



April 16, 2020

Mayor and City Council
City of Foley
407 East Laurel Avenue
Foley, Alabama 36535

RE: Rezoning Recommendation

Dear Mayor Koniar and City Council Members:

The City of Foley Planning Commission held a regular meeting on April 15, 2020 and the following action was taken:

FB Express, LLC- Request for Rezoning

The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 1,734 +/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is AO (Agricultural Open Space), B-2 (Neighborhood Business District) and R-1C (Residential Single Family). Property is located at the NE corner of the Foley Beach Express and County Rd. 32. Applicant is FB Express, LLC.

Commissioner Hellmich made a motion to recommend the requested rezoning to Mayor and Council. Commissioner Wilters seconded the motion. All Commissioners voted aye.

Motion to recommend the requested rezoning to Mayor and Council passes.

Respectfully,

Melissa Ringler
Planning & Zoning Coordinator
mringler@cityoffoley.org

MAYOR: John E. Koniar

CITY ADMINISTRATOR: Michael L. Thompson

CITY CLERK: Kathryn Taylor

COUNCIL MEMBERS: J. Wayne Trawick; Vera Quaites; Ralph G. Hellmich; Cecil R. Blackwell; Charles Ebert III



New .53
Business
#16

**CITY OF FOLEY, ALABAMA
APPLICATION FOR
ZONING OF PROPERTY**

1. LOCATION OF PROPERTY (ADDRESS, PIN #, LEGAL DESCRIPTION, MAP/SURVEY, DEED, AND CORPORATION OWNERSHIP INFORMATION):
Certified surveys attached with all PPIN's & Legal descriptions. Recorded Deeds attached.
2. ATTACH A SEPARATE LIST OF ADJACENT PROPERTY OWNERS:
List attached.
3. APPROXIMATE SIZE OF PROPERTY:
1,734-Acres
4. PRESENT ZONING OF PROPERTY:
P.U.D.
5. REQUESTED ZONING:
A.O. + B-2 Commercial + R-1C
6. BRIEF DESCRIPTION OF CURRENT USE AND STRUCTURES LOCATED ON THE PROPERTY:
Agricultural Farming + One office/Barn Building
7. BRIEFLY DESCRIBE THE CONTEMPLATED USE OF THE PROPERTY IF REZONED (TYPE OF DEVELOPMENT, DENSITY, ETC.)
Commercial use and residential lots.
8. PROCESSING FEE OF \$500.00 FOR 20 ACRES OR LESS, PLUS \$15.00 PER ADDITIONAL ACRE OVER 20.
check attached.

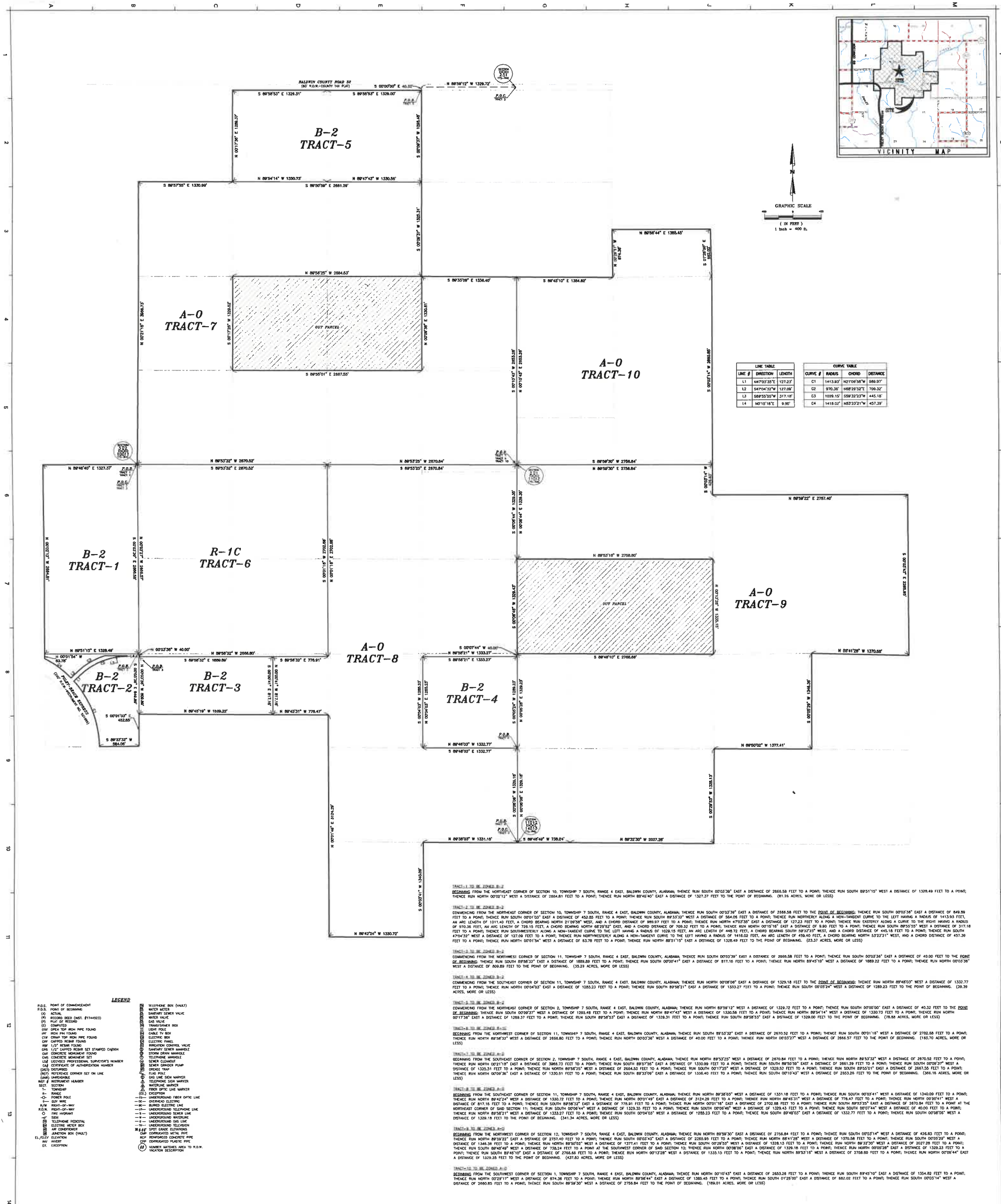
I CERTIFY THAT I AM THE PROPERTY OWNER AND ATTEST THAT ALL FACTS AND INFORMATION SUBMITTED ARE TRUE AND CORRECT.

DATE: 02.25.2020

FB Express, LLC
Janice D. Reed, Managing Member
PROPERTY OWNER/APPLICANT
1013 Captain O'Neal Dr.
PROPERTY OWNER ADDRESS
251.421.0317
PHONE NUMBER
jdr7129@aol.com
EMAIL ADDRESS

RECEIVED
FEB 25 2020

BY:



SKETCH FOR DESCRIPTIONS
FOR PARCELS TO
BE REZONED

Sheet 1 of 1

SKETCH FOR EXHIBIT

GMC Project #
CMOB190345

ISSUE DATE

FEBRUARY 2020

DRAWN BY: SLS
CHECKED BY: SLS

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

GMC

TRACT-1 TO BE ZONED B-2

BEGINNING FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°03'39" EAST A DISTANCE OF 2666.58 FEET TO A POINT; THENCE RUN SOUTH 89°51'15" WEST A DISTANCE OF 1328.49 FEET TO A POINT; THENCE RUN NORTH 00°02'12" WEST A DISTANCE OF 2664.81 FEET TO A POINT; THENCE RUN NORTH 89°46'40" EAST A DISTANCE OF 1327.37 FEET TO THE POINT OF BEGINNING. (81.26 ACRES, MORE OR LESS)

TRACT-2 TO BE ZONED B-2

COMMENCING FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°03'39" EAST A DISTANCE OF 2666.58 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°03'36" EAST A DISTANCE OF 849.89 FEET TO A POINT; THENCE RUN SOUTH 00°01'03" EAST A DISTANCE OF 452.85 FEET TO A POINT; THENCE RUN SOUTH 89°33'32" WEST A DISTANCE OF 564.06 FEET TO A POINT; THENCE RUN NORTHERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1413.93 FEET, AN ARC LENGTH OF 1011.40 FEET, A CHORD BEARING NORTH 21°09'58" WEST, AND A CHORD DISTANCE OF 989.97 FEET TO A POINT; THENCE RUN NORTH 47°03'35" EAST A DISTANCE OF 127.23 FEET TO A POINT; THENCE RUN EASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 970.36 FEET, AN ARC LENGTH OF 726.15 FEET, A CHORD BEARING NORTH 68°29'52" EAST, AND A CHORD DISTANCE OF 709.32 FEET TO A POINT; THENCE RUN NORTH 00°15'16" EAST A DISTANCE OF 9.90 FEET TO A POINT; THENCE RUN SOUTH 89°55'55" WEST A DISTANCE OF 317.18 FEET TO A POINT; THENCE RUN SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1029.15 FEET, AN ARC LENGTH OF 448.72 FEET, A CHORD BEARING SOUTH 59°32'23" WEST, AND A CHORD DISTANCE OF 445.18 FEET TO A POINT; THENCE RUN SOUTH 47°04'32" WEST A DISTANCE OF 127.09 FEET TO A POINT; THENCE RUN NORTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1416.02 FEET, AN ARC LENGTH OF 459.40 FEET, A CHORD BEARING NORTH 53°23'21" WEST, AND A CHORD DISTANCE OF 457.39 FEET TO A POINT; THENCE RUN NORTH 00°01'54" WEST A DISTANCE OF 63.78 FEET TO A POINT; THENCE RUN NORTH 89°51'15" EAST A DISTANCE OF 1328.49 FEET TO THE POINT OF BEGINNING. (23.37 ACRES, MORE OR LESS)

