

Instrument Prepared Without  
Benefit of Title Examination

This instrument was prepared by:

Mitchell A. Spears  
Attorney at Law  
P. O. Box 119  
Montevallo, AL 35115  
205/665-5076

Send Tax Notice to:

(Name) City of Montevallo

(Address) 545 Main Street

Montevallo AL 35115

Minimum Value: \$670,000.00

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Statutory Warranty Deed

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STATE OF ALABAMA  
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,


That in consideration of **ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION**, to the undersigned grantor, in hand paid by the grantee herein, the receipt whereof is acknowledged, **Shoals Creek Farm, Inc., an Alabama Corporation** (herein referred to as Grantor), grants, bargains, sells and conveys unto **City of Montevallo, Alabama** (herein referred to as Grantee), the following described real estate, situated in SHELBY County, Alabama, to-wit:

**All of the Northwest Quarter of Section Fifteen lying Northwest of Montevallo-Ashville Road (Alabama Highway 119) and all of Northwest Quarter of Section Fifteen lying East of Shoal Creek and all of East one-half of Northeast Quarter of Section Sixteen lying East of a line running North and South parallel with Section line and being Two-Hundred-Fifty yards West of Section line lying between Section Fifteen and Sixteen and also all that part of Northeast Quarter of Southeast Quarter of Section Sixteen lying Northwest of the Ashville Road and described as commencing Two-Hundred Yards West of Northeast corner of said Forty Acres and run Southwest Two-Hundred Eight Yards along fence to the said Road, thence, Northeast along said Ashville Road Eighty Yards to the Section line and all lying Northeast of said line, all in Township Twenty-Two, Range Three West, in Shelby County, Alabama.**

**SUBJECT TO:**

- Taxes for the year 2013 and subsequent years.**
- Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, which have been reserved by owner.**
- Rights, reservations and restrictions of record.**

**IT IS THE INTENT OF GRANTOR TO CONVEY TO GRANTEE ALL OF ITS RIGHT, TITLE AND INTEREST IN AND TO ITS REAL PROPERTY SITUATED IN SHELBY COUNTY, ALABAMA, INCLUSIVE OF PARCELS IDENTIFIED WITH THE SHELBY COUNTY TAX ASSESSOR BY PARCELS NUMBERED 27 5 15 0 000 002.000, 27 5 16 0 000 001.000 and 27 5 16 4 001 001.000.**

  
20131202000465040 1/6 \$30.00  
Shelby Cnty Judge of Probate, AL  
12/02/2013 09:05:22 AM FILED/CERT

## COVENANTS WHICH RUN WITH THE LAND

Grantor does hereby place certain restrictive covenants upon certain portions of the property herein conveyed, as follows:

1. In the event that Grantee should determine that it is necessary to sell, transfer or convey any portion of the premises herein, Grantee shall first convey that property which is located in Section 16, Township 22S, Range 3W, consisting of 43 acres, more or less.

2. The real property located in Section 15, Township 22S, Range 3W shall be retained by Grantee for the purpose of establishing a city park to be enjoyed by Grantee's citizens, with said park to be named "Shoal Creek Park". This covenant is not designed to restrict the Grantee from the placement of additional facilities onto the premises reserved for usage as a city park, but merely to designate the park as a primary usage of the premises. Grantee shall preserve the old Mahler home place which is situated upon the premises, for the purpose of enjoyment and usage by the Grantee and its citizens.

3. In the event that it becomes absolutely necessary, within the discretion of Grantee's city council, to sell any portion of the Section 15 property, in order to fund the maintenance of the park, that portion of the Section 15 property lying southeast of Alabama Highway 119 shall be conveyed for such funding purposes, while Grantee shall retain and continue to maintain that portion of the Section 15 property lying northwest of Alabama Highway 119.

4. The terms and provisions of these covenants shall be perpetual in nature, except that, in the event that such covenants can be construed to violate the "Rule Against Perpetuities", said covenants shall be deemed to have terminated the day before any such perpetuities violation shall occur.

TO HAVE AND TO HOLD, to the said GRANTEE, his, her, their or its heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 22nd  
day of Nov, 2013.

**Shoals Creek Farm, Inc.**



By: Elizabeth A. Mahler

Its: President



20131202000465040 2/6 \$30.00  
Shelby Cnty Judge of Probate, AL  
12/02/2013 09:05:22 AM FILED/CERT



STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **Elizabeth A. Mahler**, whose name as **President of Shoals Creek Farm, Inc.**, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this the 22<sup>nd</sup> day of Nov., 2013.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 07/31/17



20131202000465040 3/6 \$30.00  
Shelby Cnty Judge of Probate, AL  
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## **RESOLUTION OF SHOALS CREEK FARM, INC.**

**Whereas**, Shoals Creek Farm, Inc. is the owner of certain real property situated in Shelby County, Alabama, consisting of 167 acres, more or less, which maintains the address of 2679 Hwy 119, Montevallo, Alabama 35115; and

