

THIS INSTRUMENT PREPARED BY:

Richard W. Theibert, Attorney  
Najjar Denaburg, P.C.  
2125 Morris Avenue  
Birmingham, Alabama 35203

Send Tax Notice to:  
Forty Three Investments, LLC  
228 HAWTHORNE ST  
BIRMINGHAM, AL. 35242

STATE OF ALABAMA     )  
                                      :  
SHELBY COUNTY         )                                 **SPECIAL WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS**, That in consideration of One Million Three Hundred Fifty-Five Thousand and No/100 Dollars (\$1,355,000.00), in hand paid by the GRANTEE herein, the receipt whereof is acknowledged, BancorpSouth Bank, a banking corporation (herein referred to as "GRANTOR"), does grant, bargain, sell and convey unto Forty Three Investments, LLC (herein referred to as "GRANTEE") the following described real estate situated in Shelby County, Alabama, to-wit:

See attached Exhibit "A", which is the same property as the  
property described on the attached Exhibit "B"

**SUBJECT TO:**


1. Taxes or assessments for 2014 and subsequent years and not yet due and payable.
2. Any and all encumbrances, easements, conditions and restrictions of record, and not of record.
3. Right of Way granted to Alabama Power Company by instrument recorded in Shelby Volume 315, page 776 in the Probate Office of Shelby County, Alabama.
4. The rights of upstream and downstream riparian owners with respect to any body of water which may lie adjacent to, and/or traversing through, subject property.
5. Mineral and mining rights and rights incident thereto and release of damages recorded in Instrument 1993-33601 and Instrument 1994-24998, in the Probate Office of Shelby County, Alabama.

NO PART OF THE REAL PROPERTY CONVEYED HEREIN CONSTITUTES THE HOMESTEAD OF THE GRANTOR.

TO HAVE AND TO HOLD to the said GRANTEE, its successors and assigns forever.


GRANTOR makes no warranty or covenant respecting the nature of the quality of the title to the property hereby conveyed other than that the GRANTOR has neither permitted or suffered any lien, encumbrance or adverse claim to the property described herein since the date of acquisition thereof by the GRANTOR.

Shelby County, AL 06/12/2014  
State of Alabama  
Deed Tax: \$1355.00

  
20140612000178850 1/5 \$1381.00  
Shelby Cnty Judge of Probate, AL  
06/12/2014 03:49:47 PM FILED/CERT

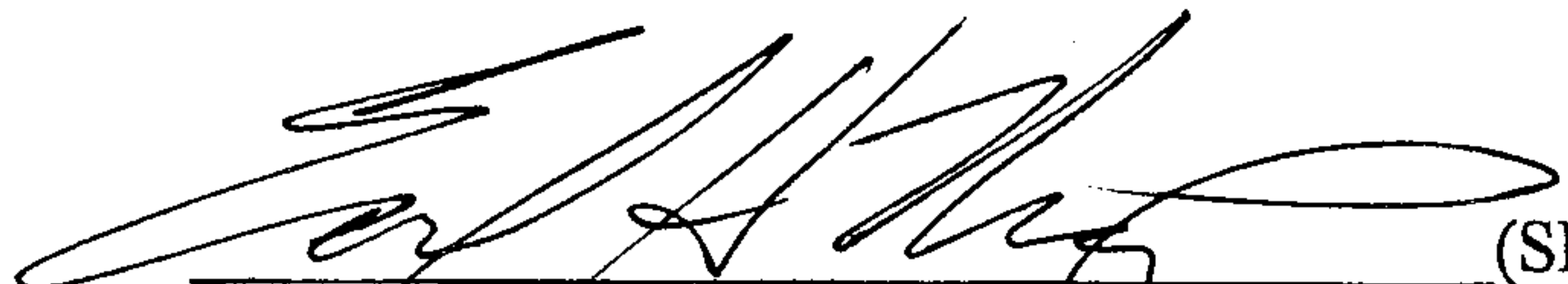
IN WITNESS WHEREOF, BancorpSouth Bank, a banking corporation, by Don Giardina whose name as President and Earl H. Tharp whose name as Senior Vice President, have hereto set their signatures and seals, this 5<sup>th</sup> day of June, 2014.

