



20240830000271500 1/5 \$213.50  
Shelby Cnty Judge of Probate, AL  
08/30/2024 11:37:57 AM FILED/CERT

This instrument was prepared by:  
John C. Piazza, Attorney at Law  
3305 Brittany Court  
Hoover, Alabama 35226

send tax notice to:  
H.A. Cottingham, Jr/Trustee  
314 Portobello Road  
Birmingham, Al. 35242

STATE OF ALABAMA  
SHELBY COUNTY

**WARRANTY DEED WITH RESERVATION OF LIFE ESTATE**

**WARRANTY DEED WITH RESERVATION OF LIFE ESTATE**

**KNOW ALL MEN BY THESE PRESENTS:** That in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is acknowledged, I, Hubert. A. Cottingham, Jr., a widowed and now single man, as **THE GRANTOR/TRUSTEE** (herein referred to as Grantor) of **The Cottingham Living Trust** does hereby grant, bargain, sell and convey (subject to the life estate hereinafter set forth) unto my daughter's Trust I am setting up as part of my estate planning, Julie Cottingham Tharp, Trustee of The Julie Cottingham Tharp Revocable Living Trust, the following described real estate attached as "Exhibit A" – otherwise known by the address of 40166 Portobello Drive in Birmingham, Alabama, 35242, situated in Shelby County, Alabama, to-wit:

**See Attached Exhibit A (pgs 1 & 2) for legal description**

It is the intention of the Grantor as the Trustee and Grantor to retain the life estate in the Cottingham Living Trust where it is already owned and registered.

June B. Cottingham, one of the two co-trustees of the Cottingham Living Trust passed away on January 25, 2024.

**NO TITLE OPINION REQUESTED OR RENDERED.**

Subject to mineral and mining rights if not owned by Grantor.

Subject to existing easements, restrictions, set back lines, rights of way, limitations, if any, of record.

This deed is executed as required by the Articles of Organization and Operating Agreement and same have not been modified or amended.

To Have and to Hold to the said grantee, subject to the reserved life estate, his, heirs and assigns forever.

And I do for myself and for my heirs, executors and administrators, covenant

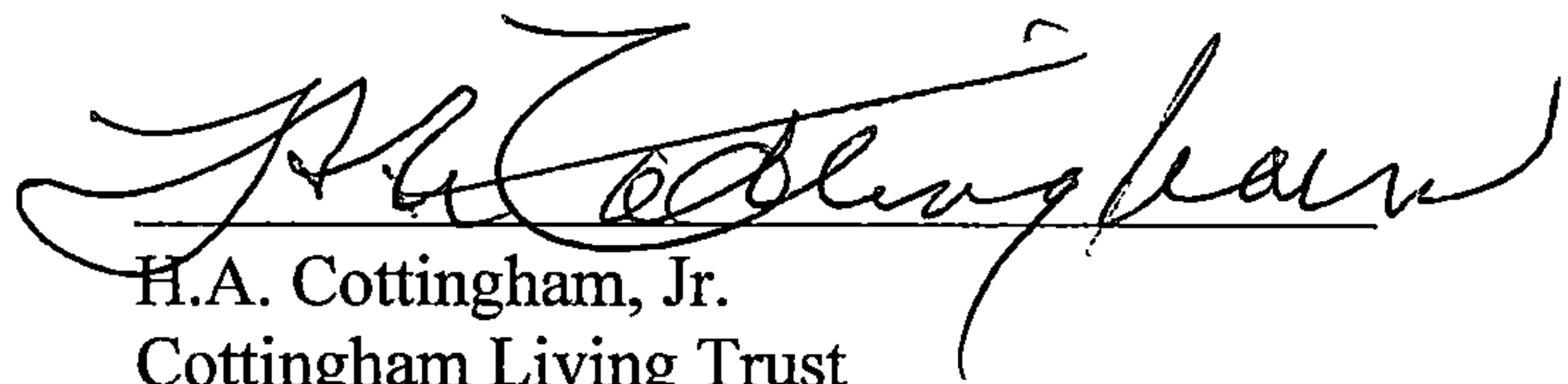
Shelby County, AL 08/30/2024  
State of Alabama  
Deed Tax: \$177.50