TRACT-3 TO BE ZONED B-2

COMMENCING FROM THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°03'39" EAST A DISTANCE OF 2666.58 FEET TO A POINT; THENCE RUN SOUTH 00°03'36" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°58'32" EAST A DISTANCE OF 1889.89 FEET TO A POINT; THENCE RUN SOUTH 00°00'41" EAST A DISTANCE OF 817.16 FEET TO A POINT; THENCE RUN NORTH 89°45'19" WEST A DISTANCE OF 1889.22 FEET TO A POINT; THENCE RUN NORTH 00°03'36" WEST A DISTANCE OF 809.89 FEET TO THE POINT OF BEGINNING. (35.29 ACRES, MORE OR LESS)

TRACT-4 TO BE ZONED B-2

COMMENCING FROM THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°08'06" EAST A DISTANCE OF 1329.18 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°48'03"

WEST A DISTANCE OF 1332.77 FEET TO A POINT; THENCE RUN NORTH 00°04'03" EAST A DISTANCE OF 1285.23 FEET TO A POINT; THENCE RUN SOUTH 89°58'21" EAST A DISTANCE OF 1333.27 FEET TO A POINT; THENCE RUN SOUTH 00°05'24" WEST A DISTANCE OF 1289.23 FEET TO THE POINT OF BEGINNING. (39.39 ACRES, MORE OR LESS)

TRACT-5 TO BE ZONED B-2

COMMENCING FROM THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°59'12" WEST A DISTANCE OF 1329.72 FEET TO A POINT; THENCE RUN SOUTH 00°00'00" EAST A DISTANCE OF 40.32 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°09'37" WEST A DISTANCE OF 1295.48 FEET TO A POINT; THENCE RUN NORTH 89°47'43" WEST A DISTANCE OF 1330.56 FEET TO A POINT; THENCE RUN NORTH 89°54'14" WEST A DISTANCE OF 1330.73 FEET TO A POINT; THENCE RUN NORTH 00°17'36" EAST A DISTANCE OF 1289.37 FEET TO A POINT; THENCE RUN SOUTH 89°58'53" EAST A DISTANCE OF 1329.31 FEET TO A POINT; THENCE RUN SOUTH 89°58'53" EAST A DISTANCE OF 1329.00 FEET TO THE POINT OF BEGINNING. (78.88 ACRES, MORE OR LESS)

TRACT-6 TO BE ZONED R-1C

BEGINNING FROM THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°53'32" EAST A DISTANCE OF 2670.52 FEET TO A POINT; THENCE RUN SOUTH 00°01'16" WEST A DISTANCE OF 2702.68 FEET TO A POINT; THENCE RUN NORTH 89°58'32" WEST A DISTANCE OF 2666.80 FEET TO A POINT; THENCE RUN NORTH 00°03'36" WEST A DISTANCE OF 40.00 FEET TO A POINT; THENCE RUN NORTH 00°03'27" WEST A DISTANCE OF 2666.57 FEET TO THE POINT OF BEGINNING. (165.70 ACRES, MORE OR LESS)

TRACT-7 TO BE ZONED A-O

BEGINNING FROM THE SOUTHEAST CORNER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°53'25" WEST A DISTANCE OF 2670.84 FEET TO A POINT; THENCE RUN NORTH 89°53'32" WEST A DISTANCE OF 2670.52 FEET TO A POINT; THENCE RUN NORTH 00°21'18" EAST A DISTANCE OF 3986.73 FEET TO A POINT; THENCE RUN SOUTH 89°57'55" EAST A DISTANCE OF 1330.99 FEET TO A POINT; THENCE RUN SOUTH 89°50'59" EAST A DISTANCE OF 2661.29 FEET TO A POINT; THENCE RUN SOUTH 00°09'37" WEST A DISTANCE OF 1325.31 FEET TO A POINT; THENCE RUN NORTH 89°56'25" WEST A DISTANCE OF 2664.53 FEET TO A POINT; THENCE RUN SOUTH 00°17'25" WEST A DISTANCE OF 1329.52 FEET TO A POINT; THENCE RUN SOUTH 89°55'01" EAST A DISTANCE OF 2667.55 FEET TO A POINT; THENCE RUN NORTH 00°09'36" EAST A DISTANCE OF 1330.61 FEET TO A POINT; THENCE RUN SOUTH 89°33'09" EAST A DISTANCE OF 1336.40 FEET TO A POINT; THENCE RUN SOUTH 00°10'43" WEST A DISTANCE OF 2653.26 FEET TO THE POINT OF BEGINNING. (366.16 ACRES, MORE OR LESS)

TRACT-8 TO BE ZONED A-O

BEGINNING FROM THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°38'03" WEST A DISTANCE OF 1331.18 FEET TO A POINT; THENCE RUN SOUTH 00°03'41" WEST A DISTANCE OF 1340.09 FEET TO A POINT; THENCE RUN NORTH 89°42'24" WEST A DISTANCE OF 1330.72 FEET TO A POINT; THENCE RUN NORTH 00°01'49" EAST A DISTANCE OF 3124.29 FEET TO A POINT;

THENCE RUN NORTH 89°45'31" WEST A DISTANCE OF 776.47 FEET TO A POINT; THENCE RUN NORTH 00°00'41" WEST A DISTANCE OF 817.16 FEET TO A POINT; THENCE RUN SOUTH 89°58'32" EAST A DISTANCE OF 776.91 FEET TO A POINT; THENCE RUN NORTH 00°01'16" EAST A DISTANCE OF 2702.68 FEET TO A POINT; THENCE RUN SOUTH 89°53'25" EAST A DISTANCE OF 2670.84 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE RUN SOUTH 00°06'44" WEST A DISTANCE OF 1329.35 FEET TO A POINT; THENCE RUN SOUTH 00°06'46" WEST A DISTANCE OF 1329.43 FEET TO A POINT; THENCE RUN SOUTH 00°07'44" WEST A DISTANCE OF 40.00 FEET TO A POINT; THENCE RUN NORTH 89°58'21" WEST A DISTANCE OF 1333.27 FEET TO A POINT; THENCE RUN SOUTH 00°04'03" WEST A DISTANCE OF 1285.23 FEET TO A POINT; THENCE RUN SOUTH 89°48'03" EAST A DISTANCE OF 1332.77 FEET TO A POINT; THENCE RUN SOUTH 00°08'06" WEST A DISTANCE OF 1329.18 FEET TO THE POINT OF BEGINNING. (341.34 ACRES, MORE OR LESS)

