331.61 feet; thence N 52 deg. 27 min. 26 sec. E a distance of 213.02 feet to a point of curve to the right having a radius of 2253.83 feet and a central angle of 01 deg. 34 min. 17 sec.; thence northeasterly along the arc a distance of 61.81 feet; thence N 54 deg. 51 min. 35 sec. E a distance of 672.41 feet; thence S 89 deg. 48 min. 19 sec. E a distance of 30.00 feet to the point of beginning; being situated in Shelby County, Alabama.

**Property No. 18**

Tax Parcel No. 27-5-22-0-001-040.001

Commence at the N.E. Corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 22, Township 22 South, Range 3 West; thence South 01 degrees 13 minutes 58 seconds West, a distance of 469.55 feet; thence North 89 degrees 47 minutes 30 seconds West, a distance of 390.21 feet to the POINT OF BEGINNING; thence continue westerly along the said line, a distance of 350.47 feet; thence South 26 degrees 24 minutes 01 seconds East a distance of 117.12 feet to the point of a curve of a non tangent curve to the right, having a radius of 1462.00 feet, a central angle of 11 degrees 45 minutes 26 seconds and subtended by a chord which bears North 84 degrees 53 minutes 46 seconds East, a chord distance of 299.48 feet; thence easterly along the curve an arc distance of 300.01 feet; thence North 00 degrees 04 minutes 30 seconds East, a distance of 76.99 feet to the POINT OF BEGINNING.

Subject to: 1. Terms, agreements and right of way to Alabama Power Company as recorded in Book 136, Page 273; Book 146, Page 318; Book 176, Page 373 and Book 186, Page 182. 2. Right of Way granted to Shelby County, Alabama as recorded in Book 190, Page 237.

  
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Shelby Cnty Judge of Probate, AL  
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**Property No. 19**

Tax Parcel No. 27-5-22-0-001-042.000

Tax Parcel No. 27-6-23-0-001-004.000

The East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 22 and the West half of the Southwest Quarter of Section 23, all in Township 22, Range 3 West, situated in Shelby County, Alabama

**Property No. 20**

(Tax Parcel No. 36-1-02-0-001-003.000)

The NW 1/4 of NE 1/4 and the NE 1/4 of the NW 1/4 of Section 2 T 24 N, R 12 E.

**Property No. 21**

Tax Parcel No. 36-1-02-0-001.040.000

Tax Parcel No. 36-1-02-0-001.040.001

Begin at the point of intersection of the North right of way line of the Calera-Montevallo Highway with the West line of the SW 1/4 of NE 1/4 of Section 2, Township 24 North, Range 12 East, and run North 3 degrees 45 minutes West along said West line 940 feet to the Northwest corner of said SW 1/4 of NE 1/4 of said Section 2; thence South 88 degrees 45 minutes East along the North line of said SW 1/4 of SE 1/4 1231 feet to the Northeast corner of said SW 1/4 of NE 1/4; thence continue South 88 degrees 45 minutes East along the North line of the SE 1/4 of the NE 1/4 of Section 2, Township 24 North, Range 12 East, 380 feet; thence South 2 degrees East 1000 feet, more or less, to the North right of way line of said Calera-Montevallo Highway; thence South 88 degrees 20 minutes West along said right of way line 100 feet; thence North 88 degrees 10 minutes West along said right of way line 280 feet more or less, to the West line of said SE 1/4 of NE 1/4 of said Section 2; thence North 85 degrees 30 minutes West along the North right of way line of said Highway 1203 feet, more or less, to the point of beginning.

LESS AND EXCEPT Lots 1 to 9, according to the survey of Calmont Subdivision, as recorded in Map Book 4, Page 4, in the Probate Office of Shelby County, Alabama.

LESS AND EXCEPT that certain parcel conveyed to David C. Huntley and Mary Deana Huntley, as recorded in Deed Book 191, Page 279, in Probate Office.

LESS AND EXCEPT those certain parcels conveyed to the State of Alabama by deed recorded in Real Record 306, Page 727, in Probate Office.

**Property No. 22**

Tax Parcel No. 36-1-02-0-001.037.000


Lot 6, according to the survey of Calmont Subdivision, as recorded in Map Book 4, Page 4, in the Probate Office of Shelby County, Alabama.



**Property No. 23**

Tax Parcel No. 27-6-14-0-000-008.001

Tax Parcel No. 27-6-14-0-001-003.000

  
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Shelby Cnty Judge of Probate, AL  
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A parcel of land situated in the SE ¼ of the SW ¼ of Section 14, Township 22 South, Range 3 West, Shelby County, Alabama, and being more particularly described as follows: COMMENCE at the SE corner of the SE ¼ of the SW ¼ of said Section 14, thence along the South line of Section 14, North 86 degrees 07 minutes 59 seconds West, a distance of 887.18 feet to the POINT OF BEGINNING; thence North 18 degrees 42 minutes 23 seconds West, a distance of 710.60 feet to a point on the right-of-way of Shelby County Road No. 12; thence along said right-of-way South 43 degrees 34 minutes 39 seconds West, a distance of 848.84 to a point on the South line of Section 14; thence South 85 degrees 48 minutes 31 seconds East, a distance of 376.76 feet; thence South 85 degrees 59 minutes 57 seconds East, a distance of 438.38 to the POINT OF BEGINNING.

Subject to: Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 101, Page 81.

