



20241001000306780 1/10 \$51.00
Shelby Cnty Judge of Probate, AL
10/01/2024 02:19:32 PM FILED/CERT

Send tax notice to: William E. Schiesz, Jr.
18325 Davenport Ct.
Hudson, FL 34667

This Instrument Prepared By:
Laura S. Gibson
White Arnold & Dowd P.C.
2001 Park Place North, Ste. 1400
Birmingham, AL 35203

THIS INSTRUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE INFORMATION SUPPLIED BY THE PARTIES HERETO. NO TITLE EXAMINATION AND/OR OPINION WAS REQUESTED OF THE GRANTORS OR OF WHITE ARNOLD DOWD P.C. BY EITHER GRANTORS OR GRANTEE, AND NONE WAS CONDUCTED AND/OR RENDERED.

CO-PERSONAL REPRESENTATIVES' DEED

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS:

SHELBY COUNTY)

The undersigned, William E. Schiesz, Jr. and Karl F. Schiesz, in their capacities as Co-Personal Representatives of the Estate of William E. Schiesz, Sr., Deceased (the "Grantors"), (Letters Testamentary granted to the said Co-Personal Representatives on July 16, 2014 in case number PR-2014-000438 in the Probate Court of Shelby County, Alabama) with the general authority to execute conveyances conferred upon the Co-Personal Representatives, do grant, bargain, sell and convey unto the Estate of William E. Schiesz, Sr. the following described property situated in Shelby County, Alabama, to-wit:

Lot 2936, according to the Survey of Highland Lakes, 29th Sector, an Eddleman Community, as recorded in Map Book 36, Page 33-A, B, C and D, in the Probate Office of Shelby County, Alabama.

Together with nonexclusive easement to use the private roadways, Common Area all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument #1994-07111 and amended in Instrument #1996-17543 and further amended in Instrument #1999-31095 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 29th Sector, recorded as Instrument #20051229000667930 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration").

Mineral and mining rights excepted.



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This instrument is executed as required by the Articles of Organization and Operational Agreement of said LLC and same have not been modified or amended.

The above property is conveyed subject to:

1. Ad Valorem taxes and assessments due and payable October 1, 2024, and all subsequent years thereafter, including any "roll-back taxes."
2. Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, which provides, among other things, for an Association to be formed to assess and maintain the private roadways, etc. of the development; all of said covenants, restrictions and conditions being set out in instrument recorded as Instrument #1994-07111, amended in Instrument #1996-17543 and further amended in Inst.#1999-31095, in said Probate Office of Shelby County, Alabama, along with Articles of Incorporation of Highland Lakes Residential Association, Inc. as recorded in Instrument 9402/3947, in the Office of the Judge of Probate of Jefferson County, Alabama.
3. Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential Subdivision, 29th Sector, as recorded in Instrument #20051229000667930 in said Probate Office.
4. Subdivision restrictions, limitations and conditions as set out in Map Book 36, Page 33-B, in said Probate Office.
5. Lake easement agreement executed by Highland Lakes Properties, Ltd. and Highland Lakes Development, Ltd. providing for easements, use by others and maintenance of lake property described within Instrument No. 1993-15705.
6. Easement for ingress and egress to serve Highland Lakes Development executed by Highland Lakes Development, Ltd., to Highland Lakes Properties, Ltd., recorded as Instrument \$1993-15704 in said Probate Office.
7. 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 as Deed Book 28, Page 237; Instrument #1998-7776; Instrument #1998-7777 and Instrument #1998-7778, in said Probate Office.
8. Subdivision restrictions shown on recorded plat in Map Book 35, Page 23, provide for construction of single family residence only.
9. Public utility easements as shown by recorded plat, including any tree bufferline as shown on recorded plat.



