

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

In re: City of Foley)
Deannexation)
Resolution No.)
14-0036)
)
)
)

Case No. 30877

ORDER OF DEANNEXATION

It appearing to the Court that on February 4, 2014, the Council of the City of Foley adopted Resolution No. 14-0036-RES approved by the Mayor of said City, to exclude or deannex from the territory within the corporate limits of the City of Foley under the provisions of Article 7, Chapter 42, Title 11, Code of Alabama, described in the Attachment A hereto.

It further appearing to the Court that John E. Koniar, Mayor of the City of Foley, has certified a copy of said Resolution No. 14-0036-RES together with a map (Attachment B hereto) of the territory to be deannexed, and petitioned the Court to enter an Order reducing the boundaries of the City of Foley so as to omit therefrom by deannexation, the property described.

It further appearing to the Court that the owners and the qualified electors residing on the territory proposed to be excluded have consented to said deannexation by executing waivers and consent regarding deannexation wherein said persons have expressly waived any rights to any and all hearings before the Probate Court of Baldwin County, Alabama and consented to the entering of an Order by said Probate Court to accomplish such deannexation of the territory, no notice or hearing as provided for by Section 11-42-202 for the aforesaid Title 11 is required in the premises:

It is therefore, **ORDERED, ADJUDGED AND DECREED**, pursuant to the provisions of Section 11-42-203, Code of Ala. 1975, that all of the territory and property described in Attachment A hereto is hereby excluded from the corporate limits of the City of Foley and that said map be recorded in the Office of the Probate Court of Baldwin County, Alabama.

DONE THIS THE 25th DAY OF FEBRUARY, 2014.




TIM RUSSELL, PROBATE JUDGE



City of Foley, AL

Signature Copy

Resolution: 14-0036-RES

30877

BALDWIN COUNTY, ALABAMA
TIM RUSSELL, PROBATE JUDGE
Filed/cert. 2/14/2014 4:03 PM
TOTAL \$ 36.00
10 Pages

1442034



File Number: 14-0081

Enactment Number: 14-0036-RES

Reducing the City's Corporate Limits

WHEREAS, property owned by James E. Roberts and Kimberly D. Roberts along U.S. Hwy. 98 was annexed into the City's corporate limits by Legislative Act and Mr. Roberts was not made aware of his option to decline his property being included in the annexation process.

WHEREAS, the property known as Lot 2, Sandy Creek Acres Subdivision, was included in Legislative Act 2013-230 annexing various properties along U.S. Hwy. 98 east of Foley, and

WHEREAS, it is the City's desire to decrease the City's corporate limits by de-annexing Lot 2, Sandy Creek Acres Subdivision in accordance with the procedures set forth in the Code of Alabama, 1975, Section 11-42-200.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Foley, Alabama, as follows:

SECTION 1: Approves the de-annexation of "Lot 2, Sandy Creek Acres Subdivision, as shown on map or plat thereof recorded in Map Book 10, Page 134, in the Office of the Judge of Probate of Baldwin County, Alabama" as noted in the recorded deed.

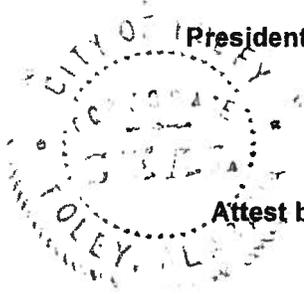
SECTION 2: The qualified electors that own the property are James E. Roberts and Kimberly D. Roberts.

SECTION 3: Approves the new corporate limits as set forth in the attached Exhibit "A".

SECTION 4: A certified copy of this resolution defining the City's proposed corporate limits will be sent to the Judge of Probate, Baldwin County, Alabama, who will hold a hearing at which the owners of record, Mr. and Mrs. James E. Roberts, may appear before the Judge of Probate to show just cause as to why the proposed reduction of corporate limits should not take place (Section 11-42-202, Code of Alabama, 1975).