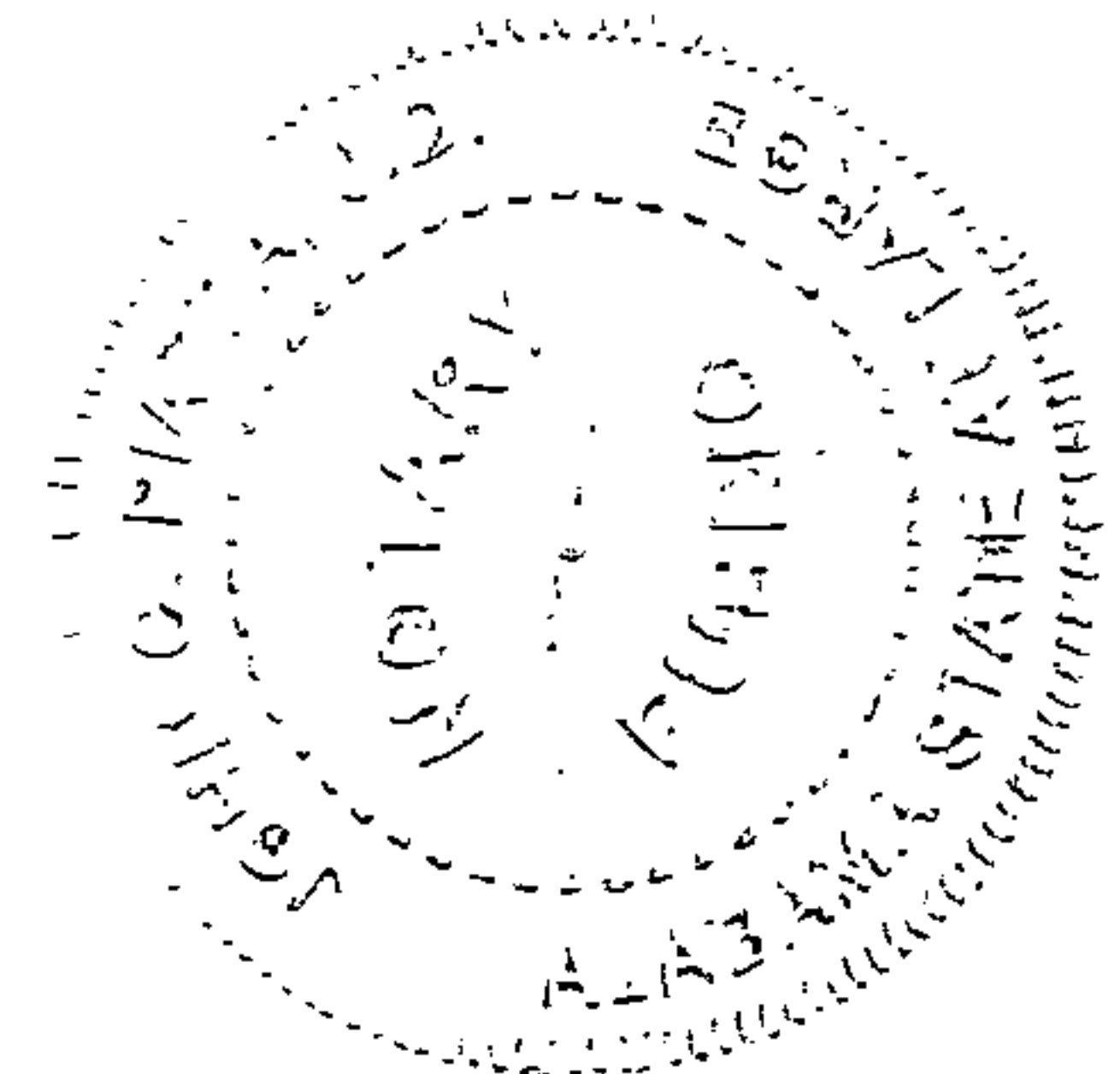
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with said grantee, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors, and administrators shall warrant and defend the same to said grantee her heirs and assigns forever, against the lawful claims of all persons.

In Witness Whereof, the Said Grantor for the Cottingham Living Trust is authorized to execute this conveyance, has hereunto set his hand and seal this 27<sup>th</sup> day of August, 2024.



H.A. Cottingham, Jr.  
Cottingham Living Trust  
ITS: Trustee

  
Witness

**State of Alabama**

**County of Shelby**

I, John C. Piazza, a Notary Public for said county in said state, hereby certify, that H.A. Cottingham, Jr. as the only surviving Trustee of the Cottingham Living Trust 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 this conveyance, he as the Trustee and owner of said trust with full authority executed the same voluntarily for and as an act of said trust.