TRACT-9 TO BE ZONED A-O

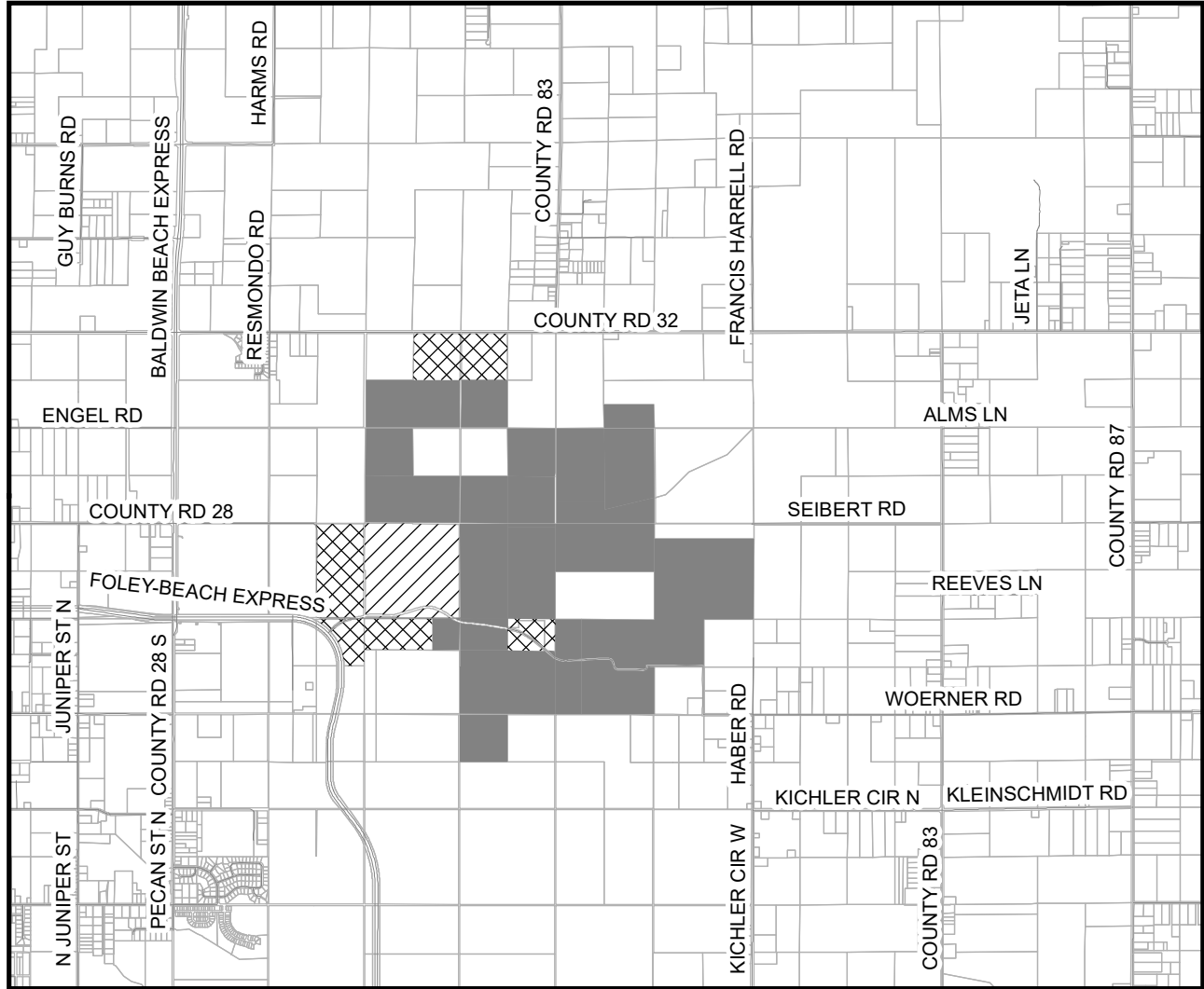
BEGINNING FROM THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°59'30" EAST A DISTANCE OF 2756.84 FEET TO A POINT; THENCE RUN SOUTH 00°03'14" WEST A DISTANCE OF 426.83 FEET TO A POINT; THENCE RUN NORTH 89°59'22" EAST A DISTANCE OF 2757.40 FEET TO A POINT; THENCE RUN SOUTH 00°03'43" EAST A DISTANCE OF 2265.95 FEET TO A POINT; THENCE RUN NORTH 88°41'28" WEST A DISTANCE OF 1370.58 FEET TO A POINT; THENCE RUN SOUTH 00°05'29" WEST A DISTANCE OF 1346.36 FEET TO A POINT; THENCE RUN NORTH 89°50'02" WEST A DISTANCE OF 1377.41 FEET TO A POINT; THENCE RUN SOUTH 00°29'53" WEST A DISTANCE OF 1328.13 FEET TO A POINT; THENCE RUN NORTH 89°32'30" WEST A DISTANCE OF 2027.28 FEET TO A POINT; THENCE RUN SOUTH 89°48'49" WEST A DISTANCE OF 738.24 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE RUN NORTH 00°08'06" EAST A DISTANCE OF 1329.18 FEET TO A POINT; THENCE RUN NORTH 00°05'28" EAST A DISTANCE OF 1329.23 FEET TO A POINT; THENCE RUN SOUTH 89°46'10" EAST A DISTANCE OF 2766.66 FEET TO A POINT; THENCE RUN NORTH 00°13'28" WEST A DISTANCE OF 1335.15 FEET TO A POINT; THENCE RUN NORTH 89°53'16" WEST A DISTANCE OF 2758.80 FEET TO A POINT; THENCE RUN NORTH 00°06'44" EAST A DISTANCE OF 1329.35 FEET TO THE POINT OF BEGINNING. (437.83 ACRES, MORE OR LESS)

TRACT-10 TO BE ZONED A-O

BEGINNING FROM THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°10'43" EAST A DISTANCE OF 2653.26 FEET TO A POINT; THENCE RUN SOUTH 89°45'10" EAST A DISTANCE OF 1354.82 FEET TO A POINT; THENCE RUN NORTH 00°29'17" WEST A DISTANCE OF 674.36 FEET TO A POINT; THENCE RUN NORTH 89°56'44" EAST A DISTANCE OF 1385.45 FEET TO A POINT; THENCE RUN SOUTH 01°26'00" EAST A DISTANCE OF 662.02 FEET TO A POINT; THENCE RUN SOUTH 00°03'14" WEST A DISTANCE OF 2660.85 FEET TO A POINT; THENCE RUN SOUTH 89°59'30" WEST A DISTANCE OF 2756.84 FEET TO THE POINT OF BEGINNING. (189.01 ACRES, MORE OR LESS)



PUBLIC NOTICE



The City of Foley Planning Commission has received a request to recommend to Mayor and Council the rezoning of 1,734 +/- acres. Property is currently zoned PUD (Planned Unit Development) proposed zoning is AO (Agricultural Open Space), B-2 (Neighborhood Business District) and R-1C (Residential Single Family). Property is located at the NE corner of the Foley Beach Express and County Rd. 32. Applicant is FB Express, LLC.

Anyone interested in this rezoning request may be heard at a public hearing scheduled for Wednesday, April 15, 2020 in the Council Chambers of City Hall located at 407 E. Laurel Ave. at 5:30 p.m. or may respond in writing to 120 S. McKenzie St., Foley, AL 36535.

Due to COVID-19 we will accept email comments (mringler@cityoffoley.org or acole@cityoffoley.org). Or you may call 952-4011 and Melissa or Amanda can take your verbal comments. These will be entered into the meeting minutes. The PC members will be conducting the meeting via teleconferencing. If you wish to participate in this manner dial 1-415-966-1739 PIN 984 123 796#. If you choose to attend the meeting please follow social distancing rules.

-  B-2 (Neighborhood Business District)
-  AO (Agricultural Open Space)
-  R-1C (Residential Single Family)

Phillip Hinesley
Planning Commission Chairman

The following information is furnished in accordance with Code of Alabama 1975, Section 40-22-1, and is verified by the signature of the Grantor below:

Grantor's name: Charter Landing Estates, LLC

Mailing address: 101 Shallow Springs Cove
Fairhope, AL 36532

Grantee's name: FB Express, LLC

Mailing address: 1013 Captain O'Neal Dr
Daphne, AL 36526

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 2/21/2019 2:32 PM
DEED TAX \$ 6420.00
TOTAL \$ 6454.00
8 Pages

1744523



Property address: Baldwin & Talladega County
1, 2, 10, 11, 12 & 14-7-4 & Lots 6 & 7
Payton Park

Date of Sale: 2-19-2019

Total Purchase Price: 6,420,000.00

or Actual Value:

or Assessor's Market Value:

Baldwin 93.76947% = \$6,029,000
Talladega 6.23053% = \$400,000

The purchase price or actual value claimed can be verified in the following documentary evidence: (check one)

Bill of Sale, Sales Contract, ☒ Closing Statement, Appraisal, other

WARRANTY DEED

STATE OF ALABAMA:

COUNTY OF BALDWIN:

②
66435A

KNOW ALL MEN BY THESE PRESENTS, that CHARTER LANDING ESTATES, LLC, an Alabama Limited Liability Company, the GRANTOR, for and in consideration of the sum of TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by FB EXPRESS, LLC, the GRANTEE, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEE, in fee simple, subject to the provisions hereinafter contained, all that real property in said County, State of Alabama described as follows, to-wit:

PARCEL A:

The East Half of the Northeast Quarter, Section 10, Township 7 South, Range 4 East, Baldwin County, Alabama.
LESS AND EXCEPT THOSE PORTIONS ON THE NORTH, SOUTH, AND EAST NOW BEING USED AS PUBLIC RIGHTS-OF-WAY.

ALSO DESCRIBED AS:

Commence at the Northeast corner of Section 10, Township 7 South, Range 4 East, Baldwin County, Alabama for the point of beginning; run thence South 00°03'17" East for 2626.44 feet to the North right-of-way of Woerner Road; run thence South 89°51'05" West along the North right-of-way of said Woerner Road for 1328.65 feet; run thence North 00°01'46" West for 2629.81 feet to the North line of said Section 10; run thence North 89°46'51" East along the North line of said Section 10 for 1327.47 feet to the Northeast corner of said Section 10, Township 7 South, Range 4 East and the Point of Beginning.

