

**TITLE NOT EXAMINED**

Clerk: WilsonC

This instrument prepared by:  
Bradley Arant Boult Cummings LLP  
1819 Fifth Avenue North  
Birmingham, AL 35203-2119

STATE OF ALABAMA     )  
  :  
JEFFERSON COUNTY     )

**CORRECTIVE DEED OF CONSERVATION EASEMENT**

**THIS CORRECTIVE STATUTORY WARRANTY DEED IS BEING EXECUTED BY: THE PERSONAL REPRESENTATIVE OF THE ESTATE OF EUGENE BRITT BUTLER, DECEASED, WHO WAS THE ORIGINAL GRANTOR OF THAT CERTAIN DEED OF CONSERVATION EASEMENT DATED DECEMBER 17, 2007 (the “2007 Deed”), AND RECORDED ON DECEMBER 28, 2007 AT BOOK: LR200718 and PAGE: 7820, IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA; AND FRESHWATER LAND TRUST, AS GRANTEE OF THE 2007 DEED; FOR THE PURPOSE OF CORRECTING A PORTION OF THE LEGAL DESCRIPTION SET FORTH IN THE 2007 DEED.**

THIS CORRECTIVE DEED OF CONSERVATION EASEMENT (this “Corrective Easement Deed”) is made this \_\_\_\_ day of February, 2024, by **Daniel C. Hardman, as Personal Representative of the Estate of Eugene Britt Butler, deceased** (the “Grantor”), in favor of the **Freshwater Land Trust, an Alabama nonprofit corporation** (the “Grantee”).

**RECITALS:**

**WHEREAS**, Eugene B. Butler (also known as Eugene Britt Butler) (“Mr. Butler”) was previously the owner of certain real property located in Jefferson County, Alabama, more particularly described as follows:

Parcel I

Lots 60, 58 and 9, according to the Amended Map of River Run 6th Sector, as recorded in Map Book 121, page 58, in the Probate Office of Jefferson, County, Alabama, Birmingham Division.

Parcel II

All that part of the Southwest quarter of the Southeast quarter of Section 11, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, lying southeast of the Cahaba River

and lying west and southwest of the property included in the Survey of Amended Map of River Run, 6th Sector, as recorded in Map Book 121, Page 58, in the Probate Office of Jefferson County, Alabama.

All that part of the Northwest quarter of the Northeast quarter of Section 14, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, lying southeast of the Cahaba River and lying northeast and west of the property included in the Survey of the Amended Map of River Run, 6th Sector, as recorded in Map Book 121, Page 58, in the Probate Office of Jefferson County, Alabama.

LESS AND EXCEPT ANY PORTION OF SUBJECT PROPERTY LYING WITHIN THE BOUNDARY OF THE CAHABA RIVER;

**WHEREAS**, by a deed titled “Deed of Conservation Easement” and dated December 17, 2007 and recorded in the Probate Court of Jefferson County, Alabama on December 28, 2007 (Book LR200718, Page 7820) (defined above as the “2007 Deed”), Mr. Butler conveyed to the Grantee a conservation easement in perpetuity over part of the above-described real property, as set forth in the 2007 Deed;

**WHEREAS**, under the 2007 Deed, Mr. Butler retained for himself a portion of Lot 60 of the above-described real property, on which his residence and driveway are located (with such retained portion totaling approximately 3.48 acres). In this regard, such portion of Lot 60 retained by Mr. Butler was intentionally not made subject to the conservation easement conveyed by Mr. Butler to the Grantee;

**WHEREAS**, Exhibit “A” to the 2007 Deed set forth the legal description of the real property subject to the conservation easement granted by Mr. Butler to the Grantee. However, Exhibit “A” to the 2007 Deed mistakenly omitted part of the above-described real property which Mr. Butler intended to be subject to the conservation easement. In particular, the real property described above as “Parcel II” was mistakenly omitted from Exhibit “A” to the 2007 Deed, even though Mr. Butler intended that it be subject to the conservation easement;

**WHEREAS**, as evidence that Mr. Butler intended for such real property (i.e., Parcel II) to be subject to the conservation easement, two maps attached to the 2007 Deed as “Attachment B” and “Attachment C” indicate that Parcel II was part of the property subject to the conservation easement. Further, Parcel II was consistently treated by Mr. Butler and the Grantee (Freshwater Land Trust) during Mr. Butler’s lifetime as being subject to the conservation easement;

**WHEREAS**, an Amendment to the 2007 Deed (which Amendment is dated January 19, 2009) was recorded in the Probate Court of Jefferson County, Alabama on July 30, 2009 (Book LR200908, Page 7983), in order to document the condition of the real property subject to the

conservation easement (and with respect to Parcel II, intended to be subject to the conservation easement);