BancorpSouth Bank

 (SEAL)

BY: Don Giardina

ITS: President

 (SEAL)

BY: Earl H. Tharp

ITS: Senior Vice President

STATE OF ALABAMA )

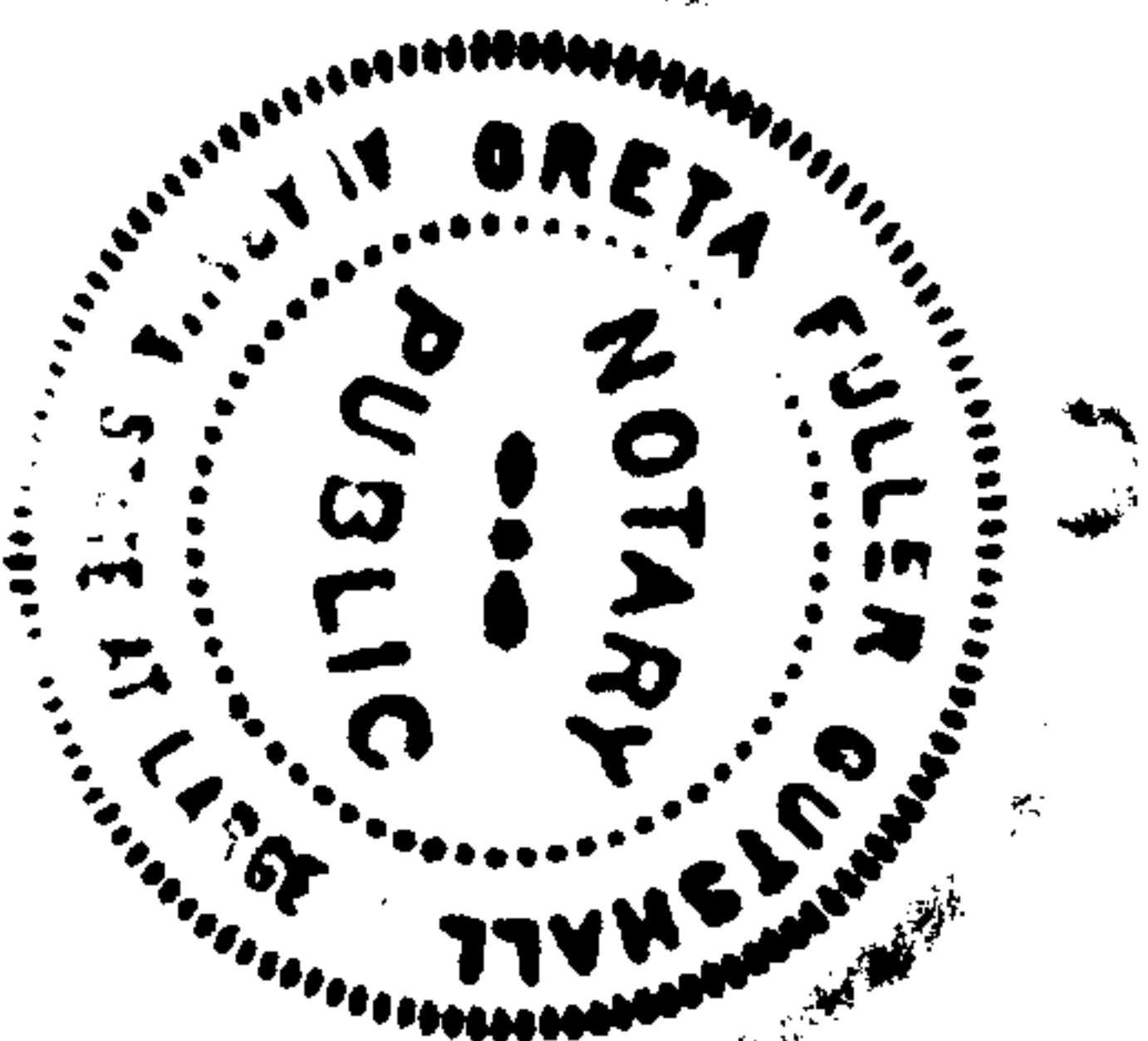
)

CORPORATE ACKNOWLEDGMENT

JEFFERSON COUNTY )

I, the undersigned, a Notary Public, in an for said County and State hereby certify that Don Giardina whose name as President and Earl H. Tharp whose name as Senior Vice President of BancorpSouth Bank, a banking corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day that, being informed of the contents of such conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the said corporation.

Given under my hand and official seal this 5<sup>th</sup> day of June, 2014.