PARCEL B:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 59 MINUTES 12 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 2 FOR 1329.43 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 2; RUN THENCE SOUTH 00 DEGREES 10 MINUTES 01 SECONDS WEST ALONG THE CENTERLINE OF THE NORTHEAST QUARTER SECTION FOR 40.00 FEET TO A CONCRETE MONUMENT ON THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD NO. 32 FOR THE POINT OF BEGINNING; CONTINUE THENCE SOUTH 00 DEGREES 10 MINUTES 01 SECONDS WEST ALONG THE CENTERLINE OF THE NORTHEAST QUARTER SECTION FOR 2621.23 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 2; RUN THENCE NORTH 89 DEGREES 56 MINUTES 19 SECONDS WEST

ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 FOR 2664.73 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; RUN THENCE SOUTH 00 DEGREES 17 MINUTES 38 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2 FOR 1329.51 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; RUN THENCE SOUTH 89 DEGREES 54 MINUTES 53 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2 AND THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2 FOR 2667.67 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2; RUN THENCE SOUTH 00 DEGREES 10 MINUTES 01 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2 FOR 1330.62 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 51 SECONDS WEST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND ALONG A PORTION OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11 FOR 3525.94 FEET; RUN THENCE NORTH 89 DEGREES 45 MINUTES 28 SECONDS WEST FOR 3998.63 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 17 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 FOR 452.98 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; RUN THENCE SOUTH 89 DEGREES 33 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 FOR 1329.47 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; RUN THENCE NORTH 00 DEGREES 01 MINUTE 11 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 FOR 1324.93 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; RUN THENCE NORTH 89 DEGREES 38 MINUTES 09 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 FOR 1328.66 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; RUN THENCE NORTH 00 DEGREES 03 MINUTES 17 SECONDS WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10 FOR 2646.44 FEET TO THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 00 DEGREES 21 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 2 FOR 3986.87 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; RUN THENCE SOUTH 89 DEGREES 57 MINUTES 46 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 FOR 1330.91 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2; RUN THENCE NORTH 00 DEGREES 17 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 FOR 1289.51 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID COUNTY ROAD NO. 32; RUN THENCE SOUTH 89 DEGREES 59 MINUTES 12 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY OF SAID COUNTY ROAD NO. 32 FOR 2658.97 FEET TO A CONCRETE MONUMENT AND THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 33 MINUTES 46 SECONDS EAST ALONG THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION FOR 565.39 FEET TO THE POINT OF BEGINNING; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1216.15 FEET FOR AN ARC DISTANCE OF 1208.02 FEET, A CHORD OF NORTH 29 DEGREES 13 MINUTES 03 SECONDS WEST FOR 1158.97 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; RUN THENCE NORTH 00 DEGREES 01 MINUTE 11 SECONDS WEST ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION FOR 230.37 FEET; RUN THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1416.15 FEET FOR AN ARC DISTANCE OF 459.67 FEET, A CHORD OF SOUTH 53 DEGREES 22 MINUTES 05 SECONDS EAST FOR 457.66 FEET; RUN THENCE NORTH 47 DEGREES 03 MINUTES 54 SECONDS EAST FOR 127.19 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1030.00 FEET FOR AN ARC DISTANCE OF

448.70 FEET, A CHORD OF NORTH 59 DEGREES 32 MINUTES 42 SECONDS EAST FOR 445.16 FEET; RUN THENCE NORTH 89 DEGREES 57 MINUTES 05 SECONDS EAST FOR 317.02 FEET; RUN THENCE SOUTH 00 DEGREES 02 MINUTES 58 SECONDS EAST FOR 10.00 FEET; RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 970.00 FEET FOR AN ARC DISTANCE OF 726.06 FEET, A CHORD OF SOUTH 68 DEGREES 30 MINUTES 28 SECONDS WEST FOR 709.23 FEET; RUN THENCE SOUTH 47 DEGREES 03 MINUTES 56 SECONDS WEST FOR 127.27 FEET; RUN THENCE IN A SOUTHEASTERLY DIRECTION ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1416.15 FEET FOR AN ARC DISTANCE OF 1011.55 FEET, A CHORD OF SOUTH 21 DEGREES 10 MINUTES 43 SECONDS EAST FOR 990.18 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; RUN THENCE SOUTH 89 DEGREES 33 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 FOR 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL C:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE SOUTH 00 DEGREES 06 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA FOR 100.00 FEET TO THE POINT OF BEGINNING; CONTINUE THENCE SOUTH 00 DEGREES 06 MINUTES 13 SECONDS WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 FOR 2558.80 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; RUN THENCE SOUTH 89 DEGREES 45 MINUTES 28 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 4 EAST FOR 733.05 FEET; RUN THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST FOR 2653.06 FEET TO THE SOUTH LINE OF SAID SECTION 12; RUN THENCE SOUTH 89 DEGREES 47 MINUTES 44 SECONDS WEST FOR 737.85 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; RUN THENCE NORTH 89 DEGREES 37 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 11 FOR 1331.68 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 49 SECONDS WEST FOR 1340.07 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; RUN THENCE NORTH 89 DEGREES 42 MINUTES 37 SECONDS WEST FOR 1330.74 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14; RUN THENCE NORTH 00 DEGREES 01 MINUTE 28 SECONDS EAST FOR 3124.45 FEET; RUN THENCE SOUTH 89 DEGREES 45 MINUTES 28 SECONDS EAST FOR 1332.89 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; RUN THENCE NORTH 00 DEGREES 03 MINUTES 51 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SOUTHEAST QUARTER AND THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER FOR 3425.82 FEET; RUN THENCE SOUTH 89 DEGREES 53 MINUTES 45 SECONDS EAST FOR 1335.26 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 AND THE POINT OF BEGINNING. SAID LAND BEING IN SECTIONS 11, 12 AND 14, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, AL.

LESS AND EXCEPT FROM PARCEL C, THE FOLLOWING-DESCRIBED PROPERTY, TO WIT:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00° 06' 24" WEST A DISTANCE OF 100.00 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00° 06' 46" WEST A DISTANCE OF 2558.78 FEET TO A 5/8" CRF (CA#085); THENCE RUN NORTH 89° 57' 43" WEST A DISTANCE OF 297.30 FEET TO A POINT; THENCE RUN SOUTH 00° 00' 00" EAST A DISTANCE OF 53.53 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604) FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00° 00' 00" EAST A DISTANCE OF 914.84 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 90° 00' 00" WEST A DISTANCE OF 140.00 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00° 00' 00" EAST A DISTANCE OF 165.00 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 90° 00' 00" WEST A DISTANCE OF 897.13 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 00° 01' 24" EAST A DISTANCE OF 268.55 FEET TO A 5/8" IRON REBAR WITH CAP (CA#085); THENCE RUN NORTH 00° 03' 53" EAST A DISTANCE OF 623.71 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89° 59' 41" EAST A DISTANCE OF 311.32 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 00° 00' 00" EAST A DISTANCE OF 195.52 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 89° 22' 14" EAST A DISTANCE OF 725.04 FEET TO THE POINT OF BEGINNING.

PARCEL D:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°06'24"-W, ALONG THE EAST LINE OF SAID SECTION 11, SAID LINE ALSO BEING THE WEST LINE OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, 100.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N-89°53'56"-W, LEAVING SAID EAST LINE, 1335.44 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN N-00°03'45"-E, 100.24 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 11, SAID LINE ALSO BEING THE SOUTH LINE OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°09'48"-E, LEAVING SAID NORTH LINE OF SECTION 11, INTO SAID SECTION 2, 2661.01 FEET TO POINT SITUATED AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE RUN S-89°33'49"-E, 1336.29 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 2, SAID LINE ALSO BEING THE WEST LINE OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-00°10'43"-W, ALONG SAID EAST LINE, 1990.08 FEET TO A POINT SITUATED AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN N-89°57'09"-E, LEAVING SAID EAST LINE OF SECTION 2, INTO SAID SECTION 1, 1372.41 FEET TO A POINT SITUATED AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN N-00°19'42"-W, 1992.92 FEET TO A POINT SITUATED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN N-00°29'36"-W, 664.39 FEET TO A POINT SITUATED AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE RUN N-89°56'44"-E, 1385.45 FEET TO A POINT SITUATED AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE RUN S-01°25'44"-E, 661.81 FEET TO A POINT SITUATED AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE RUN S-00°03'30"-W, 2661.06 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 1, SAID LINE ALSO BEING THE NORTH LINE OF SAID SECTION 12; THENCE RUN S-00°00'59"-W, LEAVING SAID SECTION 1, INTO SAID SECTION 12, 1335.16 FEET TO A POINT SITUATED AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE RUN N-89°53'16"-W, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 12, 2758.66 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 12, SAID LINE ALSO BEING THE EAST LINE OF SAID SECTION 11; THENCE RUN N-00°06'24"-E, ALONG SAID WEST LINE OF SECTION 12, 1229.36 FEET TO THE POINT OF BEGINNING, LYING IN SECTION 1, 2, 11, AND 12, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

PARCEL E:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN N-00°10'43"-E, ALONG THE WEST LINE OF SAID SECTION 1, SAID LINE ALSO BEING THE EAST LINE OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA, 663.36 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1 AND THE POINT OF BEGINNING; THENCE CONTINUE N-00°10'43"-E, ALONG SAID WEST LINE OF SECTION 1, 1990.08 FEET TO A POINT SITUATED AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN N-89°49'58"-E, LEAVING SAID WEST LINE OF SAID SECTION 1, 1354.79 FEET TO A POINT SITUATED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN S-00°19'42"-E, 1992.92 FEET TO A POINT SITUATED AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN S-89°57'09"-W, 1372.41 FEET TO THE POINT OF BEGINNING, AND LYING IN SECTION 1, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA.