**WHEREAS**, Mr. Butler died on October 16, 2023, and Mr. Butler's will dated June 10, 2022 ("Mr. Butler's Will") was admitted to probate by the Probate Court of Jefferson County, Alabama on October 23, 2023 (Case No. 23-BHM-02598). Also on October 23, 2023, Letters Testamentary were issued by the Probate Court of Jefferson County, Alabama, appointing the Grantor (Daniel C. Hardman) as the Personal Representative of Mr. Butler's Estate. As of the date of this Corrective Easement Deed, the Grantor is the duly appointed and acting Personal Representative of Mr. Butler's Estate;

**WHEREAS**, after Mr. Butler's death, the mistaken omission of Parcel II of the above-described real property from Exhibit "A" of the 2007 Deed was discovered;

**WHEREAS**, the Grantor and the Grantee desire by this Corrective Easement Deed to correct the legal description of the real property which is subject to the conservation easement granted by Mr. Butler to the Grantee, so that Parcel II of the above-described real property is included in such property; and the Grantor intends for Parcel II to be subject to a conservation easement as provided in § 35-18-1, et. seq. of the Code of Alabama (1975), as amended thereafter;

**NOW THEREFORE**, in consideration of the foregoing, and pursuant to the authority granted to the Grantor under Mr. Butler's Will and the laws of Alabama:

- (I) the Grantor and the Grantee hereby execute this Corrective Easement Deed to correct the legal description of the real property subject to the conservation easement, as previously conveyed by Mr. Butler to the Grantee pursuant to the 2007 Deed, to be that certain real property situated in Jefferson County, Alabama, and more particularly described on Exhibit 1 attached to this Corrective Easement Deed and incorporated herein by reference, and
- (II) the Grantor voluntarily grants, bargains, sells and conveys to the Grantee a conservation easement in perpetuity over that certain real property described as Parcel II on Exhibit 1 attached to this Corrective Easement Deed, which conservation easement shall be of the nature and character and to the extent set forth in the 2007 Deed, all of which terms and provisions are incorporated herein by reference (including all powers and rights necessary to preserve, protect, manage and restore the real property described as Parcel II, and to enforce all of the terms, covenants and restrictions provided for in the 2007 Deed).

[Signature Pages Follow]

IN WITNESS WHEREOF, the Grantor and the Grantee has set their hands on this Corrective Easement Deed as of the date first written above.

**GRANTOR**

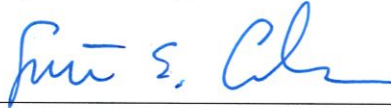
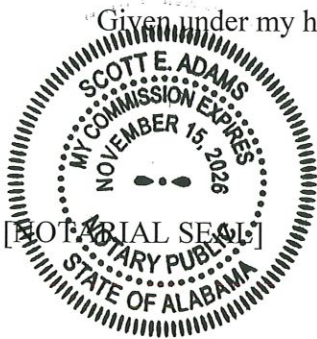


**Daniel C. Hardman, as Personal Representative of the Estate of Eugene Britt Butler, deceased**

STATE OF ALABAMA            )  
  :  
COUNTY OF JEFFERSON    )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Daniel C. Hardman, whose name as Personal Representative of the Estate of Eugene Britt Butler, deceased, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, in such capacity, executed the same voluntarily on the below listed date.

Given under my hand and official seal the 19<sup>th</sup> day of February, 2024.



Notary Public

My commission expires: **My Commission Expires:**  
November 15, 2026

**GRANTEE**

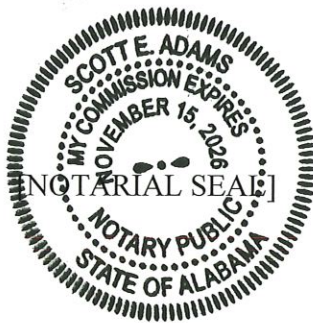
**Freshwater Land Trust, an Alabama  
nonprofit corporation**

By: Rusha Smith  
Its: Executive Director

STATE OF ALABAMA            )  
  :  
COUNTY OF JEFFERSON        )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Rusha Smith, whose name as Executive Director of Freshwater Land Trust, an Alabama nonprofit corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the below listed date.

Given under my hand and official seal the 21<sup>st</sup> day of February, 2024.



Scott E. Adams

Notary Public

My commission expires: ~~My Commission Expires:~~  
~~November 15, 2026~~

## EXHIBIT 1

### Parcel I

Lots 60, 58 and 9, according to the Amended Map of River Run 6th Sector, as recorded in Map Book 121, page 58, in the Probate Office of Jefferson County, Alabama, Birmingham Division.