**Property No. 24**

Tax Parcel No. 27-8-27-0-001-002.002

Commence at the NW corner of fractional §27, Twp 22S, R3W; thence run S 85°12'12" E along the N line of aforesaid §27 1864.37 feet to the point of beginning: Thence continue along last described course 536.37 feet; thence run S 4°24'48" W 505.92 feet; thence run N 87°35'22" W 600.65 feet; thence run S 0°52';19" W 733.82 feet; thence run S 70°47'55" W 248.05 feet; thence run N 60°12'06" W 264.17 feet to a point on the easterly right of way line of Industrial Park Road (60 foot right of way); thence run S 5°45'08" E along said right of way 184.93 feet to the beginning of a curve to the right having a radius of 447.93 feet, a central angle of 33°11'15" and subtended by a chord which bears N 22°20'45" E 255.84 feet; thence along the arc of said curve and said right of way line 259.46 feet to end of said curve; thence N 38°56'23" E along said right of way line 433.8 feet to a point on a curve to the right, said curve having a radius of 65 feet, a central angle of 56°01'32" and subtended by a chord which bears N 66°57'09" E 61.06 feet; thence along the arc of said curve and said right of way line 63.56 feet to end of aforesaid curve and the beginning of a curve to the left having a radius of 105 feet, a central angle of 231°08'58" and subtended by a chord which bears N 20°36'34" W 189.42 feet; thence along the arc of said curve and said right of way line a distance of 423.6 feet; thence leaving said right of way line N46°11'03" W 10.17 feet; thence N 43°48'57" E 44.33 feet; thence N 40°18' E 275.05 feet to the point of beginning. Less and except all easements and road rights of ways not of record. Remaining usable property contains ±10.54 acres.

All according to a map drawn by Robert C. Farmer Associates dated 19 November 1997 and based on *inter alia* a prior survey by Lucas and Carr.

**Property No. 25**

Tax Parcel No. 07-5-22-1-002-012.000

Lot 12 located at 105 Rolling Circle and recorded in Deed Book 26, Page 93 of the Map of Rolling Meadow Estates, Vincent, Alabama.

**Property No. 26**

Tax Parcel No. 13-7-25-2-001-035.000

Parcel 1:

A parcel of land situated in the NW 1/4 of Section 25, Township 20, South, Range 3 West, described as follows:

Beginning at the SE corner of the SE 1/4 of the NW 1/4 of Section 25, and go North 02 deg. 15 mm. 11 sec. West along the East boundary of said 1/4 1/4 Section for 1000.00 feet; thence South 89 deg. 32 mm. 13 sec. West for 957.54 feet to an existing iron; thence South 12 deg. 55 mm. 40 sec. West for 1046.40 feet to the South boundary of said 1/4 1/4 Section; thence North 88 deg. 40 mm. 44 sec. East along said South boundary for 1231.25 feet to the point of beginning; being situated in Shelby County, Alabama.

Parcel 2:

Commence at the SE corner of the SE 1/4 of the NW 1/4 of Section 25, and go North 02 deg. 15 mm. 11 sec. West along the East boundary of said 1/4 1/4 Section for 1000.00 feet; thence South 89 deg. 32 mm. 13 sec. West for 957.54 feet to an existing iron; thence south 12 deg. 55 mm. 40 sec. West for 230.08 feet; thence continue along previous course for 211.50 feet; thence North 79 deg. 58 mm. 13 sec. West for 320.19 feet to the East boundary of Highway 31; thence North 10 deg. 40 mm. 40 sec. East along said East boundary for 219.62 feet; thence South 78 deg. 30 mm. 32 sec. East for 328.50 feet to the point of beginning; being situated in Shelby County, Alabama.

Subject to: 1. Transmission line permit to Alabama Power Company as shown by instruments recorded in Deed Book 102, page 202; Deed Book 108, page 337 and Deed Book 102, page 200 in Probate Office. (2) Right-of-Way granted to Shelby County by instruments recorded in Deed Book 167, page 440 and Deed Book 102, page 437 in Probate Office.

**Property No. 27**

Tax Parcel No. 13-7-35-1-001-009.000

Lot 2A of Clayton Commercial Park, according to a Resurvey of Clayton Commercial Park, a commercial subdivision situated in the NE1/4 of the NE1/4 of Section 35, Township 20 South, Range 3 West, City of Alabaster, Shelby County, Alabama, Map Book 34, Page 120.



**Property No. 28**

**Tax Parcel No. 13-7-35-1-001-009.007**

Lot 3 of Clayton Commercial Park, according to a Resurvey of Clayton Commercial Park, a commercial subdivision situated in the NE1/4 of the NE1/4 of Section 35, Township 20 South, Range 3 West, City of Alabaster, Shelby County, Alabama, Map Book 34, Page 120.

