

STATE OF ALABAMA:  
COUNTY OF BALDWIN:

**DECLARATION OF VACATION  
OF A PORTION OF PARK AVENUE RIGHT-OF-WAY**

WHEREAS, the undersigned, **JAMES M. KELLY JR. AND JAYNE A. KELLY** (hereinafter the "Adjoining Owner") are the fee simple owners of Lot 97 of **ASHFORD PARK** Subdivision as found recorded in Slide 2124-A & B of the Probate records of Baldwin County, Alabama, (hereinafter the "Lot") which Lot abuts the right-of-way of the public street known as **PARK AVENUE** and is located in the corporate limits of the City of Foley, Alabama; and

WHEREAS, the Lot has the following current street address 551 PARK AVENUE; and

WHEREAS, the Adjoining Owner is desirous of vacating the right-of-way abutting the Lot but only up to the first edge of the existing curb or pavement (hereinafter the "Parcel"), and the Adjoining Owner does not wish to vacate any portion of the right-of-way which is currently improved or used for vehicular travel; and

WHEREAS, the Adjoining Owner will present this Declaration to the City Council of the City of Foley and petition the City Council of the City of Foley to assent to the vacation and closing of the Parcel, excepting therefrom and specifically reserving unto the City of Foley and its successors and assigns the following: (1) any and all existing and future utility easements and rights to locate, improve, replace, maintain and repair any current or future utility improvements on said Parcel, including but not limited to street lights; (2) a construction easement for any current or future construction, repair, or renovation activities on the remaining right-of-way or on the Parcel; (3) a drainage easement for the construction, maintenance, repair, installation or improvement of any storm water drainage system on the Parcel or on the abutting right-of-way; and (4) any other rights or conditions the City Council may impose on the granting and approval of this Declaration of Vacation.

NOW, THEREFORE, subject to and with the exceptions as noted herein, the Adjoining Owner does hereby declare closed and vacated the following described right-of-way:

That portion of the right-of-way up to the first edge of the existing curb or street improvements which abut Lot 97 of Ashford Park Subdivision as found recorded in Slide 2124-A & B of the

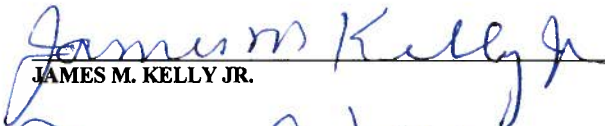
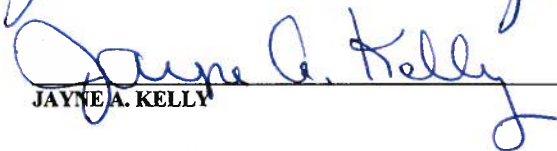
Probate records of Baldwin County, Alabama, which land is located in the corporate limits of the City of Foley, Baldwin County, Alabama (hereinbefore and hereinafter, the "Parcel").

The Adjoining Owner does hereby, pursuant to and in accordance with the provisions of Section 23-4-20 and/or Section 35-2-54, Code of Alabama, execute this written Declaration of Vacation of said Parcel, and the same being within the corporate limits of the City of Foley, a municipality, does hereby pray and request the assent of the Mayor and City Council of the City of Foley, Alabama to said vacation of the Parcel, subject to the conditions contained herein or upon such other conditions as may be required by the Mayor and City Council.

The vacation of the Parcel will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

IN WITNESS WHEREOF, **JAMES M. KELLY JR. AND JAYNE A. KELLY**

have hereunto set their hands and seals on this the 20<sup>th</sup> day of December, 2013.

  
JAMES M. KELLY JR.  
  
JAYNE A. KELLY

STATE OF Alabama )

COUNTY OF Baldwin )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James M. Kelly Jr. & Jayne A. Kelly, whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she/they executed the same voluntarily on the day the same bears date.

GIVEN under my hand this 20 day of December, 2013.