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10. Subject to the provision of Sections 2.3 and 2.6 of the Declaration, the property shall be subject to the following minimum setbacks:
 - (a) Front setback: As per plot plan which must be approved by the ARC;
 - (b) Rear setback: As per plot plan which must be approved by the ARC
 - (c) Side setback: As per plot plan which must be approved by the ARC
11. Right(s) of Way(s) granted to Alabama Power Company by instrument(s) recorded in Book 111, Page 408; Book 109, Page 70; Book 149, page 380; Book 173, page 364; Book 276, page 670; Book 134, page 408; Book 133, page 212; Book 133, page 210, Real Volume 31, page 355 and Instrument #1994-1186 in said Probate Office.
12. Right(s) of Way(s) granted to Shelby County, Alabama, by instrument(s) recorded in Book 196, page 246 in said Probate Office.
13. Right(s) of Way(s) granted to Birmingham Water and Sewer Board as set forth in Instrument #1997-4027 and Instrument #1996-25667 in said Probate Office.
14. Shelby Cable Agreement as recorded in Instrument #1997-33476.
15. Release of damages as recorded in Instrument #20050505000214850 in said Probate Office.

Grantee agrees to observe and perform all obligations imposed upon said Grantee pursuant to the Declarations, including but not limited to the obligation to pay assessments levied on the property herein conveyed in accordance with the Declarations.

This conveyance is made with the express reservation and condition that by acceptance of this deed, the Grantee (Estate), for itself and the Estate's heirs, administrators, executors, successors, assigns, contractors, permittees, licensees, and lessees, hereby release and forever discharge Grantors, their successors and assigns, from any and all liability, claims and causes of action whether arising at law (by contract or in tort) or in equity with respect to damage or destruction of property and injury to or death of any person located in, on, or under the surface of or over lands herein conveyed, as the case may be, which are caused by, or arise as a result of, past or future soil, subsoil or other conditions (including without limitation, sinkholes, underground mines, and limestone formations) under or on the Property, whether contiguous or non-contiguous. The Grantee agrees that it is acquiring the Property "AS IS", without any representation or warranty on the part of Grantors other than as to title. Furthermore, the Grantee, its successors and assigns hereby acknowledges that the Grantors shall not be liable for and no action shall be asserted against Grantors in connection with any drainage easements, ditches or pipes or drainage problems associated therewith and that Grantee has inspected the same and accepts the property along with all drainage easements, ditches or pipes in its present "AS IS" condition. For purposes of this paragraph the term Grantors shall refer to the named Co-Personal Representatives of the Estate of William E.



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Schiesz, Sr. This covenant and agreement shall run with the land conveyed hereby, as against Grantee, and all persons, firms, trusts, partnerships, limited partnerships, corporations or other entities holding under or through Grantee.

TO HAVE AND TO HOLD to the Grantee, its heirs and assigns forever.

The property does not constitute the homestead of the Grantors.

THE ABOVE DESCRIBED PROPERTY was held in a **Life Estate** granted to Wynda Schiesz pursuant to the Last Will and Testament of William E. Schiesz, Sr., Article III. A. 3. and that certain agreement named "Estate of William E. Schiesz, Sr., Deceased, Beneficiaries' Agreement regarding Certain Real Property," filed with the Probate office of Jefferson County July 5, 2018 and executed by Wynda Schiesz and the Co-Personal Representatives of the Estate of William E. Schiesz.

William E. Schiesz, Sr. departed this life May 15, 2014.

The holder of the Life Estate, Wynda Schiesz departed this life July 2, 2024.

This instrument is executed by the Grantors solely in their representative capacities named herein, and neither this instrument nor anything contained herein shall be construed as creating any indebtedness or obligation on the part of the Grantors in their individual capacities, and the liability of the Grantors is expressly limited to their representative capacities named herein.

IN WITNESS WHEREOF, the Grantors have hereunto set their hand and seal this 11th day of September, 2024.

William E. Schiesz, Jr., as Co-Personal
Representative of the Estate of William E.
Schiesz, Sr., deceased

Karl F. Schiesz, as Co-Personal
Representative of the Estate of William E.
Schiesz, Sr., deceased

STATE OF Florida)
COUNTY OF Pasco)