[notarial seal]

  
Notary Public

My commission expires:

MY COMMISSION EXPIRES:  
February 7, 2018


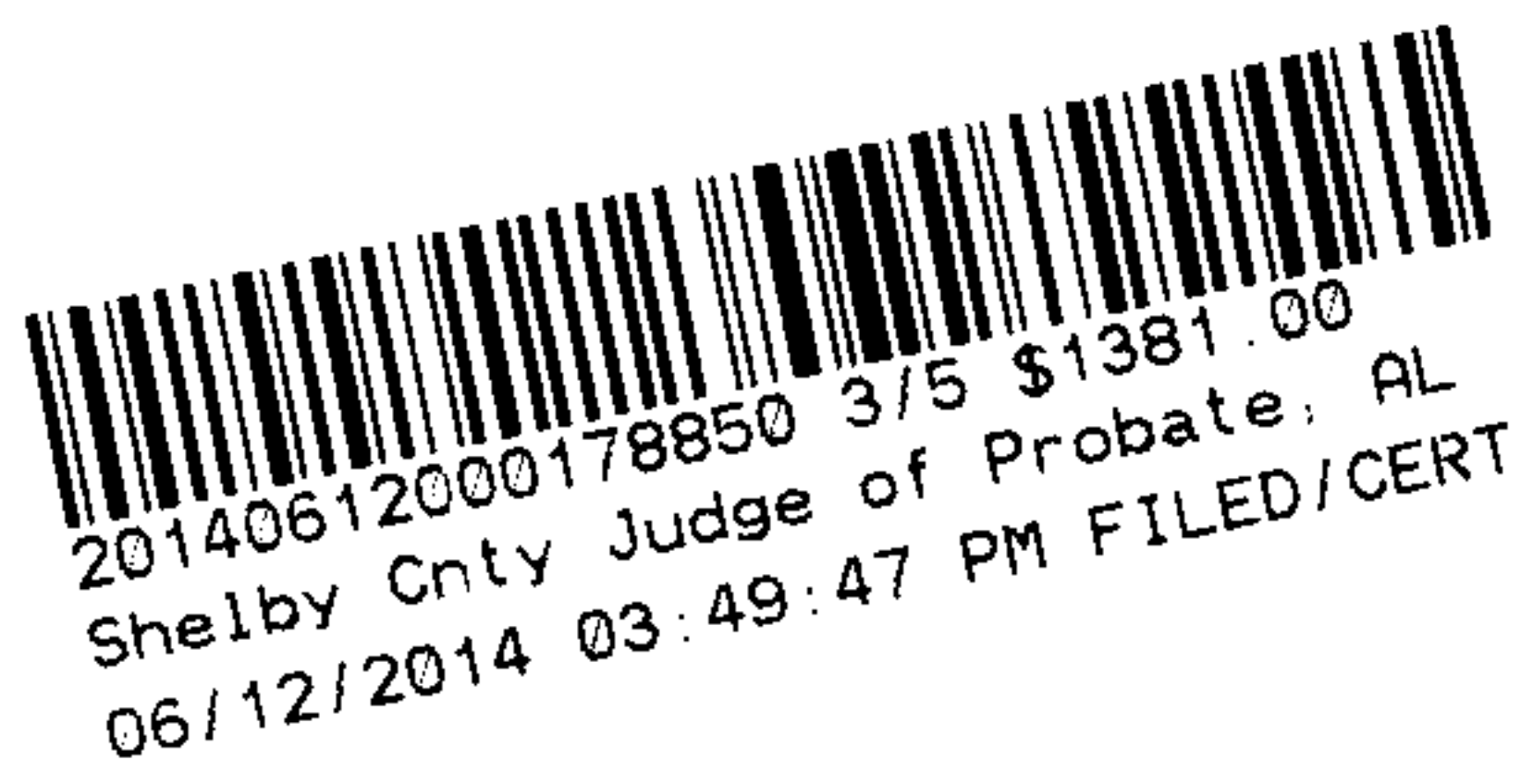
  
20140612000178850 2/5 \$1381.00  
Shelby Cnty Judge of Probate, AL  
06/12/2014 03:49:47 PM FILED/CERT



