

## **Title Certificate**

This title report is for general information only. Reader should rely solely on his/her own research or that of a legal representative of his/her choice as to any matters related to the validity of the title or any other concerns that may arise in this regard. Contents may include property survey, recent tax bill, copies of deeds, and/or other documentation.

# JOHN W. BELL, P. C.

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### ATTORNEY'S TITLE CERTIFICATE AND OPINION ON THE PROPERTY OF

#### FULTON COUNTY

CLIENT:	Fulton County	TAX PARCEL:	13-0064-0002-011-1
PROJECT:	Fulton County Surplus Property	OUR FILE:	11-20016
DISTRICT:	13	LAND LOT(S):	64
PARCEL:	7	EFFECTIVE DATE:	June 6, 2011

This is to certify that in consideration of a fee to be paid to the undersigned attorneys, the undersigned does hereby certify that a careful examination has been made of the public records of Fulton County, Georgia affecting title to property described in Caption insofar as is correctly shown by indexes to said records from which indexes this certificate is furnished; and we hereby certify that record fee simple title to said property is now vested in **FULTON COUNTY** by virtue of that certain **Warranty Deed** dated **February 5, 1949** and recorded in **Deed Book 2431, Page 206**, Fulton County, Georgia records, as described therein; subject, however, to the below referenced objections. This title certificate and opinion is prepared solely for the use of the client and project listed herein for the property interests described by the above referenced parcel designation and may not be relied upon by any third party or for any other purpose.

#### STANDARD EXCEPTIONS

- (a) The exact location of boundary lines, unrecorded easements, possible encroachments and other facts or conditions which would be disclosed by an accurate survey and inspection of the property.
- (b) Any matters not shown by the public records or which are improperly indexed of record.
- (c) Any documents, instruments, or encumbrances filed under names other than those appearing in the chain of title.
- (d) Title to that portion of the property included within the bounds of roads, highways, easements and rights of way, particularly roads and easements which are created by adverse or prescriptive usage.
- (e) Rights of upper and lower riparian owners to the streams, creeks and branches crossing, abutting, or located on the property, free from diminution or pollution thereof.
- (f) Rights, if any, of tenants or other persons who may be in possession under claims not appearing of record.
- (g) Possible liens of architects, laborers and materialmen for improvement of the property, not filed for record as of the effective date of this Certificate of Title.
- (h) All municipal or county zoning laws, ordinances and regulations, and all governmental regulations of the use and occupancy of the property.
- (i) Any matters relating to the presence or absence of any hazardous materials or waste on or within the property, and any violations with regard to hazardous materials or waste under any and all Federal and State environmental protection laws, rules or regulations.
- (j) Pay-as-you-enter water or sewer lines, which, while not technically liens, will be payable upon connection with such lines.
- (k) The location of any portion of the property within the limits of any "wet lands," and any laws, rules and regulations affecting wet land areas.
- (l) Any matters relating to past due utility bills, including but not limited to gas, water, electricity, telephone, sewer, and sanitary services.
- (m) Liens for taxes not yet due and payable.

**SPECIAL EXCEPTIONS**

**SECURITY DEEDS**

1. None found open of record. Please inquire.

**PROTECTIVE COVENANTS AND SURVEY AND PLAT RESTRICTIONS**

1. State Restriction of Sale of Property dated August 9, 1949, filed August 15, 1949 and recorded in Deed Book 2450, Page 510, Fulton County, Georgia records, although such restriction were to cease twenty years after the "completion of the construction of the Auxil[i]ary Health Center – GA-32 – Red Oak."

**EASEMENTS, RIGHT-OF-WAY DEEDS AND AGREEMENTS**

1. None.

**LIENS AND JUDGMENTS**

1. Numerous filings involving Fulton County.

**TAXES**

1. The subject property is currently listed as exempt from real property ad valorem taxation according to the Fulton County Tax Commissioner's records. All matters related to taxation of the subject property are hereby excepted.

**OTHER EXCEPTIONS**

1. None.

This the 26<sup>th</sup> day of July, 2011.