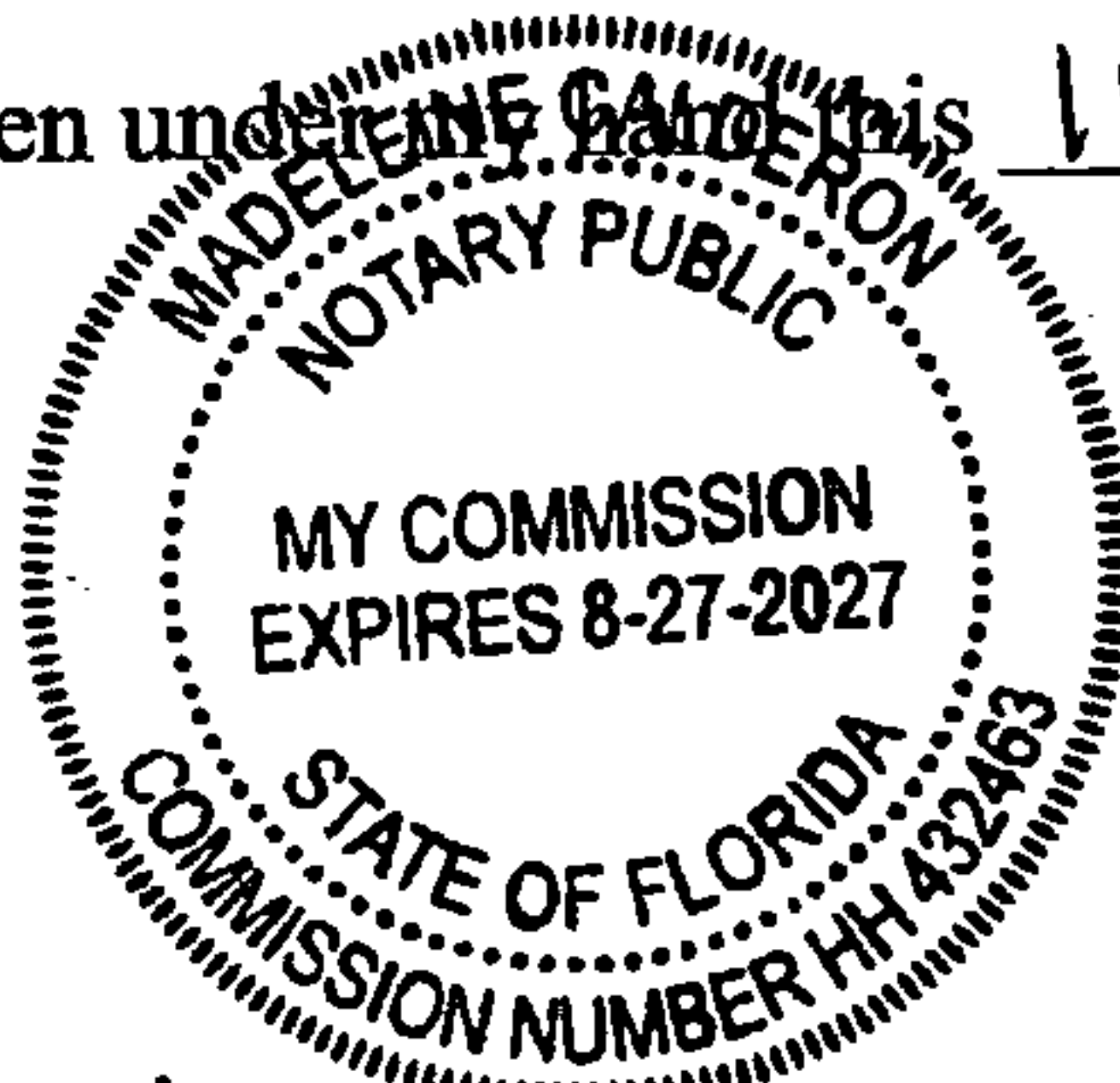
I, the undersigned Notary Public in and for said County in said State, hereby certify that **William E. Schiesz, Jr.**, whose name as Co-Personal Representative of the Estate of William E. Schiesz, Sr., deceased, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he, in



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his capacity as such Co-Personal Representative, executed the same voluntarily on the day the same bears date and swears, based on his information and belief, that the source of title recited herein is true and correct.

Given under my hand this 11th day of September, 2024.