EXHIBIT "A" - LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER, PARTLY IN THE WEST HALF OF THE SOUTHEAST QUARTER, AND PARTLY IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 1 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 1 WEST AND RUN ALONG THE SOUTH LINE OF SAID SECTION N 88°29'32" E 2643.22 FT. TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER; THENCE RUN ALONG THE SOUTH LINE OF SAID QUARTER N 88°21'32" E 84.90 FT. TO THE NORTHERLY RIGHT-OF-WAY (80 FT.) OF SHELBY COUNTY ROAD 41, SAID POINT BEING ON A CURVE TO THE RIGHT HAVING A DELTA OF 05°58'15" AND A RADIUS OF 3047.16 FT.; THENCE RUN ALONG THE ARC OF SAID CURVE 317.55 FT. (CHORD BEARING = N 50°28'29" E 317.41 FT.); THENCE RUN N 02°20'04" W 294.90 FT.; THENCE RUN N 02°09'27" W 466.01 FT.; THENCE RUN N 02°11'44" W 189.02 FT.; THENCE RUN N 02°19'43" W 420.79 FT.; THENCE RUN N 01°17'23" W 291.89 FT.; THENCE RUN N 89°41'56" W 270.50 FT. TO THE EAST LINE OF THE SOUTHWEST QUARTER; THENCE RUN ALONG SAID LINE N 00°16'48" W 791.39 FT. TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER; THENCE RUN N 00°05'29" W 873.20 FT.; THENCE RUN S 89°09'50" W 478.88 FT.; THENCE RUN N 00°06'17" W 455.21 FT. TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN ALONG SAID LINE S 89°02'22" W 751.28 FT. TO THE NORTHWEST CORNER OF SAID QUARTER; THENCE RUN N 01°41'33" W 976.80 FT. TO THE CREST OF OAK MOUNTAIN; THENCE RUN A MEANDER LINE ON TOP OF RIDGE THE FOLLOWING COURSES; S 28°12'56" W 150.81 FT.; S 07°58'59" W 159.73 FT.; S 00°59'40" E 148.35 FT.; S 16°45'34" W 221.01 FT.; S 30°57'54" W 451.67 FT.; S 33°42'07" W 358.42 FT.; S 38°54'08" W 508.87 FT.; S 46°58'54" W 368.34 FT.; S 50°12'59" W 228.70 FT.; S 36°46'42" W 57.58 FT. TO THE WEST LINE OF THE NORTHWEST QUARTER; THENCE RUN ALONG SAID LINE S 00°12'05" E 169.36 FT. TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER; THENCE RUN ALONG THE WEST LINE OF SAID QUARTER S 00°10'44" E 2667.63 FT. TO THE POINT OF BEGINNING.



**Exhibit "B"**

**Parcel I**

The following described parcel of land located in Section 13, Township 18 South, Range 1 West, Shelby County, Alabama.


The Southwest 1/4 and all that part of the South 1/2 of the Northwest 1/4 and the Northwest 1/4 of the Northwest 1/4, which lies Southeast of the Crest of Oak Mountain (which was the boundary line between Shelby County and Jefferson County, Alabama, prior to June 28, 1943 except five acres in the Southeast 1/4 of the Northwest 1/4, described as follows:

Begin at the Northeast corner of the Southeast 1/4 of Northwest 1/4 and run in a westerly direction on the North line thereof, 479 feet; thence South and parallel with the East line thereof 455 feet; thence east and parallel with the North line thereof, 479 feet to the East line of the Southeast 1/4 of the Northwest 1/4; thence North along such line 455 feet to the point of beginning, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

**Parcel II**

Partly in the SW 1/4 of SE 1/4 and partly in the NW 1/4 of SE 1/4 of Section 13, Township 18 South, Range 1 West, and more particularly described as follow:

Commence at the SW corner of the above described SW 1/4 of SE 1/4 for the point of beginning; thence run north along the West line of said SW 1/4 of SE 1/4 and the NW 1/4 of SE 1/4 for 1875.0 feet; thence 90 deg. 00 min. right and run east for 265.37 feet; thence 87 deg. 44 min. 14 sec. right and run South 2 deg. 15 min. 46 sec. East for 1673.92 feet to the Northwesterly boundary of County Highway #41, said point being on the arc of a curve that is concave to the left in a southwesterly direction having a central angle of 10 deg. 43 min. 40 sec. and a radius of 3,047.16 feet; thence southwesterly along the arc of said curve and road boundary for 317.54 feet to the South line of the above described SW 1/4 of SE 1/4; thence run South 88 deg. 15 min. 15 sec. West along the South line of last said 1/4-1/4 for 84.93 feet to the point of beginning; being situated in Shelby County, Alabama.

