

20181226000447480
12/26/2018 09:00:14 AM
QCDEED 1/7

This instrument was prepared by
and upon recording return to:

Gail Livingston Mills, Esq.
Burr & Forman LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203

STATE OF ALABAMA)
SHELBY COUNTY)

NOTE TO RECORDER: THIS QUITCLAIM DEED IS BEING RECORDED TO PERFECT TITLE IN GRANTEE AND AS SUCH, NO DEED TAX IS DUE UPON THE RECORDING HEREOF.

QUITCLAIM DEED WITH RESERVATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to **CHARLES K. ACKER**, a married man, and **JIMMIE J. BARNES**, a married man, as tenants in common in equal shares (collectively, “**Grantors**”), in hand paid by the Grantees hereinafter named, the receipt and sufficiency whereof are hereby acknowledged, Grantors do by these presents release, remise, quitclaim and convey unto **JIMMIE J. BARNES**, a married man (as to a 15% tenant in common interest) and **AERIE CORPORATION**, an Alabama corporation (as to an 85% tenant in common interest) (collectively, the “**Grantees**”), all of their respective right, title and interest in and to that certain real estate situated in Shelby County, Alabama, and more particularly described on **EXHIBIT “A”** attached hereto and made a part hereof (the “**Property**”), which such Property is currently utilized as a 60-foot private roadway that provides access to certain parcels of real property lying south of the Property that are owned by (i) Jimmie J. Barnes (1/3 interest), Charles K. Acker (1/3 interest), and Gerald D. Colvin (1/3 interest), (ii) by the City of Pelham, a municipal corporation, and (iii) The Charles K. and Lila F. Acker 2013 Revocable Trust, respectively (collectively, the “**Benefitted Owners**”).

Grantors do hereby reserve unto themselves, and their respective heirs, successors, assigns, guests, invitees, and licensees, a perpetual non-exclusive easement for ingress and egress over and across the Property for the non-exclusive benefit of Grantors and their respective heirs, successors, assigns, guests, invitees, and licensees and for the non-exclusive benefit of the Benefitted Owners and their respective heirs, successors, assigns, guests, invitees, and licensees; provided, however, that the foregoing reservation of a non-exclusive easement for ingress and egress over and across the Property is subject to that Easement Relocation Agreement of even date herewith among Grantors, Grantees, certain of the Benefitted Owners, and HCI Oak Mountain, LLC, an Alabama limited liability company.

Grantors represent and warrant that no part of the Property conveyed hereby constitutes the homestead of Grantors or of the spouse of either Grantor.

In addition to the reservation of ingress and egress easement set forth above, the Property is conveyed subject to the following (the “**Permitted Encumbrances**”):

1. Ad valorem taxes (if any).
2. Any prior reservation or conveyance, together with release of damages of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel in, on and under subject property.
3. Transmission and Utility Line Easement recorded in Real 129, Page 811 in the Probate Office of Shelby County, Alabama.
4. Transmission line permit to Alabama Power Company recorded in Deed Book 101, Page 506 in the Probate Office of Shelby County, Alabama.
5. Right of way to Postal Telegraph, recorded in Deed Book 80, Page 37 in the Probate Office of Shelby County, Alabama.
6. Right of way recorded in Deed Book 103, Page 15 in the Probate Office of Shelby County, Alabama.
7. Non-exclusive Easement to recorded in Real 129, Page 807 in the Probate Office of Shelby County, Alabama.
8. Agreement recorded in Deed Book 261, Page 497 in the Probate Office of Shelby County, Alabama.

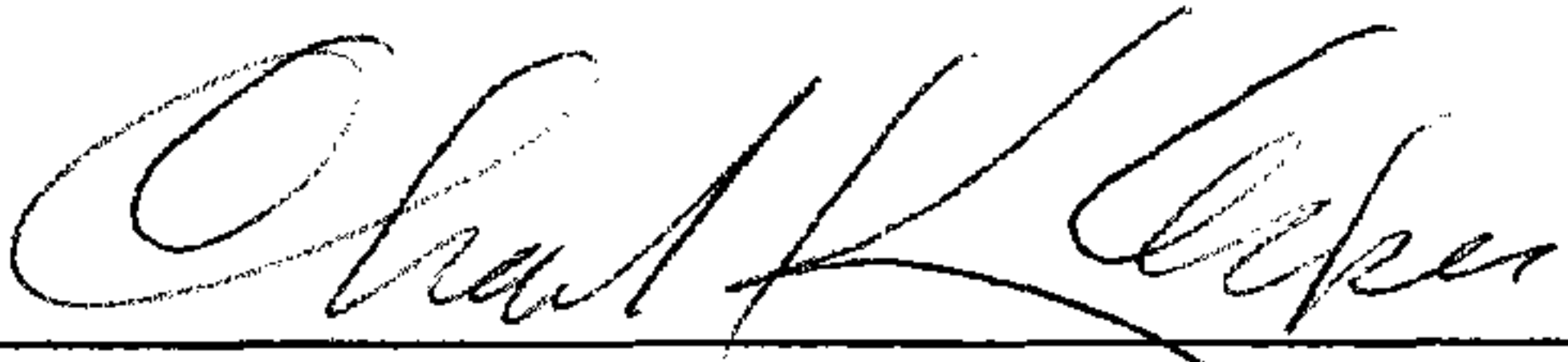
TOGETHER WITH all tenements, hereditaments, appurtenances, rights, easements, benefits and rights-of-ways, if any, appurtenant thereto, subject, however, to the Permitted Encumbrances.