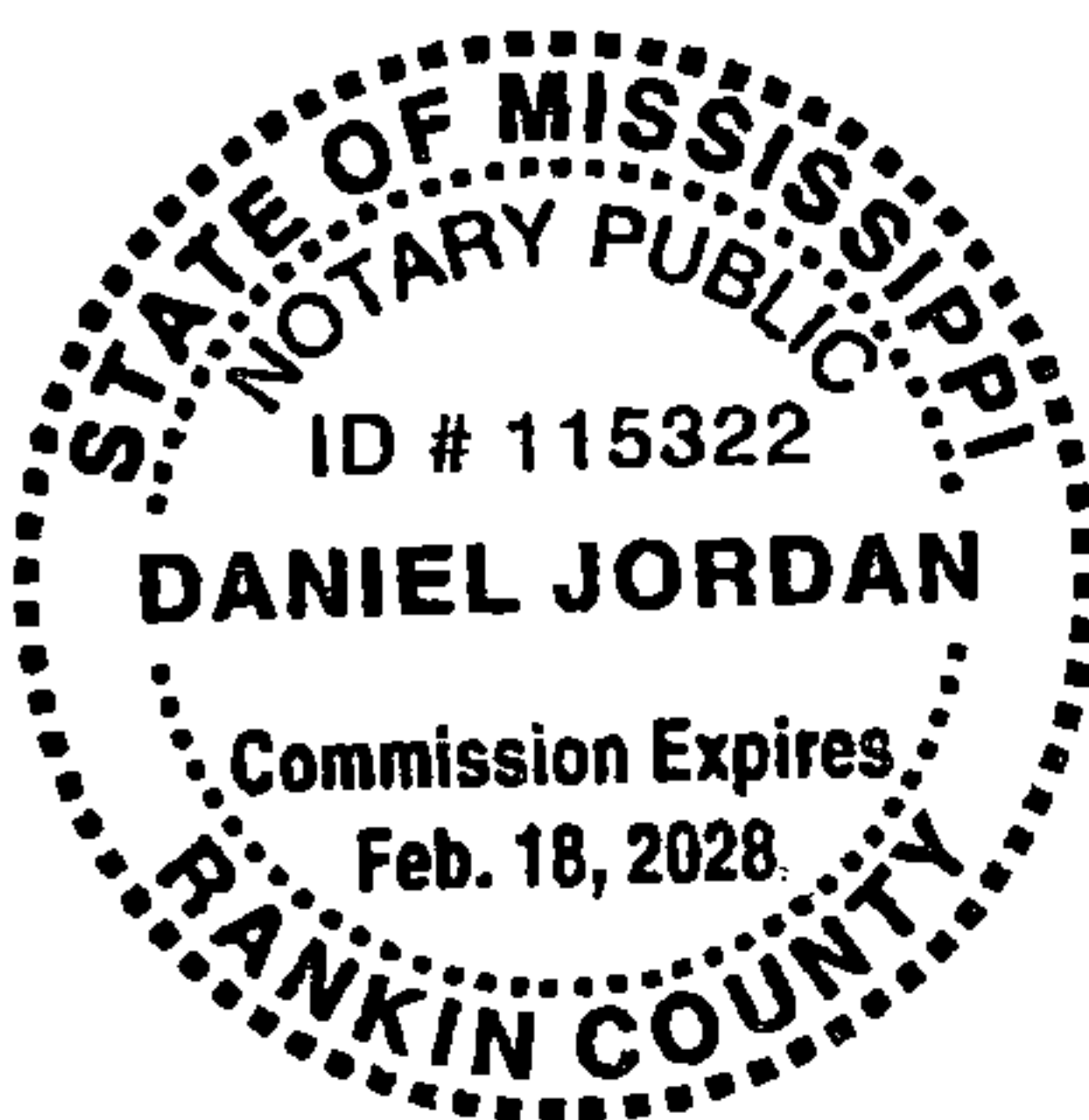
Madeline Geron
Notary Public

My Commission Expires: 08-27-2027

STATE OF Mississippi)
COUNTY OF Rankin)

I, the undersigned Notary Public in and for said County in said State, hereby certify that **Karl F. Schiesz** whose name as Co-Personal Representative of the Estate of William E. Schiesz, Sr., deceased, 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, in his capacity as such Co-Personal Representative, executed the same voluntarily on the day the same bears date and swears, based on his information and belief, that the source of title recited herein is true and correct.

Given under my hand this 14th day of September, 2024.