LESS AND EXCEPT THE FOLLOWING:

Part of Lot 60, Amended Map of River Run 6th Sector, a map of which is recorded in the Office of the Judge of Probate, Jefferson County, Alabama, in Map Book 121, page 58, being more particularly described as follows:

From the Southwest corner of said Lot 60, which is also the Southwest corner of the SE 1/4 of the SE 1/4 of Section 11, Township 18 South, Range 2 West, Jefferson County, Alabama, Birmingham Division, run in a Northerly direction along the West line of Lot 60 for a distance of 194.03 feet to an existing iron rebar set by Weygand and being a corner of said Lot 60 and being the point of beginning; thence turn an angle to the left of 58°13'42" and run in a Northwesterly direction along the Southwest lot line of said Lot 60 for a distance of 356.03 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 83°00' and run in a Northeasterly direction for a distance of 200.0 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 83°11'33" and run in a Southeasterly direction for a distance of 353.17 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 29°07'46" and run in an Easterly direction for a distance of 97.36 feet; thence turn an angle to the right of 7°49'26" and run in an Easterly direction for a distance of 50.05 feet; thence turn an angle to the left of 8°47'42" and run in a Northeasterly direction for a distance of 67.30 feet; thence turn an angle to the right of 9°5'42" and run in an Easterly direction for a distance of 94.57 feet; thence turn an angle to the left of 7°14'25" and run in a Northeasterly direction for a distance of 86.81 feet; thence turn an angle to the right of 8°47'44" and run in an Easterly direction for a distance of 112.94 feet; thence turn an angle to the left of 4°32'17" and run in a Northeasterly direction for a distance of 98.94 feet; thence turn an angle to the right of 5°28'34" and run in an Easterly direction for a distance of 140.62 feet; thence turn an angle to the right of 0°28'39" and run in an Easterly direction for a distance of 56.66 feet; thence turn an angle to the left of 10°29'40" and run in a Northeasterly direction for a distance of 42.89 feet; thence turn an angle to the left of 11°48'03" and run in a Northeasterly direction for a distance of 32.85 feet; thence turn an angle to the right of 0°56'02" and run in a Northeasterly direction for a distance of 61.16 feet; thence turn an angle to the left of 9°8'21" and run in a Northeasterly direction for a distance of 98.0 feet to the point of beginning of a curve, said curve being concave in a Southeasterly direction and having a central angle of 19°40'42" and a radius of 450.0 feet; thence turn an angle to the right

and run in a Northeasterly direction along the arc of said curve for a distance of 154.55 feet to a point of reverse curve, said latest curve being concave in a Northwesterly direction and having a central angle of  $46^{\circ}46'21''$  and a radius of 30.0 feet; thence turn an angle to the left and run in a Northeasterly direction along the arc of said curve for a distance of 24.49 feet to a point where the present road right of way for River View Drive ends; thence turn an angle to the right ( $84^{\circ}19'12''$  from the chord of last mentioned curve) and run in a Southeasterly direction across the end of the existing road right of way for River View Drive for a distance of 57.92 feet to a point on a curve, said latest curve being concave in a Northwesterly direction and having a central angle of  $29^{\circ}59'42''$  and a radius of 73.57 feet; thence turn an angle to the right ( $105^{\circ}13'47''$  to the chord of said curve) and run in a Southwesterly direction along the arc of said curve for a distance of 38.51 feet to a point of ending of said curve; thence turn in a Southwesterly direction along the line tangent to the end of said curve for a distance of 14.04 feet to the point of beginning of a new curve, said latest curve being concave in a Southeasterly direction and having a central angle of  $19^{\circ}40'42''$  and a radius of 400.0 feet; thence turn an angle to the left and run in a Southwesterly direction along the arc of said curve for a distance of 137.38 feet to the point of ending of said curve; thence run in a Southwesterly direction along the line tangent to the end of said curve for a distance of 102.0 feet; thence turn an angle to the right of  $9^{\circ}8'21''$  and run in a Southwesterly direction for a distance of 64.75 feet; thence turn an angle to the left of  $0^{\circ}56'02''$  and run in a Southwesterly direction for a distance of 37.61 feet; thence turn an angle to the right of  $11^{\circ}48'03''$  and run in a Southwesterly direction for a distance of 52.65 feet; thence turn an angle to the right of  $10^{\circ}29'40''$  and run in a Westerly direction for a distance of 61.04 feet; thence turn an angle to the left of  $0^{\circ}28'39''$  and run in a Westerly direction for a distance of 138.02 feet; thence turn an angle to the left of  $5^{\circ}28'34''$  and run in a Southwesterly direction for a distance of 98.52 feet; thence turn an angle to the right of  $4^{\circ}32'17''$  and run in a Westerly direction for a distance of 111.07 feet; thence turn an angle to the left of  $8^{\circ}47'44''$  and run in a Southwesterly direction for a distance of 86.13 feet; thence turn an angle to the right of  $7^{\circ}14'25''$  and run in a Westerly direction for a distance of 93.76 feet; thence turn an angle to the left of  $9^{\circ}05'42''$  and run in a Southwesterly direction for a distance of 67.17 feet; thence turn an angle to the right of  $8^{\circ}47'42''$  and run in a Westerly direction for a distance of 50.47 feet; thence turn an angle to the left of  $7^{\circ}49'26''$  and run in a Southwesterly direction for a distance of 91.42 feet; thence turn an angle to the left of  $47^{\circ}25'02''$  and run in a Southwesterly direction for a distance of 247.92 feet, more or less, to the point of beginning.