PARCEL F:

Commence at the Northwest corner of Section 12, Township 7 South, Range 4 East, Baldwin County, Alabama; thence run North 89° 59' 30" East, along the North line of said Section 12, 2756.57 feet to the Northwest corner of the Northeast Quarter of said Section 12; thence run South 00° 00' 59" West, along the West line of said Northeast Quarter of Section 12, 426.75 feet to the Point of Beginning; thence run North 89° 59' 30" East, 2757.23 feet to a point on the East line of said Northeast Quarter of Section 12; thence run South 00° 04' 20" East, along said East line of the Northeast Quarter of Section 12, 2265.56 feet to the Southeast corner of said Northeast Quarter of Section 12; thence run North 88°

42' 00" West along the South line of said Northeast Quarter, said line also being the North line of the Southeast Quarter of said Section 12, 1370.53 feet to the Northeast corner of the Northwest Quarter of said Southeast Quarter of Section 12; thence run South 00° 05' 44" West, along the East line of said Northwest Quarter of the Southeast Quarter of Section 12, 1345.98 feet to the Southeast corner of said Northwest Quarter; thence run North 89° 51' 20" West, along the South line of said Northwest Quarter, said line also being the North line of the Southwest Quarter of the Southeast Quarter of Section 12, 1377.59 feet to the Northwest corner of said Southwest Quarter of the Southeast Quarter of Section 12; thence run South 00° 30' 03" West, along the West line of said Southwest Quarter of the Southeast Quarter, 1328.27 feet to the Southwest corner of said Southeast Quarter of Section 12, said point also being the Southeast corner of the Southwest Quarter of said Section 12; thence run North 89° 31' 58" West, along the South line of said Southwest Quarter of Section 12, 2026.91 feet to a point; thence run North 00° 00' 07" West, 2652.93 feet to a point on the North line of said Southwest Quarter of Section 12, thence run South 89° 46' 02" East, along said North line of the Southwest Quarter of Section 12, 2033.40 feet to the Northeast corner of said Southwest Quarter of Section 12, said point also being the Southeast corner of the Northeast Quarter of said Section 12; thence run North 00° 13' 19" West, along the West line of said Northeast Quarter of Section 12, 1335.19 feet to the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 12; thence run North 00° 00' 59" East, continuing along said West line of the Northeast Quarter of Section 12, 908.41 feet to the Point of Beginning.

PARCEL G:

Lots 6 and 7, PAYTON PARK, according to map or plat thereof recorded in the Office of the Probate Judge of Talladega County, Alabama, in Plat Book 6, pages 252 and 253.

THIS CONVEYANCE AND THE WARRANTIES HEREUNDER ARE SUBJECT TO THE FOLLOWING:

1. Deed from The Magnolia Springs Land Company to the Highway Commissioners of Baldwin County, Alabama recorded in Deed Book 22 page 314. (Parcels A, B, C, D, E)
2. Oil, gas and mineral lease from Magnolia Land Company to Moore and Barrett, Inc. dated October 29, 1981 and recorded in Real Property Book 101 page 1827, assigned to Clayton W. Williams, Jr. in Real Property Book 101 page 1831. (Parcels A, B, C and D)
3. Reservation of all interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Magnolia Land Company, to Woerner Realty Company, Inc., dated February 29, 1984 and recorded in Real Property Book 170 page 69. (Parcels A, B, C, D and F)
4. Terms, conditions, easements, agreements, covenants, conditions, limitations and restrictions appearing of record in deed from Woerner Realty, Inc. to the City of Foley dated August 18, 1998 and recorded in Real Property Book 868 page 741, and in the Scrivener's Affidavit and attachments thereto recorded at Instrument 497325. (Parcels A and B)
5. Terms, conditions, easements, agreements, covenants, conditions, limitations and restrictions of Agreement by and between Woerner Realty, Inc. and Baldwin County Bridge Company, L.L.C. dated April 12, 1999 and recorded at Instrument 495450, and any failure to comply with said terms and conditions. (Parcels A and B)
6. Right of Way Deed from Woerner Realty, Inc. to the City of Foley, Alabama dated July 13, 1999 and recorded at Instrument 501685. (Parcels A and B)
7. Any portion of the herein-described property lying within the right-of-way of public roads. (Parcels A-F)
8. Easement granted Baldwin County Electric Membership Corporation by Magnolia Springs Land Company, dated October 7, 1937, and recorded in Deed Book 63 page 389. (Parcel B)
9. Reservation of all oil, gas, and minerals and rights in connection therewith as contained in deed from Magnolia Land Company, to William E. Kinsey and Leona Thomas Kinsey, dated November 20, 1956 and recorded in Deed Book 247 page 102. (Parcels B, C and D)
10. Reservation of 1/2 interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Magnolia Land Company, to Jerry Resmondo and Lorena Resmondo, dated February 13, 1959, and recorded in Deed Book 275, page 541. (Parcels B and D)
11. Reservation of an easement for roadway purposes as contained in deed from Magnolia Land Company, to Jerry Resmondo and Lorena Resmondo, dated February 13, 1959, and recorded in Deed Book 275, page 541. (Parcels B and D)
12. Oil, gas and mineral lease from Jerry Resmondo and Lorena Resmondo to Harold Rogers dated January 12, 1982 and recorded in Real Property Book 108 page 534. (Parcel B)
13. Royalty Deed from Jerry Resmondo and Lorena Resmondo to Jeff Crow dated February 16, 1982 and recorded in Real Property Book 112 page 1156. (Parcels B and D)
14. Reservation of all interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Magnolia Land Company, Inc. to Woerner Realty Company, Inc., dated December 27, 1984 and recorded in Real Property Book 200 page 1070. (Parcels B and D)
15. Right of Way Deed from Jerry Resmondo and wife to Baldwin County dated April 19, 1956 and recorded in Real Property Book 386 page 1363. (Parcels B and D)

16. Any part of the land described which may constitute wetlands or tidelands and any restriction on use or development arising out of a determination that the land, or some portion thereof, may be subject to provisions of Alabama Coastal Preservation statutes. (Parcels B and D)
17. Rights of the United States of America, State of Alabama, or other parties in and to the bed, shore and water of all unnamed bodies of water as shown on Baldwin County tax maps. (Parcels C and D)
18. Rights, if any, of the public to use as a public beach or recreation area any part of the herein described land lying between the body of water abutting said land and the natural line of vegetation, dunes, extreme high water line or other apparent boundary lines separating the publicly used area from the upland private area. (Parcels C, D and F)
19. Oil, gas, and mineral lease from Arthur A. Holk and Frances Josephine Holk to Clayton W. Williams, Jr. dated June 24, 1981 and recorded in Real Property Book 97 page 664. (Parcels C, D)
20. Rights of other parties in and to the roads and trails as shown on Baldwin County tax maps and survey by Ercil E. Godwin, Hutchinson, Moore and Rauch, LLC, dated January 14, 2008, ID #3117ALTA.dwg, A0008\3117\3011.
21. Reservation of 7/8 interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Magnolia Land Company, to Foley & Company, dated January 15, 1959, and recorded in Deed Book 275 page 436. (Parcels D and E)
22. Reservation of 7/8 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Magnolia Land Company to Anton Leiterman and Marcella L. Leiterman, dated January 27, 1962 and recorded in Deed Book 314, Page 83. (Parcel D)
23. Reservation of 1/2 interest in and to all oil, gas and minerals and rights in connection therewith as contained in deed from Anton Leiterman and Marcella Leiterman to Leiterman Farms, Inc., dated February 14, 1969 and recorded in Deed Book 400, Page 797. (Parcel D)
24. Oil, gas and mineral lease from Leiterman Farms, Inc. to Supron Energy Corporation, dated October 12, 1981 and recorded in Real Property Book 103, Page 1422. (Parcel D)
25. Oil, gas and mineral lease from Jerry Resmondo and Lorena Resmondo to Harold Rogers dated January 12, 1982 and recorded in Real Property Book 108 page 534. (Parcel D)
26. Conveyance of oil, gas and mineral interest as set out in the Deed from Edward J. Woerner and Lillie L. Woerner to Samuel F. Parker, Trustee, dated December 9, 1980, and recorded in Real Property Book 82, page 552. (Parcel E)
27. Reservation of all interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from THE EDWARD J. WOERNER FAMILY LIMITED PARTNERSHIP II to AIG BAKER FOLEY, L.L.C., dated January 12, 2007 and recorded at Instrument 1027797. (Parcel E)
28. Rights of the United States of America, State of Alabama, or other parties in and to the bed, shore and water of Maurice Creek. (Parcel F)
29. Matters as shown on survey by Ercil E. Godwin, Hutchinson, Moore and Rauch, LLC, dated January 14, 2008, ID #3117ALTA.dwg, A0008\3117\3011, as follows: (A) Unnamed right-of-way and dirt roads. (Parcels A-F) (B) Discrepancies in actual and record distances and bearings. (Parcels A-F) (C) Any claim arising as a result of the hog wire and wood fences not being located on the property lines. (Parcel A) (D) Baldwin County Electric Membership Corporation Easement, Woerner Road, overhead electric lines, wire fence, pond, wells and telephone pedestal. (Parcel B) (E) Overhead electric lines and power poles. (Parcel C) (F) Any claim arising as a result of the fence not being located on the property lines. (Parcels D and E) (G) Woerner Road Prescriptive Right-of-Way (Parcel F)
30. Terms, conditions, rules, regulations, subdivision regulations, ordinances, and other matters relating to the City of Foley, Alabama, including, but not limited to: (A) City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto. (Parcels A-F) (B) Tree and Natural Feature Preservation Ordinance Number 1009-07, recorded at Instrument 1079685, as the same may have been modified at Instrument 1556660, Heritage Tree Preservation Ordinance Number 15-1003 as recorded at Instrument 1508545, and Ordinance Number 15-1003 Regulating Environmental Permits Related to Land Disturbance within the City of Foley recorded at Instrument 1508544. (Parcels A-F) (C) City of Foley Ordinance No. 986-07, adopting the 2006 International Building (ICC) codes and supplemental provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes, dated June 18, 2007, as amended at Instruments 1110234, 1118864, 1198497; Ordinance No. 1200-12 adopting the 2009 codes, dated July 2, 2012 and recorded at Instrument 1348178; Ordinance No. 13-1025 approving the amendments to the City of Foley Building Codes, dated January 7, 2013, and recorded at Instrument 1380798; Ordinance No. 13-1043 adopting and amending the 2009 codes, dated November 4, 2013 and recorded at Instrument 1429467, as amended in Ordinance 13:1054 at Instrument 1436249; Ordinance No. 15-1013 adopting the 2012 codes, dated June 1, 2015 and recorded at Instrument 1517983; and Ordinance No. 16-2020-ORD adopting the 2012 codes, dated September 6, 2016 and recorded at Instrument 1594654. (Parcels A-F)
31. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.
32. Rights of tenants in possession under unrecorded leases. (Parcels A-G)
33. Farm Lease Agreement by and between AIG Baker Foley, L.L.C. and Corte-Sirmon, LLC, dated August 31, 2011, as assigned to CHARTER LANDING ESTATES, LLC, by

