

STATE OF ALABAMA

JEFFERSON COUNTY

19750924000053240 1/5 \$.00  
Shelby Cnty Judge of Probate, AL  
09/24/1975 12:00:00AM FILED/CERT

TRUST INDENTURE

(McCALL TRACT)

THIS TRUST INDENTURE made the date hereinafter shown by and among J. B. Davis, James R. Davis, A. Myron Harper, and Barbara J. Horton (hereinafter referred to as "Beneficiaries"), and A. Myron Harper and James R. Davis as TRUSTEES under this Indenture of Trust dated the 12th day of September, 1975 (hereinafter referred to as the "Trustees").

WHEREAS, Beneficiaries have undertaken to purchase certain real estate known as the "McCall Tract", more particularly described hereinafter, and

WHEREAS, Beneficiaries desire to cause said real estate tract to be taken and held in the name of said Trustees as Trustees under this Indenture of Trust, for the use and benefit of Beneficiaries, upon the terms and conditions and with the powers and authority herein stated,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT:

1. The purpose of this Trust is to provide an entity for taking, acquiring, holding for an investment and thereafter transferring, selling, assigning, conveying, exchanging, or changing legal title to said real estate in the name of said Trustees so as to eliminate the necessity for Beneficiaries and their spouses to execute contracts, agreements, leases, deeds, mortgages, conveyances or other documents relating directly or indirectly to said real estate.

2. The McCall Tract of real estate which shall constitute the res of this Trust is more particularly described as follows:

That part of the South half of the SW 1/4 of Section 8, Township 19, South, Range 2 West, situated in Jefferson County, Alabama, together with part of the North half of the NW 1/4 of Section 17, Township 19, South, Range 2, West, situated in Shelby County, Alabama, all more particularly described by metes and bounds as follows: Begin at the southwest corner of the SW 1/4 of said section 8, and run thence eastwardly along the south line thereof for a distance of 109.67 feet; thence turn an angle of 104 degrees to the left and run northwardly for a distance of 319.29 feet to a point in the right of way of a public road; thence turn an angle of 47 degrees 11' to the right and run northeastwardly along said right of way for a distance of 118.1



feet; thence turn an angle of 7 degrees 35' to the left and run northeastwardly for a distance of 195.8 feet; thence an angle of 24 degrees 16' to the right and run northeastwardly for a distance of 227.7 feet; thence turn an angle of 15 degrees 03' to the right and run northeastwardly for a distance of 222.3 feet to a point in the right of way of said public road; thence turn an angle of 80 degrees 23' to the right from the last described course and run southeastwardly for a distance of 1620 feet to a point in the center line of the Cahaba River; said point being the point of beginning of the tract here described, from the point of beginning thus obtained turn an angle of 180 degrees to the left from the last described course and run northwestwardly for a distance of 1620 feet to a point in the right of way of the aforementioned public road; thence turn an angle of 99 degrees 37' to the right from the last described course and run northeastwardly along said right of way for a distance of 250 feet; thence turn an angle of 80 degrees 19' to the right and run southeastwardly for a distance of 1550 feet to a point in the center line of the Cahaba River; run thence southwestwardly along said center line for a distance of 250 feet, more or less, to the point of beginning, Minerals and mining rights excepted. Also except that part of the above described tract which is included within the right of way of the public road on the north side of the same.

3. Title to said McCall Tract of real estate is to be acquired by the Trustees for the benefit of Beneficiaries and shall be taken in the name of said Trustees who shall hold the same for Beneficiaries as follows:

- (a) A one-fourth (1/4) beneficial interest for J. B. Davis,
- (b) A one-fourth (1/4) beneficial interest for James R. Davis,
- (c) A one-fourth (1/4) beneficial interest for A. Myron Harper,
- (d) A one-fourth (1/4) beneficial interest for Barbara J. Horton.

4. It is intended that the Trustees shall hold and manage said real estate for investment only. Trustees shall pay ad valorem taxes, insurance, and cost of preserving and protecting said real estate, and shall receive reasonable compensation for such services.