John C. Piazza  
Notary Public  
My commission expires:  
10/27/2027





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**EXHIBIT "A"**

Unit 166, Building 40, in Edenton, a Condominium, as established by that certain Declaration of Condominium, which is recorded in Instrument 20070420000184480, in the Probate Office of Shelby County, Alabama, First Amendment to Declaration of Condominium of Edenton as recorded in 20070508000215560, Second Amendment to the Declaration of Condominium of Edenton as recorded in 20070522000237580, Third Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20070606000263790, Fourth Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20070626000297920, Fifth Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20070817000390000, Sixth Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20071214000565780, Seventh Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20080131000039690 and any amendments thereto, to which Declaration of Condominium a plan is attached as Exhibit "C" thereto, and as recorded as the Condominium Plat of Edenton a Condominium, in Map Book 38, page 77, 1<sup>st</sup> Amended Condominium Plat of Edenton, a condominium as recorded in Map Book 39, page 4, and the 2<sup>nd</sup> Amended Condominium Plat of Edenton, a condominium as recorded in Map Book 39, Page 79, any future amendments thereto, Articles of Incorporation of Edenton Residential Owners Association, Inc. as recorded in Instrument 20070425000639250 in the Office of the Judge of Probate of Shelby County, Alabama, and to which said Declaration of Condominium the By-Laws of Edenton Residential Owners Association Inc. are attached as Exhibit "B" thereto, together with an undivided interest in the Common Elements assigned to said Unit, by said Declaration of Condominium set out in Exhibit "D". Together with rights in and to that certain Non-Exclusive Roadway Easement as set out in Instrument 20051024000550530 in the Office of the Judge of Probate of Shelby County, Alabama.

**SUBJECT TO:** (1) Current taxes; (2) Right of Way granted to Alabama Power Company by instrument recorded in Deed Book 126, Page 187, Deed Book 185, page 120, Real 105, page 861 and Real 167, page 335 in the Probate Office of Shelby County, Alabama; (3) Roadway Easement Agreement as recorded in Instrument 20051024000550530 and Instrument 20061024000523450 in the Probate Office of Shelby County, Alabama; (4) Restrictive Use Agreement between JRC Lakeside Limited Partnership and Cahaba Beach Investments, LLC as recorded in Instrument 20051024000550540 and in Instrument 20061024000523460 in the Probate Office of Shelby County, Alabama; (5) Easement for grading and slope maintenance recorded in Instrument 20060817000404390 in the Probate Office of Shelby County, Alabama; (6) Easement to BellSouth, as recorded in Instrument 20060920000466950 and in Instrument 20070125000038780 in the Probate Office of Shelby County, Alabama; (7) Easement to Alabama Power Company recorded in Instrument 20061212000601050,



Instrument 20061212000601060, Instrument 20060828000422250, Instrument 20061212000601460, Instrument 20070517000230870 and Instrument 20070517000231070 in the Probate Office of Shelby County, Alabama; (8) Declaration of Condominium of Edenton, a Condominium which is recorded in Instrument 20070420000184480 in the Probate Office of Shelby County, Alabama, First Amendment to Declaration of Condominium of Edenton as recorded in 20070508000215560, Second Amendment to the Declaration of Condominium of Edenton as recorded in 20070522000237580, Third Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20070606000263790, Fourth Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20070626000297920, Fifth Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20070817000390000, Sixth Amendment to the Declaration of Condominium of Edenton as recorded in Instrument 20071214000565780, Seventh Amendment to Declaration of Condominium as recorded in Instrument 20080131000039690 and any amendments thereto; (9) Articles of Incorporation of Edenton Residential Owners Association Inc. as recorded in Instrument 20070425000639250 in the Office of the Judge of Probate of Shelby County, Alabama; (10) Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto, including rights set out in Real 41, page 83 and Deed Book 176, Page 186 in the Probate Office of Shelby County, Alabama; (11) Restrictions as set out in Real 54, page 199, in the Office of the Judge of Probate of Shelby County, Alabama; (12) Assignment and Conveyance with Development Agreements and Restrictive Covenants by and between Cahaba Land Associates LLC and Cahaba Beach Investments LLC as recorded in Instrument 20051024000550520, in the Office of the Judge of Probate of Shelby County, Alabama; (13) Rights of others in and to the non-exclusive easement as set out in Easement Agreement in Instrument 20051024000550530 in the Office of the Judge of Probate of Shelby County, Alabama.



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# Real Estate Sales Validation Form

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

Grantor's Name  
Mailing Address

H. A. Cottingham Jr.  
314 Portobello  
B'ham, AL 35242

Grantee's Name  
Mailing Address

H. A. Cottingham Jr.  
Twice Cottingham  
314 Portobello Rd.  
B'ham, AL 35242

Property Address

40166 Portobello Rd.  
B'ham, AL 35242

Date of Sale

Total Purchase Price \$

or

Actual Value \$

or

☒ Assessor's Market Value \$ 177,250.00

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  
☐ Sales Contract  
☐ Closing Statement

☐ Appraisal  
☐ Other



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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

08/30/2024

Print

John C. Pazzu

Unattested

(verified by)

Sign

John C. Pazzu

(Grantor/Grantee/Owner/Agent) circle one

Form RT-1