Assignment dated _____ and recorded at Instrument _____

34. Way of Necessity in favor of owners of the property excepted from Parcel C in Schedule A over and across the insured land. (Parcels A-F).
35. Transmission Line Permit from Mrs. Cilicia K. Ogletree, et. al. to Alabama Power Company, dated April 28, 1927, and recorded in Deed Book 86, page 163. (Parcel G)
36. Easement from Murray P. McCluskey and Betty G. McCluskey to The City of Sylacauga, Alabama, dated June 28, 1979, and recorded in Deed Book 447, page 292. (Parcel G)
37. Utility Easement from Murray P. McCluskey and French P. Ogletree to The Utilities Board of the City of Sylacauga, dated June 17, 1988, and recorded in Deed Book 563, pages 374 and 376. (Parcel G)
38. Building setback lines, drainage and retention easements, sanitary sewer easements, utility easements and all other matters as shown on plat of said subdivision recorded in Plat Book 6, pages 252 and 253. (Parcel G)
39. Terms and conditions of the Agreement by and between Alabama Power Company and A. B. \ Sylacauga Limited Partnership, dated July 14, 1995, and recorded in Deed Book 670, page 783. (Parcel G)
40. Terms and conditions of the Non-Exclusive Easement Agreement by and between A.B./Sylacauga Limited Partnership and Ryan's Family Steak Houses, Inc., dated March 31, 1997, and recorded in Deed Book 683, page 580. (Parcel G)
41. Covenants, conditions and restrictions appearing of record in Deed Book 705, page 157. (Parcel G)

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; **TO HAVE AND TO HOLD** unto the said **GRANTEE**, and to the successors and assigns of said **GRANTEE**, in fee simple, **FOREVER**.

And, except as to the above and taxes hereafter falling due, which are assumed by the **GRANTEE**, the **GRANTOR**, for itself, its successors and assigns, does hereby **COVENANT AND WARRANT** to and with the said **GRANTEE**, the successors and assigns of said **GRANTEE**, that **GRANTOR** is seized of an indefeasible estate in fee simple in and to said real property, and has a good and lawful right to sell and convey the same; and that said real property is, except as is recited above, free and clear of all liens and encumbrances of every kind and nature whatsoever; and **GRANTOR** does hereby **WARRANT AND WILL FOREVER DEFEND** the title to said real property, and the possession thereof, unto the said **GRANTEE**, and the successors and assigns of said **GRANTEE**, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has set its hand and seal on this the 19 day of February, 2019.

CHARTER LANDING ESTATES, LLC, an Alabama
Limited Liability Company

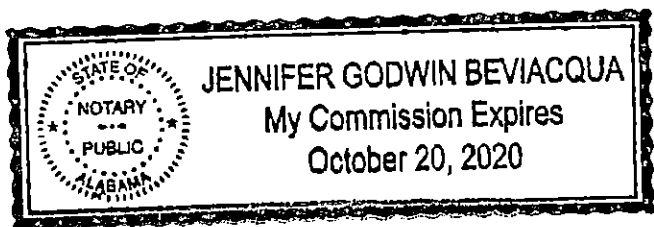
By: Kenneth Montgomery
KENNETH MONTGOMERY
Its: MEMBER

By: Deena C. Montgomery
DEENA C. MONTGOMERY
Its: MEMBER

STATE OF Alabama :
COUNTY OF Baldwin :

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared **KENNETH MONTGOMERY** as **MEMBER** of **CHARTER LANDING ESTATES, LLC**, an Alabama Limited Liability Company, whose name as Grantor is signed to the foregoing instrument, and who is known to me, who after by me first being duly sworn on oath did depose and say that being informed of the contents of said instrument, he executed the same voluntarily and with full power and authority to act on behalf of said limited liability company, on the day the same bears date.

Given under my hand and seal on this 19 day of February, 2019.

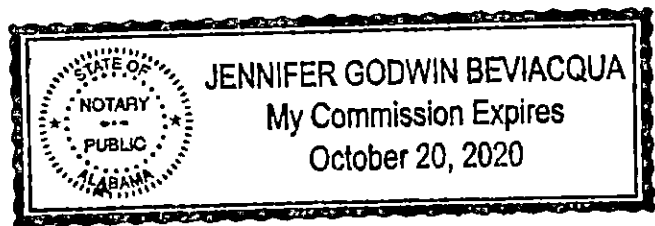


Jennifer Godwin Beviacqua
NOTARY PUBLIC
My Commission Expires:

STATE OF Alabama :
COUNTY OF Baldwin :

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared **DEENA C. MONTGOMERY** as **MEMBER** of **CHARTER LANDING ESTATES, LLC**, an Alabama Limited Liability Company, whose name as Grantor is signed to the foregoing instrument, and who is known to me, who after by me first being duly sworn on oath did depose and say that being informed of the contents of said instrument, she executed the same voluntarily and with full power and authority to act on behalf of said limited liability company, on the day the same bears date.

Given under my hand and seal on this 19 day of February, 2019.



Jennifer Godwin Beviacqua
NOTARY PUBLIC
My Commission Expires:

*This instrument prepared by:
Lori Meadows, P.C.
24407 Lauder Place
Orange Beach, AL 36561
(251) 942-5541*

*The scrivener of this instrument and Lori Meadows, P.C.
represents neither the Grantors nor the Grantee.
Independent counsel should be consulted for legal advice,
if desired by either party.*

The following information is furnished in accordance with Code of Alabama 1975, Section 40-22-1, and is verified by the signature of the Grantor below:

Grantor's name: FB Express LLC
Mailing address: 1013 Captain Overly Dr.
Daphne, AL 36526
Grantees' names: Kenneth Montgomery
Deena Montgomery
Mailing address: 101 Shallow Springs Ct
Fairhope AL 36532

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 12/30/2019 8:51 AM
DEED TAX \$ 163.00
TOTAL \$ 182.00
3 Pages

1802714



Property address: Meter Bonds
Date of Sale: 12-23-19
Total Purchase Price: 163,000.00
or Actual Value: _____
or Assessor's Market Value: _____

The purchase price or actual value claimed can be verified in the following documentary evidence: (check one)
_____ Bill of Sale, _____ Sales Contract, ☒ Closing Statement, _____ Appraisal, _____ other

WARRANTY DEED

STATE OF ALABAMA:
COUNTY OF BALDWIN:

67307A

KNOW ALL MEN BY THESE PRESENTS, that FB EXPRESS, LLC, an Alabama Limited Liability Company, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by KENNETH MONTGOMERY and DEENA C. MONTGOMERY, the GRANTEES, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEES, as tenants in common with equal interests during the period of their concurrent lives, and upon the death of either of said GRANTEES, the remainder to the survivor of said GRANTEES, in fee simple, subject to the provisions hereinafter contained, all that real property in said County, State of Alabama described as follows, to-wit:

COMMENCING FROM A 5/8" IRON REBAR AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°08'06" EAST A DISTANCE OF 1329.18 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89°48'03" WEST A DISTANCE OF 1332.77 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) LYING ON THE EASTERLY MARGIN OF A 30' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT; THENCE RUN NORTH 00°04'03" EAST ALONG SAID EASTERLY MARGIN A DISTANCE OF 1285.23 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) LYING ON THE SOUTH MARGIN OF A 40' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT; THENCE RUN SOUTH 89°58'21" EAST ALONG SAID SOUTH MARGIN A DISTANCE OF 1333.27 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156); THENCE LEAVING SAID MARGIN SOUTH 00°05'24" WEST A DISTANCE OF 1289.23 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT the following-described property:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00° 06' 24" WEST A DISTANCE OF 100.00 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00° 06' 46" WEST A DISTANCE OF 2558.78 FEET TO A 5/8" CRF (CA#085); THENCE RUN NORTH 89° 57' 43" WEST A DISTANCE OF 297.30 FEET TO A POINT; THENCE RUN SOUTH 00° 00' 00" EAST A DISTANCE OF 53.53 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604) FOR THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00° 00' 00" EAST A DISTANCE OF 914.84 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 90° 00' 00" WEST A DISTANCE OF 140.00 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00° 00' 00" EAST A DISTANCE OF 165.00 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 90° 00' 00" WEST A DISTANCE OF 897.13 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 00° 01' 24" EAST A DISTANCE OF 268.55 FEET TO A 5/8" IRON REBAR WITH CAP (CA#085); THENCE RUN NORTH 00° 03' 53" EAST A DISTANCE OF 623.71 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89° 59' 41" EAST A DISTANCE OF 311.32 FEET TO A 1/2" IRON

REBAR WITH CAP (CA#604); THENCE RUN NORTH 00° 00' 00" EAST A DISTANCE OF 195.52 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 89° 22' 14" EAST A DISTANCE OF 725.04 FEET TO THE POINT OF BEGINNING.