SECTION 5: This Resolution shall become effective immediately upon its adoption as required by law.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2014.



President's Signature

JW Tranel

Date 2-4-14

Attest by City Clerk

Victoria Southern

Date 2-4-2014

Mayor's Signature

[Signature]

Date 2/6/2014

"I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of Friday, February 14, 2014.

Victoria Southern

Victoria Southern, CMC

City Clerk

I, the undersigned qualified and City Clerk of Foley, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the Foley City Council named therein, at a regular meeting of such Council held on the 3rd day of February, 2014, and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 7th day of February, 2014.

Victoria Southern

Victoria Southern, CMC

City Clerk



PETITION REQUESTING DE-ANNEXATION
(MUST BE COMPLETED BY PROPERTY OWNER)

To the Mayor and Council of Foley, Alabama:

We, the undersigned owners of the property described in "Appendix A" hereby petition the City of Foley and request that said City de-annex the described property from the corporate boundaries of Foley.

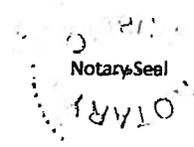
Said owners certify that they are the owners of the land identified in "Appendix A" and that there are no other owners or co-owners of any such property.

[Signature] 12/2/2013
Signature of Owner (1) Date

James E Roberts owner
Print Name and Title

10148 Lyddleton Loop Lillian, AL 36549
Address, City, State, Zip Code

Elin Davis Comm Exp 5/14/14
Notary

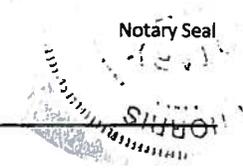


[Signature] 12/2/2013
Signature of Owner (2) Date

Kimberly D. Roberts
Print Name and Title

10148 Lyddleton Loop Lillian, AL 36549
Address, City, State, Zip Code

Elin Davis Comm Exp 5/14/14
Notary



_____ _____
Signature of Owner (3) Date

Print Name and Title

Address, City, State, Zip Code

Notary

Notary Seal



ADDENDUM TO APPLICATION

Please answer the following:

1. Total population, including children and tenants, who live on the property to be de-annexed is: _____

2. Total number of dwelling on the property: 2

3. Total number of persons, including children and tenants, living on the property, by race:

- WHITE
- HISPANIC
- AFRICAN AMERICAN
- ASIAN
- NATIVE AMERICAN
- OTHER (SPECIFY) _____

4. Total number of persons, eighteen (18) years of age or older living on the property: 2

5. Total number of individuals, eighteen (18) years of age or older who are registered to vote in Baldwin County, Alabama, who live on the property: 2

Please provide the complete name and age for each such person:

Jim Williams _____

Kathy Williams _____

6. What is the current use for the property to be de-annexed:

- Residential
- Commercial

7. State the reason(s) for requesting de-annexation by the City of Foley, Alabama:

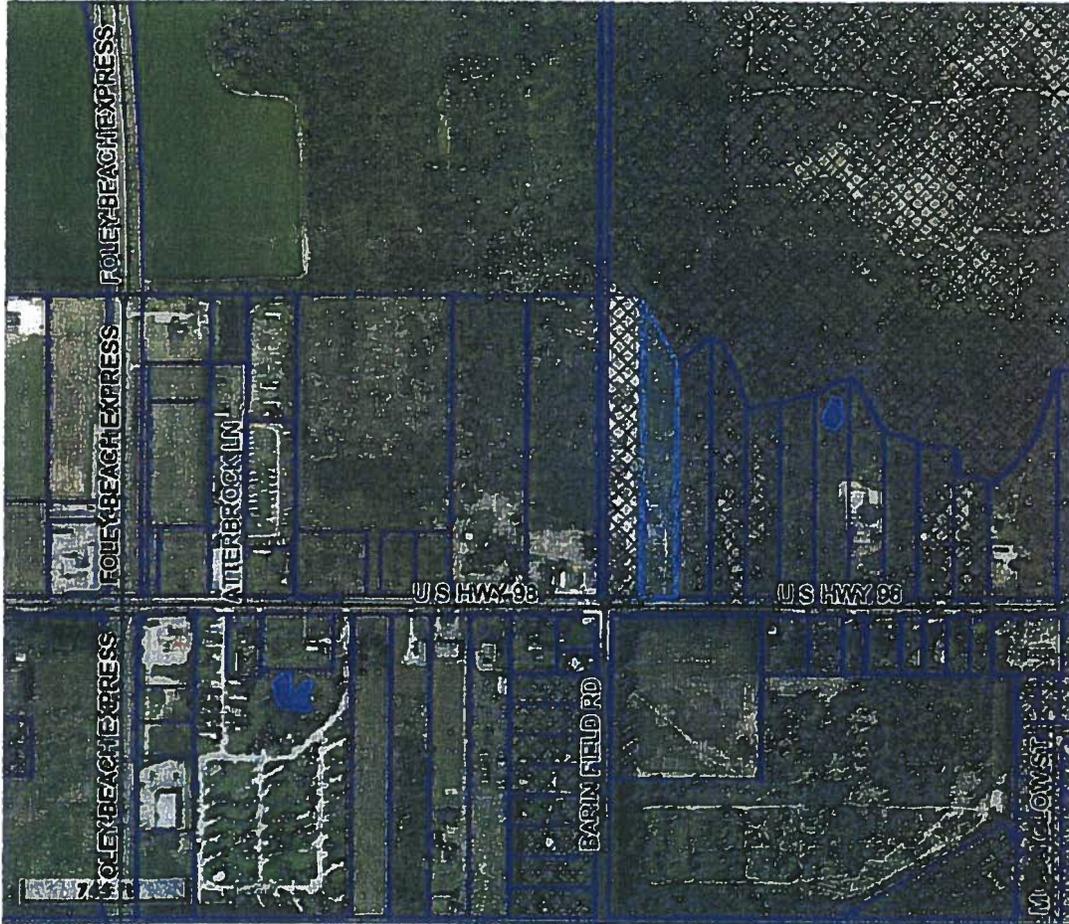
Don't wish to be in city? Stay with county tax & full time
Didn't know we had a choice. May have lives to prepare
thunt on property. Thanks.

8. Voting District: _____

De-Annexation

James Roberts

Created By: KTaylor
Date Created: 12/3/2013



Overview



Legend

- Main Highways
- County Roads
- Centerlines
- Foley City Limits
- ▣ County Mask
- ▤ Foley City Limit Background
- Parcels
- Downtown Historic District
- Streams and Creeks
- Lakes and Bays

PIN - 69556
Par Num - 002.016
Acreage - 3.885
Subdivision - 07SC
Lot - 2
Street Name - US HWY 98 E
Street Number - 22535
Improvement - RES,GAR

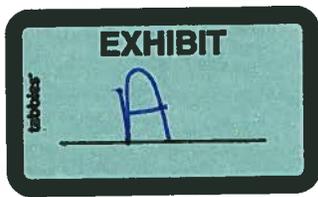
Name - ROBERTS, JAMES E ETAL ROBERTS, KIMBERLY
Address1 - 13143 CONCORD DR W
Address2 -
Address3 -
City - LILLIAN
State - AL
Zip - 36549

Last Data Upload: 12/3/2013 2:15:33 AM

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 The Schneider Corporation
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ATTACHMENT "A"

Tax Parcel ID Number and Legal Description of Property to be De-Annexed:

22535 U.S. Highway 98 Foley AL. 36535

Lot 2 SANDY CREEK ACRES MAP book 10 pg 134
Office of Judge of Probate BALDWIN Co. ALABAMA

PPIN #069556

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/ear. 6/18/2012 11:52 AM
DEED TAX \$ 108.00
TOTAL \$ 124.00
2 Pages

1343952



This Instrument Prepared By:
Paul Kemp
Morris|Hardwick|Schneider, LLC
2718 20th Street South, Suite 210
Birmingham, AL 35209
BRR-120500164A