## **Parcel II**

All that part of the Southwest quarter of the Southeast quarter of Section 11, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, lying southeast of the Cahaba River and lying west and southwest of the property included in the Survey of Amended Map of River Run, 6th Sector, as recorded in Map Book 121, Page 58, in the Probate Office of Jefferson County, Alabama.

All that part of the Northwest quarter of the Northeast quarter of Section 14, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, lying southeast of the Cahaba River and lying northeast and west of the property included in the Survey of the Amended Map of River Run, 6th Sector, as recorded in Map Book 121, Page 58, in the Probate Office of Jefferson County, Alabama.

LESS AND EXCEPT ANY PORTION OF SUBJECT PROPERTY LYING WITHIN THE BOUNDARY OF THE CAHABA RIVER.

**Each of Parcel I and Parcel II subject to the following:**

1. Taxes for the year 2008 and all subsequent years, not yet due and payable;
2. Easement to South Central Bell as recorded in Real 2408, page 630, in the Probate Office of Jefferson County, Alabama;
3. Right of way to Jefferson County, recorded in Real 2869, page 961, in the Probate Office of Jefferson County, Alabama;
4. Easement to Alabama Power Company recorded in Real 3269, page 414 and Real 3759, page 567, in the Probate Office of Jefferson County, Alabama;
5. Mineral and mining rights and rights incident thereto recorded in Volume 48, page 395; Volume 84, page 452; Volume 91, page 474 and Volume 537, page 417, in the Probate Office of Jefferson County, Alabama;
6. Easement for Alabama Power Company and Southern Bell Telephone and Telegraph Company, as recorded in Real 1744, page 572, in the Probate Office of Jefferson County, Alabama;
7. Right of way to Southern Bell Telephone and Telegraph Company, as recorded in Real 1794, page 671, in the Probate Office of Jefferson County, Alabama;
8. Right of way granted to Alabama Power Company by instrument recorded in Volume 4544, page 120 in the Probate Office of Jefferson County, Alabama;
9. Restrictions appearing of record in Real 1484, page 619; Real 1704, page 9 and Real 1707, page 369, in the Probate Office of Jefferson County, Alabama, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin;
10. The rights of upstream and downstream riparian owners with respect to any body of water which may lie adjacent to, and/or traversing through, subject property.



Real Estate Sales Validation Form

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

Grantor's Name Estate of Eugene Britt Butler, deceased Grantee's Name Freshwater Land Trust
Mailing Address Daniel C. Hardman, Personal Representative Mailing Address 3501 1st Avenue South,
P.O. Box 907 Suite 201-A
Gardendale, AL 35071 Birmingham, AL 35222

Property Address 3850 River Run Trail
Birmingham, AL 35243

Date of Sale
Total Purchase Price \$

or
Actual Value \$

Parcel 28 00 14 1 000 078.000 \$1,800
Parcel 28 00 14 1 000 033.000 \$2,100
Parcel 28 00 11 4 001 052.000 \$1,004,600

Assessor's Market Value \$ This is a Corrective Deed - not
taxable. Current Tax Assessor's
value for 3 parcels is \$1,008,500.

The purchase price or actual value claimed on this form can be verified in the following documentary
evidence: (check one) (Recordation of documentary evidence is not required)

Bill of Sale Appraisal
Sales Contract x Other
Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced
above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest
to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest
to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal,
being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being
conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a
licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value,
excluding current use valuation, of the property as determined by the local official charged with the
responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized
pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and
accurate. I further understand that any false statements claimed on this form may result in the imposition
of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 2-21-2024

Print Scott E. Adams

x Unattested

Sign [Signature]

(verified by)

(Grantor/Grantee/Owner/Agent) circle one