**Property No. 29**

**Tax Parcel No. 13-7-36-1-001-002.000**

Commence at the Northeast corner, Section 36, Township 20 South, Range 3. West; thence North 87 degrees 20 minutes West (MB) for a distance of 889 feet, more or less; thence South for a distance of 50 feet, more or less to the point of beginning of the parcel of land herein described (being a 6 inch by 6 inch concrete R.O.W. marker, 150 feet off centerline system of Interstate 65 at Sta. 756+96 and 110 feet off centerline of County Highway 11); thence turn an angle of 48 degrees 49 minutes to the right and proceed South 48 degrees 49 minutes West (MB) along R.O.W. of County Highway 11 for a distance of 183.47 feet to a point (R.R. Spike being 100.0 feet off centerline of County Highway 11); thence turn an angle of 6 degrees 36 minutes to the right and proceed South 55 degrees 25 minutes West (MB) along R.O.W. of County Highway 11 for a distance of 199.00 feet to a point (iron pin being 40 feet off centerline of County Highway 11); thence turn an angle of 143 degrees 28 minutes to the left and proceed South 88 degrees 03 minutes East (MB) for a distance of 270 feet, more or less, to the point of intersection of West R.O.W. line of Interstate 65; thence proceed in a Northerly direction along said West R.O.W. line of Interstate 65 (being in a 0 degree 30 minute curve to the left) for a distance of 148 feet, more or less, to a point (being a 6 inch by 6 inch concrete R.O.W. marker at Sta. 754+70 being 125.0 feet off centerline of left lane); thence turn an angle of 23 degrees 35 minutes to the right and proceed North 23 degrees 35 minutes East (MB) for a distance of 35.0 feet to a point (being a 6 inch by 6 inch concrete R.O.W. marker and being the P.T. of the left lane curve, Sta. 755+02.1 and also being the point where the bifurcated lanes join, being Sta. 756+28.8 for centerline of system ahead at which R.O.W. is 150.00 feet); thence North along said R.O.W. for a distance of 67.2 feet to the point of beginning.

Said property is lying in the Northeast Quarter of the Northeast Quarter, Section 36, Township 20 South, Range 3 West.

Subject to: 1. Ad Valorem taxes for the year 1990, a lien but not due until October 1, 1990. 2. Public utility easements and right—of—ways servicing said property.

**Property No. 30**

Tax Parcel No. 23-1-01-3-002-002.000

Beg 639' S/O NW cor NW¼ SW¼ Sec 1 T21S R3W E 150 N to SW ROW US Hwy 31 SEly on sd ROW to S/L sd ¼ ¼ W on same to W/L sd ¼ ¼ N on W/L sd ¼ ¼ to POB Municipality Alabaster Sec 01 Twnshp 21S Range 3W Scal Dim 132 x 240 Irr

**Property No. 31**

Tax Parcel No. 36-1-02-0-001-004.004

A parcel of land located in Fractional Section 2, Township 24 North, Range 12 East, Shelby County, and being more particularly described as follows:

Commence at the ½ Mile Corner on the North Line of Fractional Section 27, Township 22 South, Range 3 West; thence S 89 deg. 36 min. 54 sec. W along said North Line, a distance of 234.91 feet; thence S 39 deg. 51 min. 35 sec. W, a distance of 1026.89 feet to the point of beginning; thence S 22 deg. 04 min. 20 sec. W, a distance of 204.81 feet; thence N 67 deg. 55 min. 40 sec. W, a distance of 222.26 feet to the beginning of a curve to the right having a central angle of 96 deg. 47 min. 22 sec. a radius of 25.00 feet and subtended by a chord which bears N 19 deg. 31 min. 59 sec. W, a chord distance of 37.39 feet; thence along said curve a distance of 42.23 feet to its end which lies on the Easterly right of way line of Industrial Park Road (60 foot right of way), said point also being the beginning of a curve to the right having a central angle of 5 deg. 18 min. 54 sec., a radius of 447.93 feet and subtended by a chord which bears N 31 deg. 31 min. 09 sec. E a chord distance of 41.54 feet; thence along said curve and said right of way line, 41.55 feet to the end of said curve; thence 34 deg. 10 min. 37 sec. E and continuing on said right of way line, a distance of 159.95 feet; thence S 62 deg. 15 min. 41 sec. E and leaving said right of way line, a distance of 207.74 feet to the point of beginning; being situated in Shelby County, Alabama.

**Property No. 32**

Tax Parcel No. 23-1-01-3-002-036

Lot 2, Block B, Bk 3, Pg 69 All that P/O Lot 2, Block B Nickerson's Add to Alabaster lying SW/O US Hwy 31 ROW and W/O I-65. Alabaster. Sec 1, Twp 21S, R3W.

**Property No. 33**

Any mineral rights owned by Sherman Holland in and to the properties identified as tax parcel no. 99-0-08-4-000-030.000, as follows:

S28-18-1W, 34 acres; S9-T22-4W; S10-22-4W; S24-21-5W 480 acres; S5-24-14E; S6-24-14E, 280 acres purchased at tax sales.

**Property No. 34**

Tax Parcel No. 13-7-25-3-001-006.000

That part of the NW ¼ of the SW ¼, Section 25, Township 20S, Range 3W lying west of L&N Railroad.



**EXHIBIT B**

**CERTIFIED COPIES OF WILL AND ORDER**




20091230000474620 19/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF

) Case No. PR-2007-000272  
)  
)  
)  
)

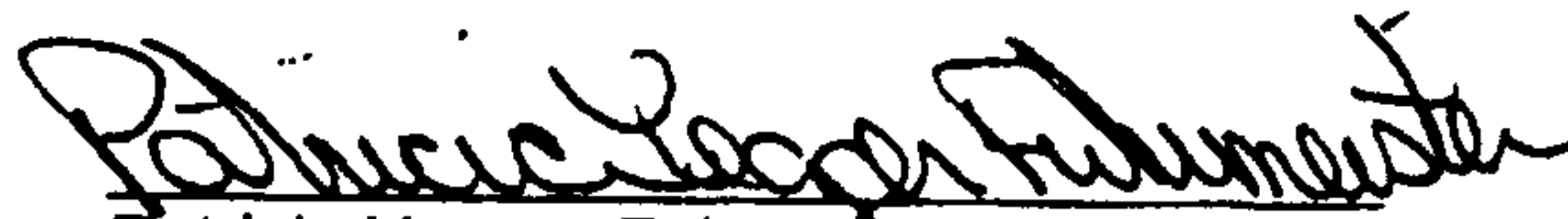
H. Sherman Holland, Jr.,  
deceased.