THIS CONVEYANCE AND THE WARRANTIES HEREUNDER ARE SUBJECT TO THE FOLLOWING:

1. Any restriction on use or development arising out of a determination that any part of the land described may constitute wetlands or tidelands, or some portion thereof, may be subject to provisions of Alabama Coastal Preservation statutes.
2. Oil, gas, and mineral lease from Arthur A. Holk and Frances Josephine Holk to Clayton W. Williams, Jr. dated June 24, 1981 and recorded in Real Property Book 97 page 664.
3. Road and trails as shown on Baldwin County Tax Maps.
4. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.
5. Rights of tenants in possession under unrecorded leases.
6. Farm Lease Agreement by and between FB EXPRESS, LLC. and SIRMON FARMS, dated February 6, 2019, as referenced in the Purchase Agreement by and between FB EXPRESS, LLC and BRAHMAN HOLDINGS, LLC, dated March 8, 2019.
7. Way of Necessity in favor of Charter Landing Estates, LLC to access property owned by it over and across herein described land.
8. Reservation of one-half interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Arthur A. Holk to Woerner Realty Company, Inc., dated March 1, 1984, and recorded in Real Property Book 172, page 1138.
9. Terms, conditions, rules, regulations, subdivision regulations, ordinances, and other matters relating to the City of Foley, Alabama, including, but not limited to: (A) City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto. (B) Tree and Natural Feature Preservation Ordinance Number 1009-07, recorded at Instrument 1079685, as the same may have been modified at Instrument 1556660, Heritage Tree Preservation Ordinance Number 15-1003 as recorded at Instrument 1508545, and Ordinance Number 15-1003 Regulating Environmental Permits Related to Land Disturbance within the City of Foley recorded at Instrument 1508544. (C) City of Foley Ordinance No. 986-07, adopting the 2006 International Building (ICC) codes and supplemental provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes, dated June 18, 2007, as amended at Instruments 1110234, 1118864, 1198497; Ordinance No. 1200-12 adopting the 2009 codes, dated July 2, 2012 and recorded at Instrument 1348178; Ordinance No. 13-1025 approving the amendments to the City of Foley Building Codes, dated January 7, 2013, and recorded at Instrument 1380798; Ordinance No. 13-1043 adopting and amending the 2009 codes, dated November 4, 2013 and recorded at Instrument 1429467, as amended in Ordinance 13:1054 at Instrument 1436249; Ordinance No. 15-1013 adopting the 2012 codes, dated June 1, 2015 and recorded at Instrument 1517983; and Ordinance No. 16-2020-ORD adopting the 2012 codes, dated September 6, 2016 and recorded at Instrument 1594654.
10. Electric Line - Right of Way Easement from Edward Woerner & Sons to Baldwin County Electric Membership Corporation, dated January 28, 1985, and recorded at Instrument 1449926.
11. Lack of publicly dedicated means of ingress and egress to and from the property described herein.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; **TO HAVE AND TO HOLD** unto the said **GRANTEES** during their concurrent lives, and upon the death of either of said **GRANTEES**, to the survivor of said **GRANTEES**, and to the heirs and assigns of said survivor, in fee simple, **FOREVER**.

And, except as to the above and taxes hereafter falling due, which are assumed by the **GRANTEES**, the **GRANTOR** for **GRANTOR** and for the successors and assigns of **GRANTOR**, hereby **COVENANTS AND WARRANTIES** to and with the said **GRANTEES**, the survivor of said **GRANTEES**, and the heirs and assigns of said survivor, that **GRANTOR** is seized of an indefeasible estate in fee simple in and to said real property, and have a good and lawful right to sell and convey the same; that **GRANTOR** is in quiet and peaceable possession thereof; and that said real property is free and clear of all liens and encumbrances of every kind and nature whatsoever; and **GRANTOR** does hereby **WARRANT AND WILL FOREVER DEFEND** the title to said real property, and the possession thereof, unto the said **GRANTEES**, the survivor of said **GRANTEES**, and the heirs and assigns of said survivor, against the lawful claims and demands of all persons whomsoever.

It is the intention of the **GRANTEES** herein that the title be taken in their joint names as tenants in common with cross-contingent remainders to the survivor in fee, and that this estate be destructible only with the consent of all **GRANTEES**.

IN WITNESS WHEREOF, GRANTOR has set its hand and seal on this the 23rd day of December, 2019.

FB EXPRESS, LLC, an Alabama Limited Liability Company

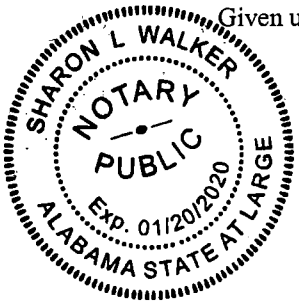
By: Janice D. Reed Manager
Its: **JANICE D. REED**
MANAGER

STATE OF ALABAMA :

COUNTY OF Baldwin :

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared **JANICE D. REED** as **MANAGER** of **FB EXPRESS, LLC**, an Alabama Limited Liability Company, whose name as Grantor is signed to the foregoing instrument, and who is known to me, who after by me first being duly sworn on oath did depose and say that being informed of the contents of said instrument, she executed the same voluntarily and with full power and authority to act on behalf of said limited liability company, on the day the same bears date.

Given under my hand and seal on this 23rd day of December, 2019.



Sharon L. Walker
NOTARY PUBLIC
My Commission Expires: 1/20/20

This instrument prepared by:
Lori Meadows, P.C.
24407 Lauder Place
Orange Beach, AL 36561
(251) 942-5541

The scrivener of this instrument and Lori Meadows, P.C.
represents neither the Grantor(s) nor the Grantee(s).
Independent counsel should be consulted for legal advice,
if desired by either party.

The following information is furnished in accordance with Code of Alabama 1975, Section 40-22-1, and is verified by the signature of the Grantor below:

Grantor's name: FB Express LLC
Mailing address: 1013 Captain Oneal Dr
Daphne, AL 36526

Grantee's name: Charter Landing Inc.
Mailing address: 101 Shallow Springs CV
Fairhope, AL 36532

Property address: Motels: Bonck
Date of Sale: 12-23-19
Total Purchase Price: 280,000.00
or Actual Value: _____
or Assessor's Market Value: _____

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed/cert. 12/31/2019 11:15 AM
DEED TAX \$ 280.00
TOTAL \$ 302.00
4 Pages

1803287

The purchase price or actual value claimed can be verified in the following documentary evidence: (check one)
_____ Bill of Sale, _____ Sales Contract, ☒ Closing Statement, _____ Appraisal, _____ other

WARRANTY DEED

STATE OF ALABAMA:
COUNTY OF BALDWIN:

67301

KNOW ALL MEN BY THESE PRESENTS, that FB EXPRESS, LLC, an Alabama Limited Liability Company, the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration hereby acknowledge to have been paid to the said GRANTOR by CHARTER LANDING, INC., the GRANTEE, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEE, in fee simple, subject to the provisions hereinafter contained, all that real property in said County, State of Alabama described as follows, to-wit:

PARCEL A:
BEGINNING FROM A 5/8" IRON REBAR AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°38'03" WEST A DISTANCE OF 1331.18 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE) LYING ON THE EASTERLY MARGIN OF A 30' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT; THENCE RUN NORTH 00°03'58" EAST ALONG SAID EASTERLY MARGIN A DISTANCE OF 1325.31 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156); THENCE LEAVING SAID EASTERLY MARGIN SOUTH 89°48'03" EAST A DISTANCE OF 1332.77 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156); THENCE RUN SOUTH 00°08'06" WEST A DISTANCE OF 1329.18 FEET TO THE POINT OF BEGINNING.

PARCEL B:
COMMENCING FROM A 5/8" IRON REBAR AT THE NORTHEAST CORNER OF SECTION 14, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°38'03" WEST A DISTANCE OF 1331.18 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°37'17" WEST A DISTANCE OF 30.00 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156), SAID IRON LYING ON THE WESTERLY MARGIN OF A 30' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT, FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00°03'41" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 1340.25 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156); THENCE LEAVING SAID WESTERLY MARGIN NORTH 89°42'05" WEST A DISTANCE OF 1300.72 FEET TO A 5/8" IRON REBAR WITH CAP (CA#085); THENCE RUN NORTH 00°02'50" EAST A DISTANCE OF 1342.07 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 89°37'18" EAST A DISTANCE OF 1301.06 FEET TO THE POINT OF BEGINNING.

Mortgage Recorded Simultaneously

PARCEL C:

COMMENCING FROM A 5/8" IRON REBAR AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°38'03" WEST A DISTANCE OF 1331.18 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°37'17" WEST A DISTANCE OF 30.00 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89°37'18" WEST A DISTANCE OF 1301.06 FEET TO A 1/2" CRF (CA#604); THENCE RUN NORTH 00°01'03" EAST A DISTANCE OF 1782.22 FEET TO A 1/2" CRF (CA#604); THENCE RUN SOUTH 89°45'12" EAST A DISTANCE OF 1302.57 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) LYING ON THE WESTERLY MARGIN OF A 30' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT; THENCE RUN SOUTH 00°04'03" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 459.99 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156); THENCE RUN SOUTH 00°03'58" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 1325.21 FEET TO THE POINT OF BEGINNING.

