

EXH. 13 MAR 1980

4009

STATE OF ALABAMA)

JEFFERSON COUNTY)

19771104000119090 1/8 \$.00
Shelby Cnty Judge of Probate, AL
11/04/1977 12:00:00 AM FILED/CERT

I, Veronica A. Dobbins, being desirous of creating a trust for the benefit of my children, William Russell Dobbins, II, Georgia Ann Dobbins and any children which may hereafter be born to me, do hereby transfer, assign and convey unto George S. Dobbins (hereinafter referred to as Trustee) 25 shares of the capital stock of Dobbins Brothers Construction Company, Inc., being all of the shares of stock now owned by me in said corporation, which said shares of stock, together with any re-investments of the proceeds thereof, and any other money, property or assets which may hereafter be delivered or conveyed to the trustee hereunder, shall be held in trust and disposed of for the following uses and purposes, to-wit:

1. During the continuance of this trust, the trustee shall in his discretion from time to time pay over to or use for the benefit of each child his or her portion of the net income from this trust as he may deem advisable, or may in his discretion accumulate and re-invest all or any portion of the income from this trust belonging to each child, and continue to hold the same or the investment or re-investment thereof as a part of said child's share of the trust estate as the trustee may deem to be to the best interest of each child.

Instead of paying over any income to the beneficiary, the trustee may in his discretion apply or pay the same to or for the benefit of the beneficiary for the support, care, maintenance and education of each child.

My children shall be equally interested in said trust, and the trustee shall immediately divide or allocate the trust property into two shares, one of which shares shall be held in trust for each of my said two children. In the event of the birth of an additional child or children to me, or my marriage to the said George S. Dobbins, the trustee shall in each such event redivide or re-allocate the principal of the trust so as to hold an equal share of the principal for each of my said children.

2. At any time after any beneficiary hereunder attains the age of 21 years, the trustee may in his discretion advance to such child any portion or all of his or her share of the trust.

3. Should any beneficiary die prior to the termination of this trust, leaving descendants of such beneficiary surviving, then such descendant shall take per stirpes the share which the parent would have taken if living, but should such beneficiary leave no descendants surviving, then the share of the beneficiary so dying shall go to and become a part of the remaining share or shares being by the trustee held in trust.

4. This trust shall terminate when my youngest living child of my present marriage attains the age of 21 years, or when all of my said children shall be dead, whichever event first occurs. Upon the termination of the trust, the trustee shall pay over to each child or his or her descendants, the share of the trust held in trust for each of my children or their descendants. Should all of my said children be dead at the termination of the trust, leaving no descendants, then all of the trust property remaining in the hands of the trustee shall be paid over to and

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become the property of my husband, George S. Dobbins, if he be living, and if he be not living, then the same shall be divided and distributed among such persons and in such shares as then constitute his heirs at law under the statutes of descent and distribution of real property of the State of Alabama in the same manner as if my said husband had died owning all of said trust property, unmarried, immediately after the death of the last of my surviving children.

5. Should any distributee entitled to take hereunder at the time provided for the termination of this trust be under the age of 21 years at the time of such distribution, the trustee may in his discretion continue to hold in trust the share of such distributee with all the powers and authority of the trustee with reference thereto herein provided until such beneficiary attains the age of 21 years or dies, at which time the share of such beneficiary shall be delivered to such beneficiary or to the heirs at law of such beneficiary if dead.

POWERS OF TRUSTEE

In the management and control of the trust estate and of all parts thereof, the trustee may, in his sole judgment and discretion do and have done with respect to the trust estate and every part and parcel and share thereof, all things which in his sole judgment and discretion may seem necessary, desirable or proper to promote, protect and conserve the interest of the trust estate and the beneficiary hereof, in like manner as if the trustee were entitled to said property beneficially and every determination of the trustee in any matter committed to his discretion or with respect to which he may be empowered to act hereunder, whether made upon a question formally or actually raised or implied in any of the acts or proceedings of the trustee in relation to the premises, shall be binding upon all persons interested in the trust and shall not be objected to or questioned on any ground whatsoever. Without in anywise limiting the generality of the foregoing but solely in order to define with particularity certain of the powers hereby invested in the trustee, it is further declared that the trustee may in his sole judgment and discretion have and exercise among others, the powers following, to-wit:

(a) To retain any investments, securities or property originally received or thereafter acquired from any source whatsoever by the trustee hereunder, and from time to time to invest any and all funds coming into the hands of the trustee hereunder, on any account whatsoever and forming a part of the trust estate, in such securities, investments or other property, real or personal, as the trustee in his sole discretion deems advisable, however doubtful and hazardous or limited that description or nature of the property may be and regardless of the fact that such property may not be producing income and whether or not such property or investments may be such as are authorized or deemed proper for investment by a trustee under the constitution and laws of the State of Alabama or under the rules of any court having jurisdiction, or any custom, or usage or declaration of policy, or otherwise, without regard to the location thereof, whether in or outside of the State of Alabama or the United States of America. The trustee shall not be liable to anyone for any depreciation or decrease in value of, or for having acquired or retained, any such property or investments, however hazardous, doubtful or limited the same may be;

(b) To lease, sell or exchange or otherwise dispose of

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at private sale and to make contracts with respect to all or any part of the trust estate, without notice to any one or order of court, and to assign, transfer and convey any and all of the trust estate at such times, for such terms (even though such terms may extend beyond the termination of the trust) for such consideration and upon such conditions as the trustee may deem proper, and in any case without liability on the part of the lessee, purchaser, assignee or transferee to see to the proper application of the purchase price or other consideration; to exercise such powers under any power or authority or in the performance of any duty conferred or imposed on the trustee hereunder;

(c) To manage and control any shares of stock, certificates of interest, bonds or other securities of any corporation, trust or association at any time subject to the trust and with respect to the same to concur in any plan, scheme or arrangement for the consolidation, merger, conversion, recapitalization, reorganization or dissolution, or the lease or disposition of the properties of any such corporation; trust or association and generally to participate in and become a party to any such plan, scheme or arrangement and to agree and bind himself so to do by deposit with a protective or other committee or trustees or otherwise and whether any such plan, scheme or arrangement may have been proposed or promulgated with power to accept any securities of any designation or description of any corporation, trust or association which may be a party to or result from any such plan, scheme or arrangement and generally to represent the trust estate at any and all meetings of the holders of any of the aforesaid securities either personally or by proxy, with or without power of substitution, and at any such meeting to vote upon any matter submitted thereto, ordinary or extraordinary;

(d) To collect all debts and obligations at any time belonging to the trust estate and to extend time for the payment of the same in such manner, by such processes and upon such terms as in his judgment may seem proper; to compromise or submit or arbitrate any matter in dispute including liability of the trust estate or of any beneficiary thereof for taxes of any kind whatsoever; and to purchase and to join with others in purchasing any property which may be subject to a lien in favor of the trust estate;

(e) To hold bonds, notes, and other securities in bearer form and to omit to register them; to hold stocks, bonds, notes or securities or property in names other than that of the trustee or in the name of the trustee, and all without any indication that the securities or property are held in trust and without any disclosure of the fiduciary capacity of the trustee;

(f) The trustee is specifically authorized to invest the trust funds or property in any partnership or joint venture and to become a partner thereof and shall not be liable or responsible for any loss occurring by reason thereof.

(g) Upon the death of any beneficiary hereunder who is at the time of his or her death entitled to any income from the trust estate, to pay the funeral and burial expenses and the expense of the last illness of any such beneficiary from the corpus or principal thereof, a portion of the income derived from which has been payable to any such beneficiary;



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(h) The trustee shall have full power and authority privately and without order of court to borrow any money which he may deem advisable for the protection or proper administration of the trust estate, and as trustee to mortgage any of the trust property for the purpose of securing same, with full power and authority to renew or extend any indebtedness at any time existing against any of the trust estate;

(i) The trustee shall have power and authority at any time or from time to time to advance money to the trust estate from his funds for any purpose or purposes of the trust and may reimburse himself for the money advanced and interest thereon from the trust property or from any funds belonging to the trust estate thereafter coming into his custody from any source;

(j) The trustee shall pay from and out of the income of the trust property any and all expenses reasonably necessary for the administration of the trust, including interest, taxes, insurance, including public liability insurance, and compensation to the trustee, as well as any other expense incurred for the benefit of the trust estate, and in the event the income from the trust property is insufficient for the purpose of paying such expenses, the same may be paid from the corpus of the trust estate;

(k) The trustee shall not be required to give bond as trustee under this instrument, unless ordered so to do for cause shown by a court having jurisdiction, in which event the cost and expense of the bond shall be paid from the trust estate;