  
20091230000474620 20/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

CERTIFICATE TO PROBATE WILL

Pursuant to *Ala. Code §43-8-132 (1975, as amended)* proof of proper execution of the Will by the decedent by actual testimony of a witness thereto is not required due to the Will being self-proving pursuant to the provisions of said Section.

Sworn to and subscribed before me this 25<sup>th</sup> day of May, 2007.

  
Patricia Yeager Fuhrmeister  
Judge of Probate



IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF )

) Case No. PR-2007-000272

H. Sherman Holland, Jr., deceased. )

DECREE ADMITTING WILL TO PROBATE & GRANTING  
LETTERS TESTAMENTARY

20091230000474620 21/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

This 25<sup>th</sup> day of May, 2007 being the date set by this court for the hearing of the petition of John Burdette Bates and Clay Montgomery Holland, to have admitted to probate and record an instrument which purports to be the Last Will and Testament of H. Sherman Holland, Jr., deceased, and notice having been issued and served as required by law upon the spouse and/or next of kin, or service of notice having been accepted by those who are over the age of nineteen years and of sound mind, and the Court having heard the evidence offered and the Court being satisfied from said evidence that the instrument, which purports to be the Last Will and Testament of the said decedent is the legal Will of the said decedent.

It is therefore ORDERED by this Court that the said Instrument which purports to be the Will of the said decedent was duly and legally executed by H. Sherman Holland, Jr. and that the said instrument is the legal Will of the said decedent; that the said Will is hereby admitted to probate and record in this Court and that pursuant to *Ala. Code, §43-2-21 (1975)*, Letters Testamentary be granted to John Burdette Bates and Clay Montgomery Holland, as Personal Representatives under said Will.

It is further ORDERED by this Court that the said Personal Representatives shall have all the powers and duties provided in the Will and all the general powers, without limitation, authorized for transactions enumerated in *Ala. Code §43-2-843 (1975, as amended)*.

It is further ORDERED that the said Personal Representatives proceed without delay to collect and take possession or control of the personal property and evidences of debt of the said decedent, except the personal property exempted under *Ala. Code, §43-8-111 (1975, as amended)*, in favor of the surviving spouse, and make due return under oath, to this Court. The said Will of the decedent shall be recorded in the probate records of Shelby County, Alabama as provided by law.

DONE and ORDERED this the 25<sup>th</sup> day of May, 2007


ENTERED AND FILED

  
Patricia Yeager Fuhrmeister  
Judge of Probate

MAY 25 2007

Kimberly Melton, Chief Clerk  
Probate Court  
Shelby County, Alabama

STATE OF ALABAMA )  
 )  
SHELBY COUNTY )

  
20091230000474620 22/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

**THE LAST WILL AND TESTAMENT OF H. SHERMAN HOLLAND, JR.**

I, H. Sherman Holland, Jr., also sometimes known as Sherman Holland, Jr., a resident of Shelby County, Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my last will and testament, hereby revoking any and all other wills and codicils thereto heretofore made by me.

**ITEM ONE:**

I direct that all of my legal obligations, including the expenses of my last illness and funeral shall first be paid out of my estate by my Personal Representatives, hereinafter named, as soon as possible after my death.

**ITEM TWO:**

All of the furniture, furnishings, household goods, silverware, china and ornaments located in my residence are the property of my wife, Carolyn M. Holland, and I hereby acknowledge and confirm her ownership of all such items. All of my clothing, jewelry, personal effects, automobiles and other tangible personal

Initialled for identification     HSH    


**RECEIVED**

**MAY 17 2007**

Patricia Yeager Fuhrmeister  
Judge of Probate



---- The Last Will and Testament of H. Sherman Holland, Jr. ----

  
20091230000474620 23/43 \$138.00  
Shelby Cnty Judge of Probate, AL  
12/30/2009 08:02:30 AM FILED/CERT

property (except cash on hand or on deposit, securities, choses in action or other intangibles) owned by me at the time of my death, I bequeath and devise unto my wife, Carolyn M. Holland, absolutely, if she shall survive me, if not this bequest shall lapse and the said property shall become part of the residue of my estate.

ITEM THREE:

As of the date of this instrument I have three children, namely, Harrison Sherman Holland, III, Clay Montgomery Holland and Teresa H. Cruger and I hereby give, bequeath and devise unto each of my children, including children born or adopted after the date of this instrument, who are living at the time of my death Five (5%) per cent (5% for each child) of my adjusted gross estate for Federal Estate Tax purposes.

ITEM FOUR:

As of the date of this instrument I have four grand-children, namely, Katherine Elizabeth Holland, Clay Montgomery Holland, Jr., Holly Marie Cruger and Sherilyn Leigh Cruger and I hereby give, bequeath and devise unto each of my grand-children, including grand-children born or adopted after the date of this instrument, who are living at the time of my death Two and one-half (2.5%) per

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J. F. O.

---- The Last Will and Testament of H. Sherman Holland, Jr. ----

cent (2.5% for each grand-child) of my adjusted gross estate for Federal Estate Tax purposes.