Daniel Jordan
Notary Public
My Commission Expires: 02/18/2028

Real Estate Sales Validation Form

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

Grantor's Name William E. Schiesz, Jr. & Karl F. Schiesz Grantee's Name Estate of William E. Schiesz, Sr.
Mailing Address Co-Personal Representative Mailing Address 18325 Davenport Ct
18325 Davenport Ct Hudson FL 34667
Hudson, FL 34667

Property Address 1001 Westley Trace Date of Sale _____
Birmingham AL 35242 Total Purchase Price \$ _____
or
Actual Value \$ _____
or
Assessor's Market Value \$ 628,700.00

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 ☐ Appraisal
☐ Sales Contract ☒ Other Tax Appraised Value
☐ 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 any.

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 10-01-2024 Print Laura S. Gibson, Attorney for Co-Personal Representative of Estate of William E. Schiesz, Sr.

Unattested Jennifer C. Wheeler Sign Laura S. Gibson
(verified by) (Grantor/Grantee/Owner/Agent) circle one

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IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

) Case No. PR-2014-000438

WILLIAM E SCHIESZ, SR. deceased.)

DECREE ADMITTING WILL TO PROBATE & GRANTING
LETTERS TESTAMENTARY

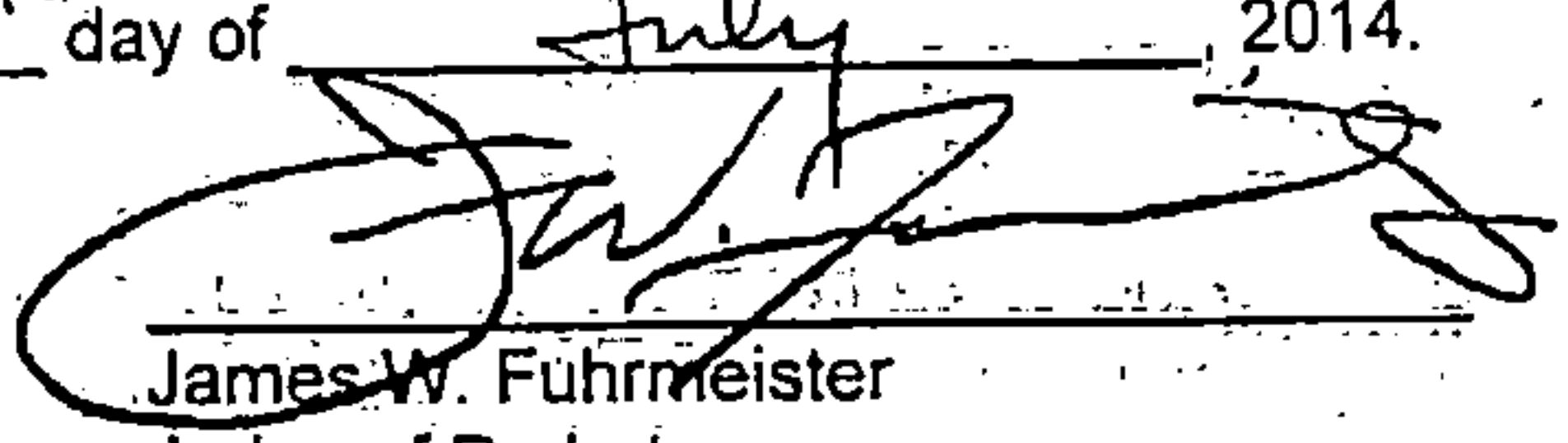
This 16th day of July, 2014 being the date set by this court for the hearing of the petition of WILLIAM EUGENE SCHIESZ, JR and KARL FREDERICK SCHIESZ, to have admitted to probate and record an instrument which purports to be the Last Will and Testament of WILLIAM E SCHIESZ, SR, deceased, and notice having 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 WILLIAM E SCHIESZ, SR 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 WILLIAM EUGENE SCHIESZ, JR and KARL FREDERICK SCHIESZ, as Co-Personal Representatives under said Will.

It is further ORDERED by this Court that the said Co-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)* subject to the following restrictions: The Co-Personal Representatives are prohibited from settling litigation without prior order of this Court.