PARCEL D:

COMMENCING FROM A 5/8" IRON REBAR AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 7 SOUTH, RANGE 4 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°38'03" WEST A DISTANCE OF 1331.18 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°37'17" WEST A DISTANCE OF 30.00 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) LYING ON THE WESTERLY MARGIN OF A 30' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT; THENCE RUN NORTH 00°03'58" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 1325.21 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156); THENCE RUN NORTH 00°04'03" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 459.99 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) FOR THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY MARGIN NORTH 89°45'12" WEST A DISTANCE OF 1302.57 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN NORTH 89°45'31" WEST A DISTANCE OF 650.94 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156), SAID POINT BEING A REFERENCE POINT APPROXIMATELY 30 FEET EASTERLY FROM THE EAST BANK OF A POND; THENCE CONTINUE NORTH 89°45'31" WEST A DISTANCE OF 125.53 FEET TO A POINT IN SAID POND; THENCE RUN NORTH 00°00'41" WEST A DISTANCE OF 214.95 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156), SAID POINT BEING 30 FEET NORTHERLY OF THE NORTH BANK OF SAID POND AND LYING NORTH 30°13'54" WEST A DISTANCE OF 249.39 FEET FROM THE AFOREMENTIONED REFERENCE POINT; THENCE CONTINUE NORTH 00°00'41" WEST A DISTANCE OF 602.21 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) LYING ON THE SOUTH MARGIN OF A 40' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT, SAID STRIP IS SOUTH OF AND CONTIGUOUS TO THE SOUTH RIGHT-OF-WAY LINE OF WOERNER ROAD, 20' WIDE RIGHT-OF-WAY RECORDED IN DEED BOOK 22, PAGE 314 RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°58'32" EAST ALONG SAID SOUTH MARGIN A DISTANCE OF 2080.15 FEET TO A 5/8" IRON REBAR WITH CAP (CA#156) LYING ON THE WESTERLY MARGIN OF A 30' WIDE STRIP OF LAND RESERVED FOR AN INGRESS/EGRESS AND UTILITY EASEMENT; THENCE RUN SOUTH 00°04'03" WEST ALONG SAID WESTERLY MARGIN A DISTANCE OF 825.15 FEET TO THE POINT OF BEGINNING.

THIS CONVEYANCE AND THE WARRANTIES HEREUNDER ARE SUBJECT TO THE FOLLOWING:

1. Deed from The Magnolia Springs Land Company to the Highway Commissioners of Baldwin County, Alabama recorded in Deed Book 22 page 314.
2. Oil, gas and mineral lease from Magnolia Land Company to Moore and Barrett, Inc. dated October 29, 1981 and recorded in Real Property Book 101, page 1827, assigned to Clayton W. Williams, Jr. in Real Property Book 101, page 1831.
3. Reservation of all interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Magnolia Land Company, to Woerner Realty Company, Inc., dated February 29, 1984 and recorded in Real Property Book 170 page 69.
4. Any portion of the herein-described property lying within the right-of-way of public roads.
5. Any restriction on use or development arising out of a determination that any part of the land described may constitute wetlands or tidelands, or some portion thereof, may be subject to provisions of Alabama Coastal Preservation statutes.
6. Rights of the United States of America, State of Alabama, or other parties in and to the bed, shore and water of any and all unnamed bodies of water as shown on Baldwin County tax maps.
7. Rights of the United States of America, State of Alabama, or other parties in and to the bed, shore and water of the Pond as shown on survey by Stuart L. Smith, Goodwyn, Mills & Caywood, Inc., dated December 9, 2019, Project #CMOB190345.

8. Rights, if any, of the public to use as a public beach or recreation area any part of the herein described land lying between the body of water abutting said land and the natural line of vegetation, dunes, extreme high water line or other apparent boundary lines separating the publicly used area from the upland private area.
9. Oil, gas, and mineral lease from Arthur A. Holk and Frances Josephine Holk to Clayton W. Williams, Jr. dated June 24, 1981 and recorded in Real Property Book 97 page 664.
10. Roads and trails as shown on Baldwin County tax maps.
11. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.
12. Rights of tenants in possession under unrecorded leases.
13. Farm Lease Agreement by and between FB EXPRESS, LLC. and SIRMON FARMS, dated February 6, 2019, as referenced in the Purchase Agreement by and between FB EXPRESS, LLC and BRAHMAN HOLDINGS, LLC, dated March 8, 2019.
14. Way of Necessity in favor of Charter Landing Estates, LLC to access property owned by it over and across the insured land.
15. Reservation of one-half interest in and to all oil, gas, and minerals and rights in connection therewith as contained in deed from Arthur A. Holk to Woerner Realty Company, Inc., dated March 1, 1984, and recorded in Real Property Book 172, page 1138.
16. Terms, conditions, rules, regulations, subdivision regulations, ordinances, and other matters relating to the City of Foley, Alabama, including, but not limited to: (A) City of Foley, Alabama, Subdivision Regulations dated January 7, 2008, and recorded at Instrument 1098026, and all amendments thereto. (B) Tree and Natural Feature Preservation Ordinance Number 1009-07, recorded at Instrument 1079685, as the same may have been modified at Instrument 1556660, Heritage Tree Preservation Ordinance Number 15-1003 as recorded at Instrument 1508545, and Ordinance Number 15-1003 Regulating Environmental Permits Related to Land Disturbance within the City of Foley recorded at Instrument 1508544. (C) City of Foley Ordinance No. 986-07, adopting the 2006 International Building (ICC) codes and supplemental provisions to upgrade the various codes relating to the inspection activities of the City of Foley and enforcement of the building provisions and fire safety as provided in said codes, dated June 18, 2007, as amended at Instruments 1110234, 1118864, 1198497; Ordinance No. 1200-12 adopting the 2009 codes, dated July 2, 2012 and recorded at Instrument 1348178; Ordinance No. 13-1025 approving the amendments to the City of Foley Building Codes, dated January 7, 2013, and recorded at Instrument 1380798; Ordinance No. 13-1043 adopting and amending the 2009 codes, dated November 4, 2013 and recorded at Instrument 1429467, as amended in Ordinance 13:1054 at Instrument 1436249; Ordinance No. 15-1013 adopting the 2012 codes, dated June 1, 2015 and recorded at Instrument 1517983; and Ordinance No. 16-2020-ORD adopting the 2012 codes, dated September 6, 2016 and recorded at Instrument 1594654.
17. Matters as shown on survey by Stuart L. Smith, Goodwyn, Mills & Caywood, Inc., dated December 9, 2019, Project #CMOB190345, as follows:
 - A. 30' Strips Reserved for Ingress/Egress and Utility Easements.
 - B. 40' Strips Reserved for Ingress/Egress and Utility Easements.
 - C. Unnamed rights of way and dirt road trails and rights of other parties in and to said rights of way and trails.
 - D. Power Lines and Power Poles.
18. Electric Line - Right of Way Easement from Edward Woerner & Sons to Baldwin County Electric Membership Corporation, dated January 28, 1985, and recorded at Instrument 1449926.

TOGETHER WITH ALL AND SINGULAR the rights, privileges, tenements, hereditaments and appurtenances hereunto belonging, or in anywise appertaining; **TO HAVE AND TO HOLD** unto the said **GRANTEE**, and to the successors and assigns of said **GRANTEE**, in fee simple, **FOREVER**.

And, except as to the above and taxes hereafter falling due, which are assumed by the **GRANTEE**, the **GRANTOR**, for itself, its successors and assigns, does hereby **COVENANT AND WARRANT** to and with the said **GRANTEE**, the successors and assigns of said **GRANTEE**, that **GRANTOR** is seized of an indefeasible estate in fee simple in and to said real property, and has a good and lawful right to sell and convey the same; and that said real property is, except as is recited above, free and clear of all liens and encumbrances of every kind and nature whatsoever; and **GRANTOR** does hereby **WARRANT AND WILL FOREVER DEFEND** the title to said real property, and the possession thereof, unto the said **GRANTEE**, and the successors and assigns of said **GRANTEE**, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has set its hand and seal on this the 23rd day of December, 2019.

FB EXPRESS, LLC, an Alabama Limited Liability Company

By: Janice D Reed

Its: Manager

STATE OF ALABAMA:

COUNTY OF Baldwin:

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared Janice D. Reed as Manager of **FB EXPRESS, LLC**, an Alabama Limited Liability Company, whose name as Grantor is signed to the foregoing instrument, and who is known to me, who after by me first being duly sworn on oath did depose and say that being informed of the contents of said instrument, (s)he executed the same voluntarily and with full power and authority to act on behalf of said limited liability company, on the day the same bears date.

Given under my hand and seal on this 23rd day of December, 2019.

Sharon L Walker
NOTARY PUBLIC
My Commission Expires: 1/20/20

This instrument prepared by:
Lori Meadows, P.C.
24407 Lauder Place
Orange Beach, AL 36561
(251) 942-5541

*The scrivener of this instrument and Lori Meadows, P.C.
represents neither the Grantors nor the Grantee.
Independent counsel should be consulted for legal advice,
if desired by either party.*