ITEM FIVE:


I direct that my Personal Representatives pay out of that portion of my residuary estate which is not included in the share qualifying for the marital deduction, without apportionment, all estate, inheritance, succession and other taxes in the nature of inheritance taxes assessed by reason of my death, imposed by the government of the United States, or any State or Territory thereof, or by any foreign government or political subdivision thereof, in respect of all property required to be included in my gross estate for estate or like tax purposes by any of such governments, whether the property passes under this will or otherwise, including property over which I have a taxable power of appointment, without contribution by any recipient of any of such property.

ITEM SIX:

If my wife, Carolyn M. Holland, shall survive me, I give, devise and bequeath to my hereinafter named Trustees, or the survivor of the two of them, or to such successor Trustee or Trustees as shall be later appointed in accordance with the terms

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Shelby Cnty Judge of Probate, AL  
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---- The Last Will and Testament of H. Sherman Holland, Jr. ----

of this instrument, an amount equal in value to the maximum allowable marital deduction as finally determined for federal estate tax purposes, diminished by the value for such purposes of all other items in my gross estate which pass or have passed to or for the benefit of my said spouse under other provisions of this will or otherwise in such manner as to qualify for and be allowed as a marital deduction, but no greater amount than is necessary to reduce to zero the federal estate tax payable as a result of my death. All transfers as to which I am the "deemed transferror" under the generation-skipping provisions of the Internal Revenue Code, as amended, or the corresponding provisions of any federal tax law, shall be disregarded.

  
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My Personal Representatives are authorized to satisfy said bequest in cash or in kind or partly in each, without regard to the income tax basis of specific property so allocated, to any beneficiary, including any trust; provided, however, that any assets transferred in kind to satisfy said bequest shall be valued for that purpose at their fair market values determined as of the dates of their respective transfers, and this bequest shall carry with it, as income and not as principal, its proportionate part of the net income of my estate from the date of my death.

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Whenever used in this will, the words, "marital deduction", "adjusted gross estate", "gross estate" and "pass" shall have the same meaning as said words have under the provisions of the federal Internal Revenue Code applicable to my estate.

Only assets which qualify for the marital deduction shall be allotted to such bequest. To the extent, also, that other assets qualifying for the marital deduction are available, said bequest shall not be satisfied by the distribution of: (a) assets with respect to which a credit for foreign taxes paid is allowable under the federal Internal Revenue Code; (b) assets which may be subject to both income and estate taxes which may be eligible for a credit or deduction; or (c) United States Treasury Bonds eligible for redemption at par in payment of federal estate tax.

Subject to the foregoing, the decision of my Personal Representatives as to which assets shall be distributed in satisfaction of this bequest for the benefit of my wife, as to whether my estate shall be valued under the optional provisions of the federal estate tax law, as to what elections shall be exercised, and to what proceedings are necessary to complete the ascertainment of the federal estate tax shall be conclusive and

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binding on all persons. If my wife, shall fail to survive me, then the bequest under this Item shall lapse and shall pass as a part of my residuary estate.

Regardless of any other provisions contained in this will my Personal Representatives shall have the power to qualify or not to qualify this trust or any fractional or percentile share thereof for the marital deduction. Generally I anticipate that my Personal Representatives will elect to minimize the estate tax payable by my estate. However, I would expect that some consideration be given to the estate tax payable by my wife's estate upon her death, especially if she should die prior to the time the election is made. If there shall be any conflict or confusion in the terms of my will the power granted in this paragraph shall be construed as my true intent and my will shall be administered and distributed in accordance with the terms contained in this paragraph.

Upon distribution of my residuary estate to the Trustees, my Personal Representatives shall certify to the Trustees the fraction of the trust which has qualified for the marital deduction. The Trustees shall divide the trust into a marital deduction share and a non marital deduction share based on such fraction. I direct

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---- The Last Will and Testament of H. Sherman Holland, Jr. ----

that any invasions of principal shall be distributed from the marital deduction share before any such invasions are distributed from the non marital deduction share.

On the death of my wife, the Trustees shall be authorized to withhold distribution of an amount of property sufficient, in their judgment, to cover any liability that may be imposed on the Trustees for estate or other taxes until such liability is finally determined.

ITEM SEVEN:

I direct that, after satisfying all the bequests and devises hereinabove made and after the payment of all administration expenses and death taxes as hereinabove provided, my Personal Representatives shall deliver and convey my residuary estate wheresoever situated, including all property which I may acquire or become entitled to after the execution of this will, including all lapsed legacies and devises, but expressly excluding any property over or concerning which I may have any power of appointment, to my friend, John Burdette Bates and my son, Clay Montgomery Holland, or to the survivor of the two of them, or to such successor Trustee or Trustees as shall be later appointed in accordance with the terms

  
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---- The Last Will and Testament of H. Sherman Holland, Jr. ----


and conditions of this instrument, as Trustees, to be held as a trust estate, with all of the rights and powers and subject to the limitations hereinafter enumerated, for the following uses and purposes:

A. The Trustees shall collect the income from the property comprising the trust estate, both the marital deduction share and the non marital deduction share, pay all incidental expenses of the trust, and shall remit the net income derived therefrom, in monthly or other convenient installments, to my wife, Carolyn M. Holland, or apply the same for her benefit, so long as she shall live.