It is further ORDERED that the said Co-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. The Will expressly relieves the Co-Personal Representatives of the requirement to file an inventory. The said self-proved Will of the decedent shall be recorded in the probate records of Shelby County, Alabama as provided by law.

DONE and ORDERED this the 16th day of July, 2014.


James W. Fuhrmeister
Judge of Probate

ENTERED AND FILED

JUL 16 2014

CLERK OF PROBATE
SHELBY COUNTY, ALABAMA

cc: Karen Hennecy, Esq.
Wynda Lea Lester Schiesz



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LETTERS TESTAMENTARY

THE STATE OF ALABAMA
COURT OF PROBATE

SHELBY COUNTY
CASE # PR-2014-000438

The Will of **WILLIAM E SCHIESZ, SR**, having been duly admitted to record in said county, **LETTERS TESTAMENTARY** are hereby granted to **WILLIAM EUGENE SCHIESZ, JR** and **KARL FREDERICK SCHIESZ**, the Co-Personal Representatives named in said Will, who have duly qualified in compliance with the requisite of the law, and are authorized to administer such estate. Subject to the priorities stated in *Ala. Code, §43-8-76 (1975, as amended)*, the said Co-Personal Representatives, acting prudently for the benefit of interested persons, have all the powers, without limitation, authorized in transactions under *Ala. Code, §43-2-843 (1975, as amended)*, unless expressly modified in the Will and subject to the following restrictions: **The Co-Personal Representatives are prohibited from settling litigation without prior order of this Court.**

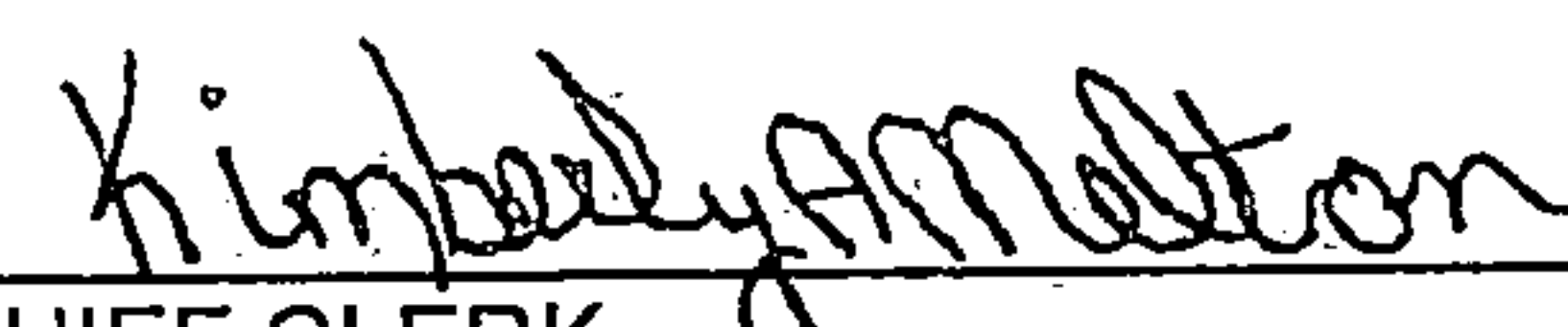
Witness my hand, and dated this 16th day of July, 2014.


James W. Fuhrmeister
JUDGE OF PROBATE

THE STATE OF ALABAMA
SHELBY COUNTY

I, KIMBERLY A. MELTON, CHIEF CLERK of the Probate Court of Shelby County, Alabama hereby certify that the foregoing is a true, correct and full copy of the **LETTERS TESTAMENTARY** issued to **WILLIAM EUGENE SCHIESZ, JR** and **KARL FREDERICK SCHIESZ**, as Co-Personal Representatives of the Will of **WILLIAM E SCHIESZ, SR**, deceased, as the same appears of record in said court. I further certify that said Letters are still in full force and effect.

Given under my hand, and seal of office, this the 16th day of July, 2014.