5. A. Myron Harper and James R. Davis as Trustees, shall each, separately and severally, have full and absolute power to acquire, hold, exchange, sell, convey, assign, alienate or otherwise dispose of said real estate and to mortgage, encumber and improve said real estate and to take all actions and do all things with respect to all of said real estate or the proceeds thereof or any part thereof for and on behalf of said Beneficiaries on such terms and conditions as each such Trustee shall in his sole, absolute and unlimited discretion determined to be for the best interest of the Beneficiaries. Each Trustee has express authority to negotiate



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and consummate agreements and contracts of all kinds and natures without limitation, including leases, joint ventures, partnership agreements, deeds, mortgages and conveyances with or without covenants of warranty and no person dealing with the Trustee, or either of said Trustees, whether jointly or severally, shall be required to inquire as to the propriety of Trustee's actions. All said power shall be exercised without prior or subsequent approval of any Court of Judicial Authority being required.

6. The Beneficiaries or their successors may terminate, alter or amend this Trust Indenture at any time by written agreement, a copy of which shall be filed in the respective offices of the Judges of Probate of Jefferson County, Birmingham, Division, and Shelby County, State of Alabama, in the event that this said Trust Indenture is filed for record in the said Offices of the Judges of Probate of said counties and in said state. In the event this Indenture of Trust is not filed for record, this Trust Indenture may be terminated, modified, or amended by written agreement of the Beneficiaries. Unless sooner terminated, this Trust shall terminate September 1, 1995.

7. No Trustee shall be required to give any bond or to report to any court or person other than the Beneficiaries, but shall keep adequate books and an accurate record of all receipts and disbursements for inspection by the Beneficiaries at all times.

8. Either Trust shall have the unqualified right to resign at any time by giving written notice to that effect to the owners of the Beneficial interests of this Trust. The first Successor Trustee shall be James B. Davis and the second Successor Trustee shall be Barbara J. Horton. Each Successor Trustee shall possess and exercise all rights, powers and authority herein conferred on the original Trustees.

IN WITNESS WHEREOF, we, the undersigned Beneficiaries, and we the undersigned Trustees have respectively placed our hands and seals to the above and foregoing instrument, this the 12th day of September ~~August~~, 1975.

James R. Davis

J. B. Davis, by his Attorney-in-fact, James  
R. Davis, by virtue of Power of Attorney  
dated September 4, 1975.

James R. Davis

James R. Davis

A. Myron Harper

A. Myron Harper

A. Myron Harper

Barbara J. Horton, by her Attorney-in-fact,  
A. Myron Harper, by virtue of Power of  
Attorney dated September 11, 1975.

AS BENEFICIARIES

A. Myron Harper

A. Myron Harper, Trustee

James R. Davis

James R. Davis, Trustee

AS TRUSTEES



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STATE OF Alabama  
COUNTY OF Jefferson

REAL 1216 PAGE 27

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James R. Davis individually and attorney in fact for J. B. Davis by Power of Attorney dated the 4th day of September, 1975 whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 12<sup>th</sup> day of September 1975.

STATE OF ALA. JEFFERSON CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON REAL 1216 PAGE 23

SEP 15 4 09 PM '75

RECORDED & INDEXED  
FOR THE STATE OF ALA.  
JUDGE OF PROBATE

Pauline Buck  
Notary Public

MY COMMISSION EXPIRES FEBRUARY 26, 1978

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1975 SEP 24 PM 9:44  
JUDGE OF PROBATE

STATE OF Alabama  
COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that A. Myron Harper, individually and as attorney in fact for Barbara J. Horton by Power of Attorney dated the day of September, 1975.

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 12<sup>th</sup> day of September 1975.

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Pauline Buck  
Notary Public

MY COMMISSION EXPIRES FEBRUARY 26, 1978

STATE OF Alabama  
COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that A. Myron Harper and James R. Davis, as Trustees under the foregoing Indenture of Trust

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 conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 12<sup>th</sup> day of September 1975.

Pauline Buck  
Notary Public