B. Upon the death of my wife, or upon my death, if she shall not survive me, the Trustees shall divide and deliver that portion of my residuary estate that does not exceed the generation skipping provisions limit allowed by the Internal Revenue Code then in effect, not to exceed a total of Five Hundred Thousand and 00/100 (\$ 500,000.00) Dollars, total, in equal shares to such of my grandchildren, as shall then be living and divide and deliver the remainder of the principal of the trust estate in equal shares to such of my children, namely, my son, Harrison Sherman Holland, III, my daughter, Teresa H. Cruger, and my son, Clay Montgomery Holland,

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---- The Last Will and Testament of H. Sherman Holland, Jr. ----


as shall be living and to the then living issue, per stirpes of such of my children as shall be dead with issue then surviving, such issue representing the parent.

(1) If, at any time the principal of the trust estate is divided under Section B of this Item, there shall be any surviving issue of a deceased child or children of mine, then one of the shares so divided shall be set apart and be distributed per stirpes and in fee to such surviving issue of each deceased child.

(2) If any beneficiary shall not have reached his nineteenth (19th) birthday at the time the principal of the trust estate is required to be distributed to him under the above provisions, the share of such beneficiary shall be retained in trust by the Trustees and distributed at age nineteen. During such time, the Trustees shall pay such beneficiary or expend on his behalf so much of the net income derived from his particular fund as the Trustees may deem advisable to provide properly for the maintenance, education and support of such beneficiary, and may incorporate any income not so disbursed into the principal of the fund. When such beneficiary shall reach his nineteenth (19th) birthday, the trust shall terminate as to such beneficiary and the Trustees shall

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distribute his fund to such beneficiary in fee, or to the estate of such beneficiary if such beneficiary dies before final distribution of his trust.

(3) The use of the masculine gender in the foregoing paragraphs shall be deemed to include the feminine and the singular the plural as the context would so require.

C. I hereby authorize and empower the Trustees in their sole and absolute discretion, at any time and from time to time, to disburse from the principal of any of the trust estates created under this Item, even to the point of completely exhausting same, such amounts as they may deem advisable to provide adequately and properly for the care, support and maintenance of the current income beneficiary thereof, his or her spouse and issue, including, but not by way of limitation, expenses incurred by reason of illness, disability and education. In determining the amounts of principal to be so disbursed, the Trustees shall take into consideration any other income or property which such person for whom the principal is to be disbursed, may have from any other source, and the Trustees' discretion shall be conclusive as to the advisability of any such disbursement and the same shall not be

  
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questioned by anyone. For all sums so disbursed, the Trustees shall have full acquittance. All such disbursements from principal shall be charged against the ultimate share of the child for whom such disbursements were made.

D. Anything in this will to the contrary notwithstanding, no trust created hereunder shall continue beyond twenty-one (21) years after the death of the last to die of those beneficiaries who were living at the time of my death; and upon the expiration of such period all trusts shall terminate and the assets thereof shall be distributed outright to those parties (and in the same proportions) as are then receiving income therefrom.

ITEM EIGHT:

I hereby grant to my Personal Representatives and also to the Trustees of each trust established hereunder, including any substitute or successor Personal Representative or Trustee, the continuing discretionary power to deal with any property, real or personal, held in my estate or in any trust, as freely as I might do in handling my own affairs. Such power may be exercised independently and without the prior or subsequent approval of any court or judicial authority, and no person dealing with the

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personal Representatives or Trustees shall be required to inquire into the propriety of their actions. Without in any way limiting the generality of the foregoing, I hereby grant to my Personal Representatives and also to any Trustees hereunder, the following specific power and authority in addition to and not in substitution of powers conferred by law:


A. To compromise, settle, or adjust any claim or demand by or against my estate or any trust and agree to any rescission or modification of any contract or agreement.

B. To retain any securities or other property owned by me at the time of my death, so long as such retention appears advisable; to exchange any such securities or other property and to retain items received in exchange. My Personal Representatives and Trustees may presume that I have confidence in the securities and other properties owned by me at the time of my death, and therefore, no sale thereof shall be made solely in order to diversify investments.

C. To sell, exchange, assign, transfer and convey any securities or property, real or personal, held in the trust estate,

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at public or private sale, at such time and price and upon such terms and conditions, including credit, as they may determine.

D. To invest and reinvest in such stocks, bonds and other securities and properties as they may deem advisable, including stocks and unsecured obligations, undivided interests, interests in investment trusts, mutual funds, legal and discretionary common trust funds, leases and property which is outside of my domicile, without diversification as to kind or amount, without being restricted in any way by the Constitution of Alabama, any statute or court decision, now or hereafter existing, regulating or limiting investments by fiduciaries.

E. To register and carry any property in their own names or in the name of their nominee or to hold it unregistered but without thereby increasing or decreasing their liability as fiduciary.


F. To sell or exercise any "rights" issued on any securities held in my estate or in any trust fund hereunder.

G. Unless inconsistent with other provisions of this instrument to consider and treat as principal all dividends payable

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in stock, all dividends in liquidation and all "rights" issued on securities, and to consider and treat as income all other dividends received.


H. To charge or credit to principal any premiums and discounts on securities purchased at more or less than par.

I. To vote in person or by proxy any stocks or securities held, and to grant such proxies and powers of attorney to such person or persons as they may deem proper.

J. To consent to and participate in any plan for the liquidation, merger, consolidation, combination, reorganization, recapitalization, or change of charter or name of any corporation, any security of which is held.

K. To borrow money (from themselves individually or others) upon such terms and conditions as they may determine and to mortgage or pledge trust estate assets as security for the repayment thereof.