TO HAVE AND TO HOLD the Property unto the Grantee and the Grantee’s successors and assigns, as tenants in common, forever.

IN WITNESS WHEREOF, Grantors have executed this deed this 19th day of December, 2018.

[Remainder of Page Intentionally Left Blank; Signatures Begin on the Following Page]

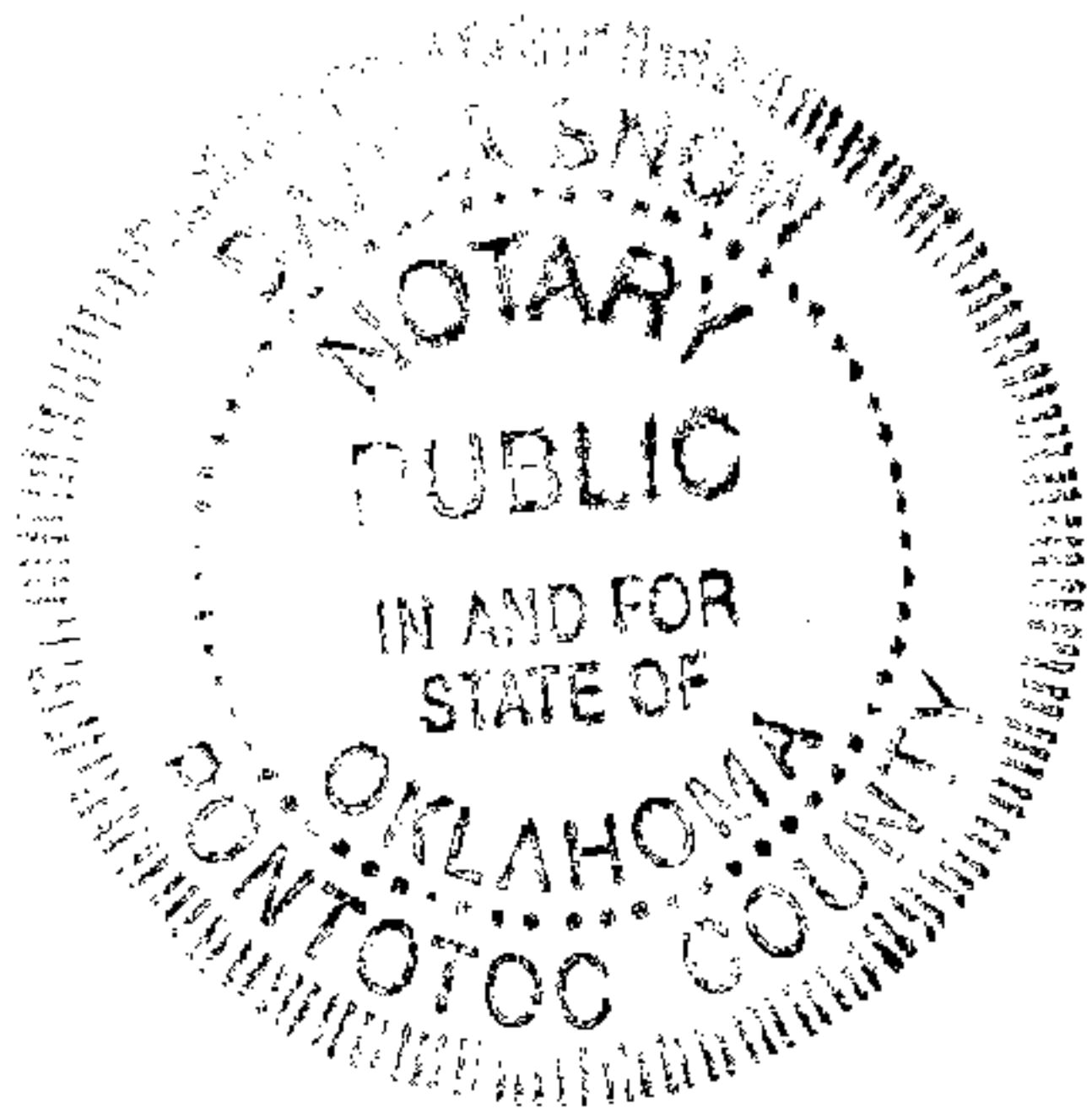
GRANTOR:


CHARLES ACKER

STATE OF Oklahoma)
Pontotoc COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **CHARLES ACKER**, whose name 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of December, 2018.




Notary Public
My Commission expires: 9-13-2021
#01015439

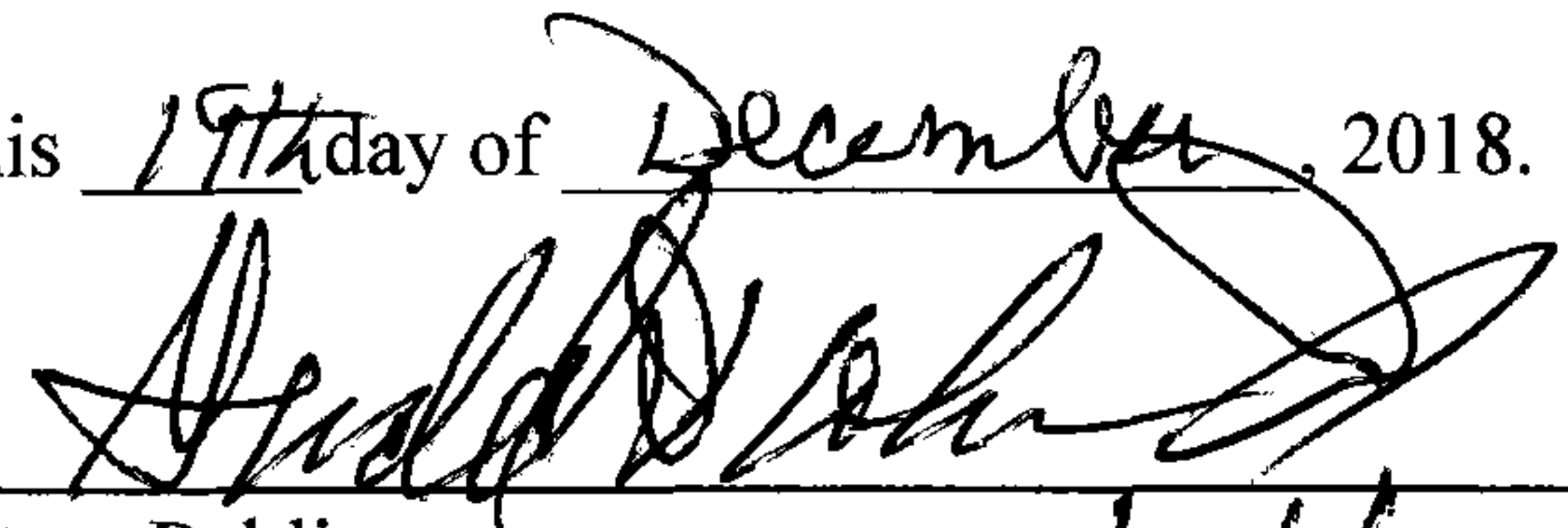
[Signatures Continue on the Following Page]


JIMMIE J. BARNES

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **JIMMIE J. BARNES**, whose name 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of December, 2018.