**Whereas**, Elizabeth A. Mahler is the sole shareholder of the corporation, as she maintains the 1,000 shares of common stock which were previously issued by the corporate treasury when the corporation was formed on November 11, 1968, by the filing of Articles of Incorporation in the office of the Probate Judge, Shelby County, Alabama, recorded at Corporate Book 8, Page 91; and

**Whereas**, on September 26, 2013, pursuant to a special meeting of the corporation, Elizabeth A. Mahler was elected as President of the corporation and Gary Muehlbauer was elected as Secretary of the corporation, and said officers continue to serve in such capacities; and


**Whereas**, Elizabeth A. Mahler has made her intent known to gift to the City of Montevallo, Alabama, all real property owned by the corporation, located at the address hereinabove referenced; and

**Whereas**, Elizabeth A. Mahler, as the sole shareholder of the corporation and the only person with any pecuniary interest therein, is due to receive any tax benefit which shall be generated by the gifting of said real property to the City of Montevallo; and

**Whereas**, there are certain restrictive covenants which the corporation desires to have run with the lands;

Now, Therefore, Be it Hereby Resolved as follows:

1. The corporation, by and through its President, Elizabeth A. Mahler, shall execute a Statutory Warranty Deed in favor of the City of Montevallo conveying the real property hereinabove described, free of any consideration and as an absolute gift, subject only to the restrictive covenants contained within the deed of conveyance, an initial draft which is attached hereto as Exhibit "A".

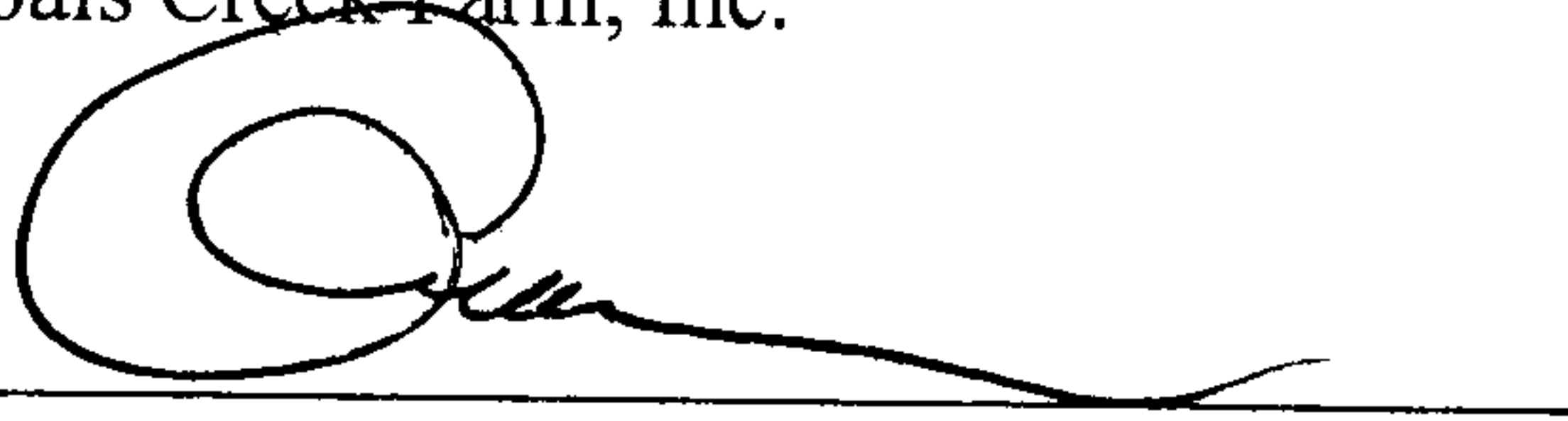
  
20131202000465040 4/6 \$30.00  
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2. Due to the fact that Elizabeth A. Mahler maintains all of the pecuniary interest in Shoals Creek Farm, Inc., as the sole shareholder thereof, she shall individually receive the benefit of any tax benefits or credits which shall be available to her, resulting from the gift to a governmental entity.

There being no further business to come before the meeting, the meeting was adjourned.

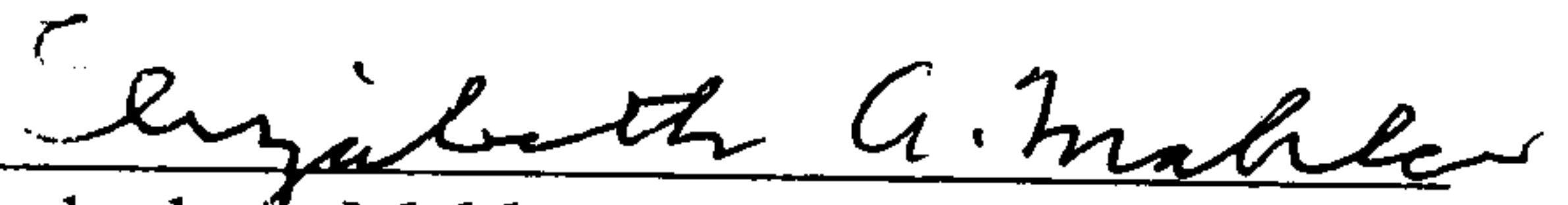
Dated this 22<sup>nd</sup> day of Nov., 2013.