L. To lease any real estate for such term or terms and upon


  
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such conditions and rentals and in such manner as they may deem advisable (with or without privilege of purchase), and any lease so made shall be valid and binding for the full term thereof even though same shall extend beyond the termination of the trust. To insure against fire or other risk. To make repairs, replacements and improvements, structural or otherwise, to any such real estate and to charge the expense thereof to principal or income (or apportion same between principal and income) as they may deem proper. To subdivide real estate, to dedicate the same to public use and to grant easements as they may deem proper.

  
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M. Whenever required or permitted to distribute the trust estate created hereunder, to make such division or distribution in money or in kind or partly in money and partly in kind; and to exercise all powers herein conferred, after the termination of the trust until the same be fully distributed.

N. To employ accountants, attorneys and such agents as they may deem advisable; to pay reasonable compensation for their services and to charge same to (or apportion same between) income and principal as they may deem proper.

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---- The Last Will and Testament of H. Sherman Holland, Jr. ----

O. Unless inconsistent with other provisions of this instrument, to hold two or more trusts or other funds in one or more consolidated funds, in which the separate funds have undivided interests.

ITEM NINE:

No person mentioned in this will shall be required to survive me five (5) days to be entitled to his or her share of my estate, if allowed by law.

ITEM TEN:


I hereby appoint my friend, John Burdette Bates and my son, Clay Montgomery Holland, or the survivor of the two of them, to be Personal Representatives of this my will and Trustees of any trusts created hereunder.

I direct that my Personal Representatives and Trustees shall not be required to post any bond or file any inventory of the property coming into their hands as such Personal Representatives and/or Trustees.

In the event my friend, John Burdette Bates and my son, Clay

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Montgomery Holland, shall both die or for any other reason fail or cease to act, then in such event, the then current income beneficiaries or the parent or guardian of any then current minor income beneficiaries shall have the right to name one or more successor Personal Representatives and/or Trustees, who shall serve with all the same full power, privilege and authority hereinabove set out, without the necessity to post bond or file an inventory.

ITEM ELEVEN:

If any beneficiary hereunder shall contest the probate or validity of this will or any provision thereof, or shall institute or join in (except as a party defendant) any proceeding to contest the validity of this will or to prevent any provisions thereof from being carried out in accordance with its terms (regardless of whether such proceedings are instituted in good faith and with probable cause), then Fifty (50%) per cent of the benefits provided for such beneficiary are revoked and such benefits shall pass to the residuary beneficiaries of this will (other than such beneficiary) in the proportion that the share of each such residuary beneficiary bears to the aggregate of the effective shares of the residuary. If all the residuary beneficiaries join in such contest or proceedings, then such benefits shall pass to

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those persons (other than the persons joining in such contest) who are living at the time of my death and who would have been my distributees had I died intestate a resident of the State of Alabama and had the person or persons contesting my will died immediately before me. Each benefit conferred herein is made on the condition precedent that the beneficiary shall accept and agree to all provisions of this will and the provisions of this Item are an essential part of each and every benefit, except for the Fifty (50%) per cent not covered by this Item.


ITEM TWELVE:

If my wife, Carolyn M. Holland, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, in accordance with such presumption.

I, H. Sherman Holland, Jr., the testator, sign my name to this instrument this 8th day of August, 2002, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will, and that I sign it willingly, that I execute it as my free and voluntary act for the

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purposes therein expressed, and that I am nineteen years of age or older, of sound mind, and under no constraint or undue influence.

H. Sherman Holland, Jr.  
H. Sherman Holland, Jr.

  
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We, Jennifer Wilson and Jessica Hoffman, the witnesses sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly, and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Jennifer Wilson  
Jennifer Wilson  
Jessica Hoffman  
Jessica Hoffman



---- The Last Will and Testament of H. Sherman Holland, Jr. ----

STATE OF ALABAMA )  
 )  
SHELBY COUNTY )

  
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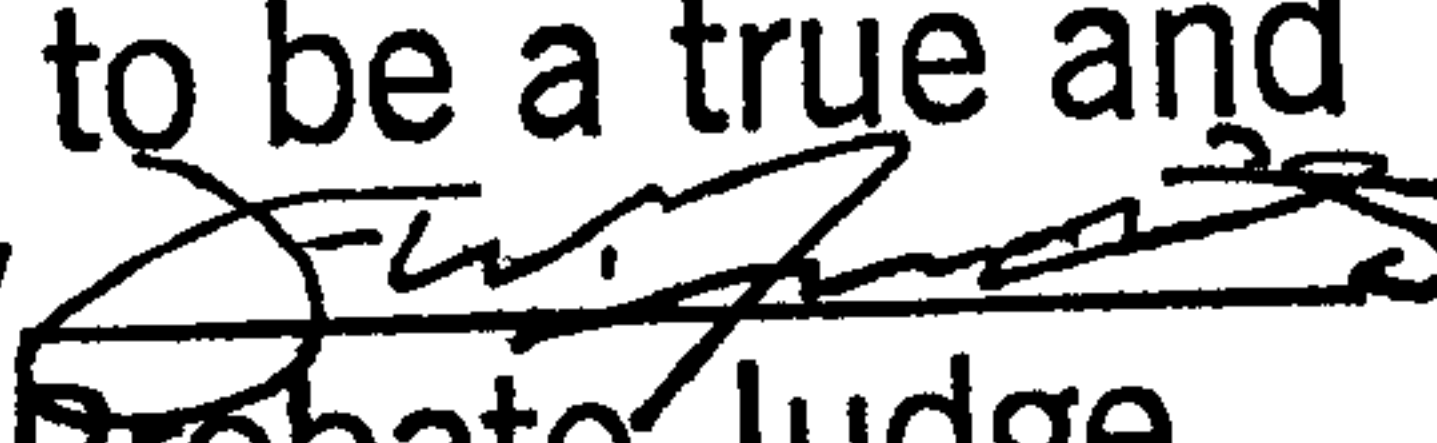
Subscribed, sworn to and acknowledged before me by H. Sherman Holland, Jr., the testator and subscribed and sworn to before me by Jennifer Wilson and Jessica Hoffman the above named witnesses, this 8th day of August, 2002.