CHIEF CLERK



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SHELBY COUNTY
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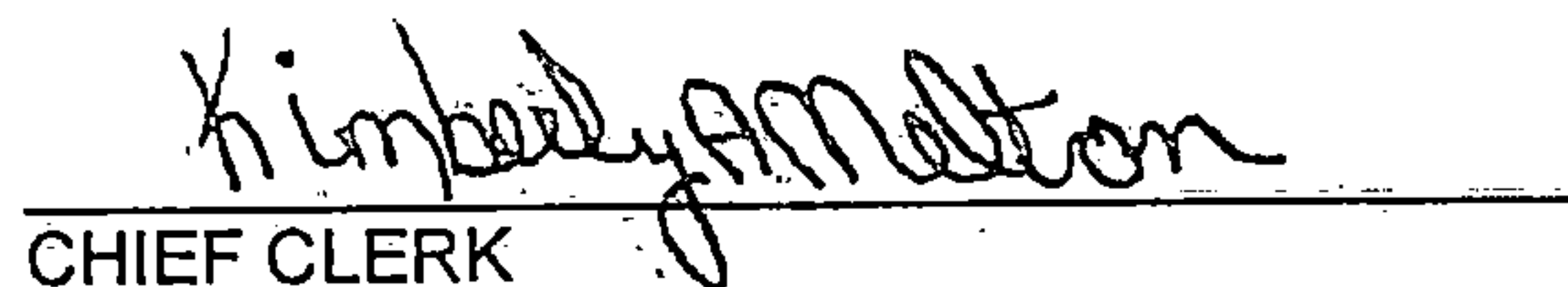
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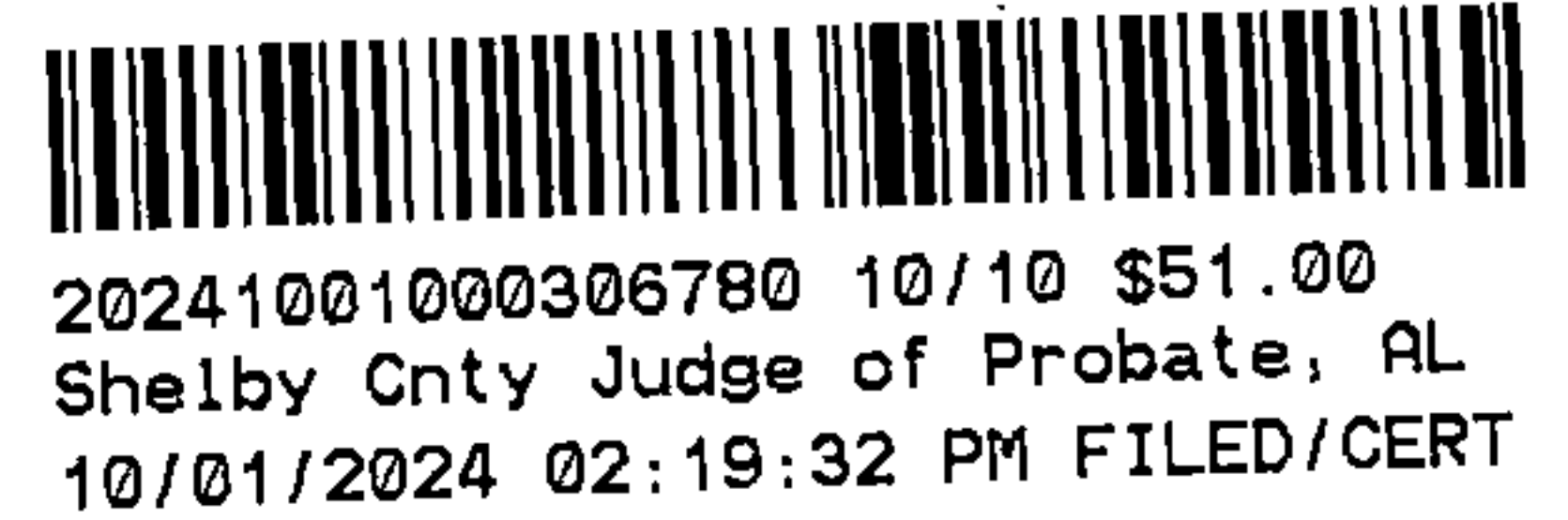

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SHELBY COUNTY

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LETTERS TESTAMENTARY

THE STATE OF ALABAMA
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James W. Fuhrmeister
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