Shoals Creek Farm, Inc.



Gary Muehlbauer  
Its: Secretary

Shoals Creek Farm, Inc.



Elizabeth A. Mahler  
Its: President



20131202000465040 5/6 \$30.00  
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## Form RT-1

Grantor's Name	<u>Shoals Creek Farm, Inc.</u>	Grantee's Name	<u>City of Montevallo</u>
Mailing Address	<u>c/o Columbiana Health and Rehabilitation Ctr.</u>	Mailing Address	<u>545 Main Street</u>
	<u>22969 Hwy 25</u>		<u>Montevallo, Alabama 35115</u>
	<u>Columbiana, Alabama 35115</u>		

Property Address 2679 Hwy 119  
Montevallo, Alabama 35115

Date of Sale 11/22/2013  
Total Purchase Price \$ \_\_\_\_\_  
Or  
Actual Value \$ 670,000.00  
Or  
Assessor's Market Value \$ \_\_\_\_\_

\_\_\_\_ Settlement Statement  
\_\_\_\_ Sales Contract

xx Appraisal  
✓ Other Gift to governmental entity

## Instructions

**Grantee's name and mailing address – provide the name of the person or persons to whom interest to property is being conveyed.**

Property address – the physical address of the property being conveyed, if available.

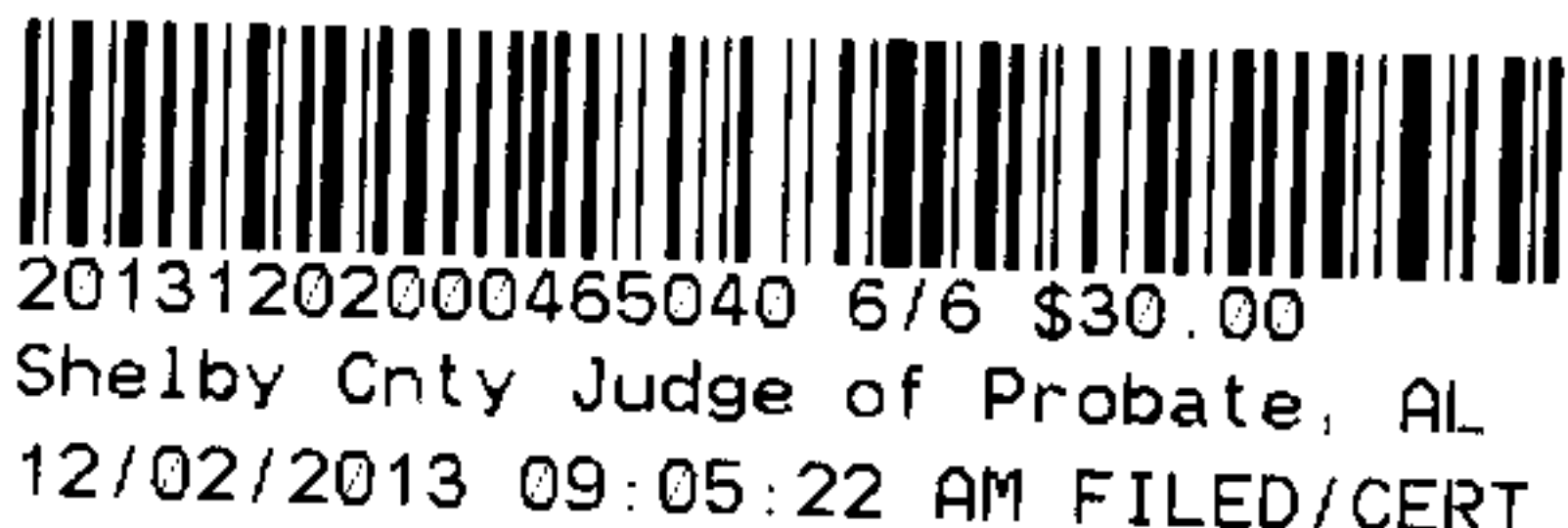
Date of Sale – the date on which interest to the property was conveyed.

Total purchase price – the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value- if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).



Print Elizabeth A. Mahler

Sign Elizabeth G. Maher  
(Grantor/Grantee/Owner/Agent) circle one

STATE OF ALABAMA )  
COUNTY OF SHELBY )

Sworn to and subscribed before me this the 22 day of November, 2013,

Notary Public  
My commission expires: 07/31/17