  
Notary Public

MY COMMISSION EXPIRES MARCH 1, 2006

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I certify this to be a true and  
correct copy   
(KTA) 8-4-09 Probate Judge  
Shelby County

**IN THE PROBATE COURT OF  
SHELBY COUNTY, ALABAMA**

In the Matter of the Estate of )  
H. SHERMAN HOLLAND, JR., )  
DECEASED )

**Case No: PR-2007-000272**

**ORDER ON PETITION FOR DIVISION OF ESTATE AND  
FOR DECLARATORY JUDGMENT**

This cause came to be heard this date on the Petition of Clay Montgomery Holland, as Personal Representative (the "Personal Representative") of the Estate of H. Sherman Holland, Jr., deceased, Shelby County Probate Case No. PR-2007-000272 (the "Estate"), for the Proposed Division of the Estate and for Declaratory Judgment. The Court, having considered the Petition and other matters presented to the Court, finds that it has jurisdiction, that venue is proper and that all interested parties were properly notified of the hearing hereon and that proof of same has been filed.

**ORDER**

After reviewing all the evidence presented by the parties and having afforded all parties full opportunity to be heard on all matters considered herein, and having considered the Petition, the Court Orders, Adjudges and Decrees as follows:

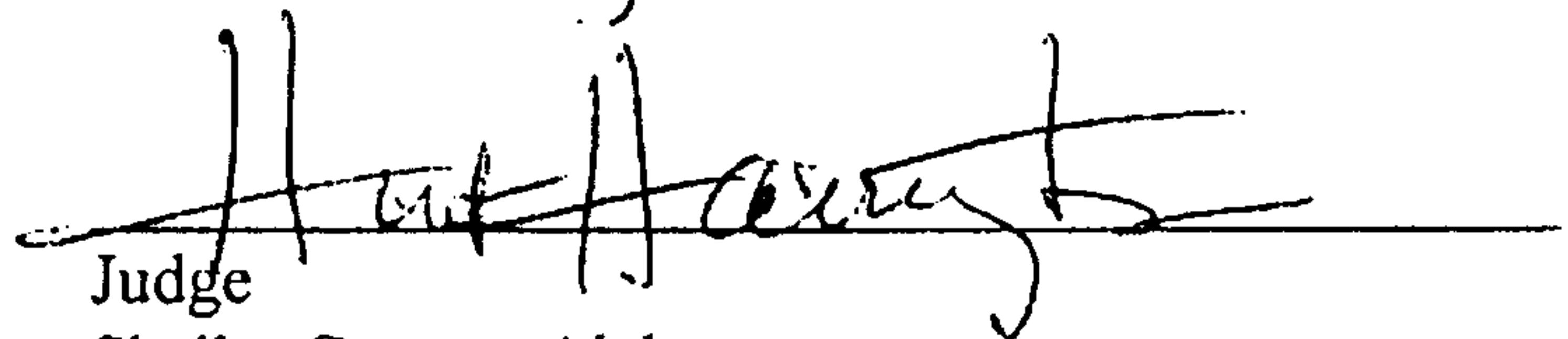
- A. The Court has jurisdiction to hear and address all matters presented by the Petition and that venue of all proceedings relating to such Petition is proper in the Probate Court of Shelby County, Alabama;
- B. All interested parties have been properly notified and that proof of same has been filed;
- C. All of the residuary of the Decedent's estate that exceeds the Decedent's remaining federal estate and generation-skipping transfer tax exemptions and that remains after the payment of all taxes, costs and expenses will be distributed outright to the Decedent's Wife as a result of the




disclaimers filed in the Probate Court of Shelby County, Alabama, and pursuant to Alabama's laws of intestacy;

- D. That all the certificates of deposit and bank accounts held in the joint names of the Decedent and Clay Montgomery Holland were not joint property, and that such certificates and accounts are assets of the Decedent's probate estate;
- E. The Personal Representative is hereby directed to establish a separate trust with Clay Montgomery Holland as Trustee for the benefit of each minor Grandchild of the Decedent who receives a devise of the Decedent's estate pursuant to ITEM FOUR of the Will until such Grandchild attains the age of nineteen (19) years under the same terms and provisions as set out in ITEM SEVEN, Section B(2) of the Will; and
- F. The Personal Representative shall pay or reimburse, as applicable, out of the assets of the Decedent's estate the attorneys' fees and other costs and expenses incurred as a result of this Petition; and is authorized and directed to liquidate estate assets to the extent necessary in order to pay or reimburse the items described in this Paragraph.

DONE this the 16<sup>th</sup> day of January, 2008.

  
Judge  
Shelby County, Alabama

I certify this to be a true and  
correct copy   
Probate Judge  
Shelby County  
(KM) 8-4-09

ENTERED AND FILED

JAN 16 2008

Kimberly Melton, Chief Clerk  
Probate Court  
Shelby County, Alabama