Notary Public
My Commission expires: 11/14/19

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 39 SECONDS EAST FOR 347.77 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF AMPHITHEATER ROAD; THENCE RUN ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: SOUTH 00 DEGREES 17 MINUTES 39 SECONDS EAST FOR 93.16 FEET; THENCE RUN SOUTH 52 DEGREES 50 MINUTES 22 SECONDS WEST FOR 832.00 FEET; THENCE LEAVING SAID ROAD RIGHT OF WAY RUN SOUTH 37 DEGREES 09 MINUTES 44 SECONDS EAST FOR 274.12 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF OAK MOUNTAIN DRIVE; THENCE RUN ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES: SOUTH 48 DEGREES 38 MINUTES 54 SECONDS WEST FOR 45.66 FEET TO A CURVE TO THE RIGHT, HAVING A RADIUS OF 1885.86 FEET, A CHORD BEARING OF SOUTH 51 DEGREES 21 MINUTES 12 SECONDS WEST, AND A CHORD LENGTH OF 178.00 FEET; THENCE RUN ALONG SAID ARC FOR 178.07 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 55 DEGREES 42 MINUTES 51 SECONDS WEST FOR 108.64 TO A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 30 MINUTES 09 SECONDS EAST, AND A CHORD LENGTH OF 34.19 FEET; THENCE LEAVING SAID ROAD RIGHT OF WAY RUN ALONG SAID ARC FOR 37.65 FEET; THENCE RUN SOUTH 36 DEGREES 21 MINUTES 22 SECONDS EAST FOR 298.65 FEET; THENCE RUN SOUTH 36 DEGREES 21 MINUTES 16 SECONDS EAST FOR 135.00 FEET; THENCE RUN NORTH 53 DEGREES 38 MINUTES 49 SECONDS EAST FOR 60.00 FEET; THENCE RUN NORTH 36 DEGREES 21 MINUTES 16 SECONDS WEST FOR 429.67 FEET TO A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 08 DEGREES 51 MINUTES 07 SECONDS EAST, AND A CHORD LENGTH OF 35.48 FEET; THENCE RUN ALONG SAID ARC FOR 39.45 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 27,668.31 SQ. FEET OR 0.64 ACRES MORE OR LESS.

Real Estate Sales Validation Form*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name:	Charles Acker and Jimmie J. Barnes	Grantees' Name:	HCI Oak Mountain, LLC
Mailing Address:	3710 Carisbrooke Drive Hoover, Alabama 35226	Mailing Address:	3075 Healthy Way Birmingham, Alabama 35243
Property Address:		Date of Sale:	December <u>19</u> , 2018
			Total Purchase Price: NA or Actual Value: or Assessor's Market Value:

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one)
(Recordation of documentary evidence is not required):

☐ Bill of Sale

 ☐ Appraisal
☐ Sales Contract

 ☒ Other: *Quitclaim Deed filed to clarify legal description; no deed tax due and payable upon recording.*
☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

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.

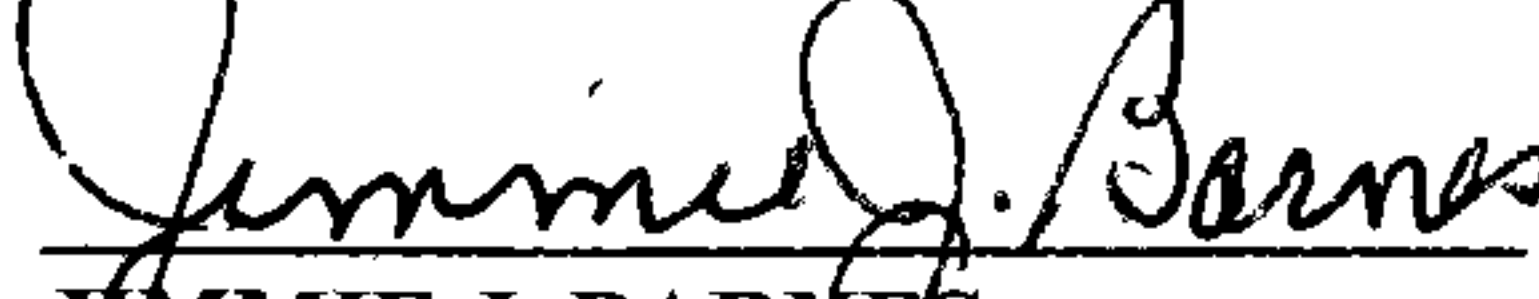
If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be 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).

Date: December 19, 2018

☒ Unattested

GRANTOR:


JIMMIE J. BARNES

CHARLES ACKER

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

Grantor's Name:	Charles Acker and Jimmie J. Barnes	Grantees' Name:	HCI Oak Mountain, LLC
Mailing Address:	3710 Carisbrooke Drive Hoover, Alabama 35226	Mailing Address:	3075 Healthy Way Birmingham, Alabama 35243
Property Address:		Date of Sale:	December <u>19</u> , 2018
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☐ Sales Contract ☒ Other: *Quitclaim Deed filed to clarify legal description; no deed tax due and payable upon recording.*
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Date: December 19th, 2018

GRANTOR:

☒ Unattested

JIMMIE J. BARNES

CHARLES ACKER



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
12/26/2018 09:00:14 AM
\$34.00 JESSICA
20181226000447480

Allen S. Bayl