  
20140612000178850 4/5 \$1381.00  
Shelby Cnty Judge of Probate, AL  
06/12/2014 03:49:47 PM FILED/CERT

REAL ESTATE SALES VALIDATION QUESTIONNAIRE

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name:

BancorpSouth Bank

Grantee's Name:

Forty Three Investments, LLC

Mailing Address:

4680 Highway 280 East  
Birmingham, AL 35242

Mailing Address:

Property Address:

Acres, Hwy 41  
Shelby County, Alabama

Date of Sale: June 11, 2014

Total Purchase Price: \$1,355,000.00

or

Current Assessor's MV: \$

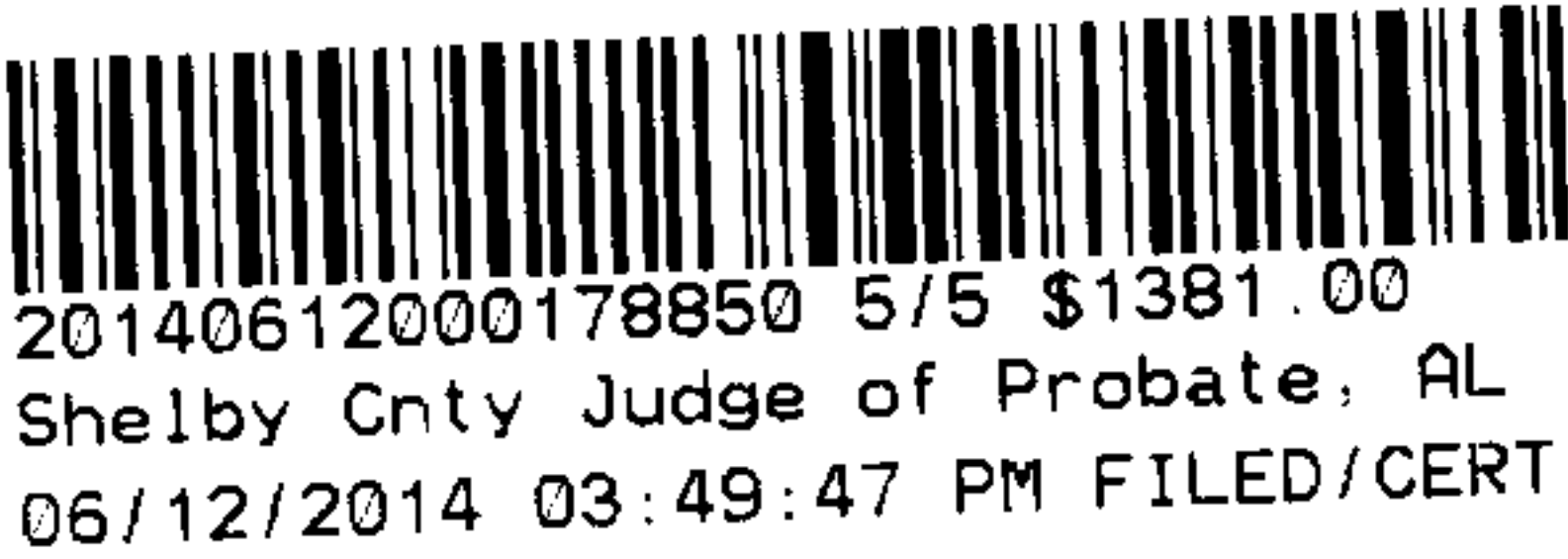
Documentary Evidence provided:

☒ Closing Statement

☐ Bill of Sale

☐ Sales Contract

☐ Other:



Affidavit of Exception

Mark the appropriate situation upon which an exception is based.

When transfer of title to real estate or affidavit of equitable interest in real estate is made:

- ☐ Transfer of mortgage on real or personal property within this state upon which the mortgage tax has been paid.
- ☐ Deeds or instruments executed for a nominal consideration for the purpose of perfecting the title to real estate.
- ☐ Re-recording of corrected mortgage, deed, or instrument executed for the purpose of perfecting the title to real estate or personal property, specifically, but not limited to, corrections of maturity dates thereof, and deeds and other instruments or conveyances, executed prior to October, 1923.
- ☐ Instrument conveying only leasehold easement, or licenses or the recording of copies of instruments evidencing original transfers of title to land by the United States or the State of Alabama.

I hereby affirm that to the best of my knowledge and belief the information contained in this document is true and complete.

Najjar Denaburg, P.C.

Date: 6/11/2014

Sign: Richard W. Theibert  
By: Richard W. Theibert  
Its: Attorney at Law  
(Closing Agent)