**JOHN W. BELL, P.C.**

By:   
John W. Bell, Examining Attorney

2431/206

For Restriction of Sale of property see 2450-510

HB  
WV

STATE OF GEORGIA, Fulton County

No. 1115492

THIS INDENTURE, made this 5th day of FEBRUARY in the Year of Our Lord One Thousand Nine Hundred and FORTY-NINE between J. C. LEE, S. L. LEWIS AND G. B. THAMES, as Trustees of the RED OAK CHRISTIAN CHURCH of the State of GEORGIA and County of FULTON of the first part, and FULTON COUNTY, a political subdivision of the State of GEORGIA and County of FULTON of the second part,

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR AND OTHER VALUABLE CONSIDERATION DOLLARS, in hand paid at and before the sealing and delivery of these presents, the receipt of which whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said part 2nd of the second part, its successors heirs and assigns, all that tract or parcel of land, lying and being in Land Lot 64 of the 13th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the Southeast corner of Miller Road and Spring Street and continuing along the South side of Spring Street in an Easterly direction Two Hundred (200) feet; thence in a Southerly direction Two Hundred (200) feet; thence in a Westerly direction Two Hundred (200) feet to Miller Road; thence along the East side of Miller Road in a Northerly direction Two Hundred (200) feet to Spring Street and the point of beginning.

TO HAVE AND TO HOLD the said bargained premises together, tract or parcel of land, with all and singular the rights, members and appurtenances thereof to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of it the said part 2nd of the second part, its successors heirs and assigns forever, in Fee Simple.

And the said part 1st of the first part, for themselves their successors heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property, unto the said part 2nd of the second part, its successors heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part 1st of the first part, has hereunto set their hand and affixed their seals, the day and year above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF  
MRS. J. F. LEE (N.P. SEAL)  
Notary Public, Fulton County, Georgia  
My Commission Expires Jan. 12, 1952

"G. P. CULVERHORSE"  
Feb. 11, 1949

G. B. THAMES [Seal]  
S. L. LEWIS [Seal]  
J. C. LEE (SEAL)  
As Trustees of the Red Oak Christian Church

Filed 10:28 AM Mar. 19, 1949  
Recorded Mar. 31, 1949

J. W. Simmons C.S.C.

Book 2451

Page 206

1120808

BOOK 2450 PAGE 510

STATE RESTRICTION OF SALE OF PROPERTY

Commissioners of Roads & Revenues, Fulton County agrees that in the  
 event the contract now pending for a State grant-in-aid is approved, and State  
 funds are received to assist in the construction of Auxiliary Health Center - Ga-32  
Red Oak, at Red Oak, Georgia, the following statement  
 will be recorded with the deed to the property on which the facility is constructed  
 as an encumbrance on the transfer or sale of the premises, and that a Statement  
 by the Clerk of the Circuit Court certifying that this has been done will be  
 promptly furnished to the Georgia Department of Public Health.

In conformity with Section 7 (d) of Act 62, Georgia Laws 1949, if at  
 any time within twenty years after the completion of the construction of the  
Auxiliary Health Center - Ga-32 - Red Oak

at Red Oak, Georgia, said facility (A) is sold or transferred to  
 any person, agency, or organization which (1) is not qualified to file an applica-  
 tion under the provision of the above Act or (2) is not approved as a transferee  
 by the State Agency or its successor, or (B) has ceased to be a publicly-owned  
 facility, the State of Georgia shall be entitled to recover from either the  
 transferor or the transferee a per centum of the then value of such facility  
 equal to the same percentage as the State grant was to the total cost of the  
 construction of the facility. This amount to be determined by agreement of the  
 parties or by action brought in court in due process of law.

Commissioners of Roads & Pro.  
Fulton County  
 (Applicant)

By [Signature]  
 (Authorized Representative)

Chairman of Board  
 (Title of Authorized Representative)

Aug. 9, 1949  
 (Date)

RECORDED, Fulton County, Clerk's Office, Superior Court  
 Filed for Record, this, the 15 day of Aug., 1949  
 at 2:15 P.M. Recorded in Book 2450  
 Page 510 this 15 day of Aug., 1949  
[Signature] Clerk