Send Property Tax Notice to:

13142 Concord Dr K
William AL 36549

Special Warranty Deed

State of Alabama
County of Shelby

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of One Hundred Seven Thousand Eight Hundred and 00/100 Dollars (\$107,800.00) cash in hand paid to

The Bank of New York Mellon *f/k/a* The Bank of New York, as Trustee For The Certificateholders of the CWABS, Inc. Asset-backed Certificates, Series 2006-15

(hereinafter called "Grantor"), receipt whereof is acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto said

James E. Roberts and Kimberly ^{D.} Roberts
as Joint Tenants With Rights of Survivorship

(hereinafter called "Grantee"), all right, title, interest and claim in or to the following described real estate lying in Baldwin County, Alabama, to-wit:

The following described real property situate in the City of Foley, County of Baldwin, and State of Alabama, to wit:

Lot.2, Sandy Creek Acres Subdivision, as shown by Map or Plat recorded in Map Book 10, Page 134, in the Office of the Judge of Probate, Baldwin County, Alabama

Property Address: 22535 US Highway 98, Foley, AL 36535

THE GRANTEE(S), OR PURCHASER(S), OF THE PROPERTY MAY NOT RE-SELL, RECORD AN ADDITIONAL CONVEYANCE DOCUMENT, OR OTHERWISE TRANSFER TITLE TO THE PROPERTY WITHIN 60 DAYS FOLLOWING THE GRANTOR'S EXECUTION OF THIS DEED.

Source of Title: Instrument #131962

The subject property is or is not the homestead of the grantor(s).

TO HAVE AND TO HOLD unto the said Grantees as Joint Tenants, with rights of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the Grantees herein), in the event one Grantee herein survives the other, the entire interest in fee simple shall pass to the surviving Grantee, and if one does not survive the other, then the heirs and assigns of the Grantees herein shall take as tenants in common.

This instrument is executed without warranty or representation of any kind on the part of the undersigned, express or implied, except that there are no liens or encumbrances outstanding against the premises conveyed which were created or suffered by the undersigned and not specifically excepted herein.

0.00 of the consideration was paid from the proceeds of a first mortgage and 0.00 for a second mortgage filed simultaneously herewith.

IN WITNESS WHEREOF, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee For The Certificateholders of the CWABS, Inc. Asset-backed Certificates, Series 2006-15, has caused these present to be executed in its name and on its behalf as aforesaid, on this 31 day of May, 2012.

The Bank of New York Mellon f/k/a The Bank of New York, as Trustee For The Certificateholders of the CWABS, Inc. Asset-backed Certificates, Series 2006-15

By: Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, fka Countrywide Home Loans Servicing, LP, its Attorney in Fact

By: [Signature] (Name)

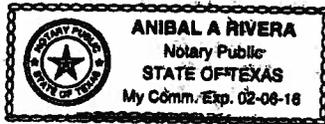
Its: Russell Black, AVP (Title)

For Bank of America, N.A.
Attorney in Fact

State of TEXAS
County of COLLIN

I, Anibal A. Rivera, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that, Russell Black, AVP of Bank of America, N.A., whose name as Attorney-in-Fact for The Bank of New York Mellon f/k/a The Bank of New York, as Trustee For The Certificateholders of the CWABS, Inc. Asset-backed Certificates, Series 2006-15, is signed to the foregoing conveyance, and who is known to me or provided adequate proof of identification, acknowledged before me on this day that, being informed of the contents of the conveyance he/she, in his/her capacity as such Attorney-in-Fact, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 31 day of May, 2012.



[Signature]
Notary Public
My Commission Expires: 2-6-16
[Seal]

Reference:
22535 US Highway 98
Foley, AL, 36535
Servicer Loan #: 136100635

Property Address: 22535 US Highway 98, Foley, AL 36535

AL_SpecialWarrantyDeed_IndFT.dwt

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