NOTARY PUBLIC  
My Commission Expires:  
(NOTARIAL SEAL)





SP \$ 224,000<sup>00</sup>  
MG \$ 109,000<sup>00</sup>

(103578) STATE OF ALABAMA)  
COUNTY OF BALDWIN)

Mortgage Recorded Simultaneously

BALDWIN COUNTY, ALABAMA  
PROBATE JUDGE  
Filed/cert. At 8/20/10 2:38 PM  
DEED TAX \$ 115.00  
TOTAL \$ 131.00  
2 Pages

1228044

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT FRANK C. BAKER and CARMEN H. FRANCO-BAKER, husband and wife, (hereinafter called "Grantors"), in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS and other good and valuable consideration paid to Grantors by JAMES M. KELLY, JR. and JAYNE A. KELLY (hereinafter called "Grantees"), the receipt and sufficiency whereof are hereby acknowledged, do, subject to all matters and exceptions hereinafter mentioned, hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantees for and during their joint lives, and, upon the death of either of them, to the survivor of them and to the heirs and assigns of such survivor (the intention hereof being that Grantees own as joint tenants with right of survivorship), the following described real property situated in the County of Baldwin, State of Alabama, to-wit:

Lot 97, Ashford Park, Unit Four, according to the plat thereof recorded in Slide Books 2124 A & B in the Office of the Judge of Probate of Baldwin County, Alabama.

TO HAVE AND TO HOLD said property, together with all and singular, the rights, members, privileges, tenements, improvements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; subject, however, to the matters and exceptions to which reference is hereinbelow made or which would be discovered by an inspection of the property, unto said Grantees for and during their joint lives, and, upon the death of either of them, to the survivor of them and to the heirs and assigns of such survivor (the intention hereof being that Grantees own as joint tenants with right of survivorship), forever.

The property is conveyed subject to the lien for ad valorem taxes hereafter falling due, which taxes Grantee assumes and agrees to pay when due and to the following:

1. This conveyance is made subject to restrictive covenants, easements, amendments, rights-of-way and building set back lines, if any, applicable to said property of record in the office of the Judge of Probate Court of Baldwin County, Alabama.
2. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel, in, on, and under the subject property.
3. Building setback line and drainage and utility line easements, as shown on the recorded plat of said subdivision.
4. Articles of Incorporation of Ashford Park Property Owner's Association, Inc., recorded as Instrument Number 577356.
5. Reservation of all oil, gas and other minerals, and all rights in connection therewith, as contained in deed from T.E. Mitchell to ABT, L.L.C., as recorded as Instrument Number 538582.
6. Reservation of all oil, gas and other minerals, and all rights in connection therewith, as contained in deed from Anthony P. Kaiser, et al, to ABT, L.L.C., as recorded as Instrument Number 538580.
7. Reservation of all oil, gas and other minerals, and all rights in connection therewith, as contained in deed from Anthony P. Kaiser, et al, to T.E. Mitchell, as recorded as Instrument Number 565575.
8. Easement in favor of Baldwin County Electric Membership Corporation, recorded as Instrument Number 565871.
9. Articles of Organization of ABT, LLC recorded as Instrument Number 538578.

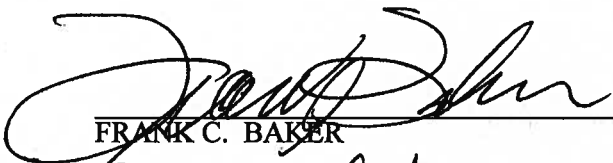

Mortgage Recorded Simultaneously

10. Restrictions, covenants, conditions and easements as contained as Instrument Numbers 577355 and 862202.

Grantors covenant to and with Grantees that, except as to the matters and exceptions to which reference is made herein, Grantors are lawfully seized of an indefeasible estate in fee simple in and to said property, same is free from other encumbrances and liens, Grantors have a good and lawful right to sell and convey same, Grantors are in quiet and peaceable possession of same, and Grantors shall, and Grantors' heirs and assigns shall, forever warrant and defend the title to said property as herein conveyed, unto Grantees and the heirs and assigns of Grantees, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals this the 2nd day of ~~March~~, 2010.  
April

Grantors:

  
FRANK C. BAKER  
  
CARMEN H. FRANCO-BAKER

STATE OF ALABAMA

COUNTY OF BALDWIN

I, the undersigned Notary Public, in and for said County in the said State, do hereby certify FRANK C. BAKER and CARMEN H. FRANCO-BAKER whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, they executed the same voluntarily and on the day the same bears date.

Given under my hand and seal on this 2nd day of April, 2010.  
~~March~~

  
NOTARY PUBLIC  
My commission expires: 5/3/10

GRANTEE'S ADDRESS:

551 Park Ave.

Foley, AL

36535

THIS INSTRUMENT PREPARED BY:

JAMES B. PITTMAN, JR., Esquire

Attorney for Bayshore Title Company, Inc.

JAMES B. PITTMAN, JR., P.C.

Post Office Box 2525

Daphne, Alabama 36526

Telephone (251) 626-7704