(l) It is hereby expressly provided that all payments to the beneficiaries hereunder are to be made to such beneficiaries in person or directly for their maintenance and support and that no interest of any beneficiary be subject to assignment or be liable in any way for such beneficiary's debts;

(m) Upon the death, resignation or incapacity of the original trustee hereunder, William Durall Dobbins, Jr., brother of the original trustee hereunder, if living and willing to act shall become the trustee with all of the powers and authority of the original trustee with respect to this trust, provided however, that the original trustee hereunder may by his last will and testament name a successor trustee in lieu of the successor trustee herein named, and such successor trustee named in said Will shall have all of the powers and authority vested in the original trustee hereunder. The said original trustee may also provide in his Will the manner of the selection of any future trustee hereunder.

(n) After the time fixed for the termination of this trust, the powers of the trustee hereunder shall continue for such length of time, not exceeding one year, as shall be reasonably necessary for the trustee to divide and distribute the trust property among the beneficiaries, and if necessary to dispose of a portion or all of the assets in order to do so. In making any apportionment or distribution of principal as herein contemplated, the trustee is authorized to determine the total value of the estate and make collection of the items of property to be paid over and distributed to the party, or parties, entitled thereto with reference to the share of the trust estate

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to which such party or parties may be entitled, and without securing any valuation or determination of valuation or direction as to specific items of property to be sold over and distributed from any court; it being my intention that said trustee shall use his sole judgment and discretion in any such determination without liability to anyone on account of the exercise of such judgment and discretion.

IN WITNESS WHEREOF, I have hereunto set my signature and seal on this 1st day of September, 1948.



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Shelby Cnty Judge of Probate, AL
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Veronica A. Dobbins (SEAL)

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, W. Bruce White, a Notary Public in and for said County, in said State, hereby certify that Veronica A. Dobbins, whose name 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 the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 1st day of September, 1948.

W. Bruce White
Notary Public.

I HEREBY CERTIFY THAT THE DEED TAX \$ 50 & MTG. TAX \$ 5 HAS BEEN PAID ON THIS INSTRUMENT.

Tom C. Garner
Judge of Probate

FILED IN OFFICE FOR RECORD THIS THE MAY 14 1951 AND
DULY RECORDED IN PAGE 491 TOM C. GARNER, Judge of Probate

5451P216

STATE OF ALABAMA)
JEFFERSON COUNTY)



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Shelby Cnty Judge of Probate, AL
11/04/1977 12:00:00 AM FILED/CERT

Before me, the undersigned, a Notary Public
in and for said County, in said state, personally appeared
George S. Dobbins, who is known to me, and who being by me
first duly sworn, deposes and says on oath as follows:

My name is George S. Dobbins. By deed recorded
in Deed Book 660, Page 531, in the Probate Office of Jefferson
County, Alabama, Bessemer Division, William Albert Belcher,
et al conveyed to me, As Trustee under Instrument of Trust
dated September 1st, 1948, the property described in said
deed. There is only one instrument of trust in existence
dated September 1st, 1948 in which I appear as the Trustee,
said instrument being recorded in Deed Book 4665, Page 490,
in the Probate Office of said County, Birmingham Division,
and being a trust created by Veronica A. Dobbins for the
benefit of her children.

George S. Dobbins
George S. Dobbins

Sworn to and subscribed before me,
this 8th day of November, 1955.

James R. Holladay
Notary Public

STATE OF ALABAMA JEFFERSON CO.
NOTARY PUBLIC
WISCONSIN 5451P216

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STATE OF ALA. JEFFERSON CO.
FILED BY THIS INSTRUMENT
WAS FILED ON

611 PAGE 391

MAY 5 3 27 PM '70

RECORDED & INDEXED
& DEED TAX HAS BEEN
PAID ON THIS INSTRUMENT

Glenn H. Hester

STATE OF ALABAMA

JEFFERSON COUNTY



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Shelby Cnty Judge of Probate, AL
11/04/1977 12:00:00 AM FILED/CERT

RESIGNATION OF TRUSTEE

The undersigned, William Durall Dobbins, Jr., also known as
W. D. Dobbins, Jr. and Durall Dobbins, does hereby resign as Trustee
under those certain instruments of trust set out hereinafter:

William D. Dobbins and Veronica A. Dobbins as Trustees for
William D. Dobbins, III, Sharon Alice Dobbins and Georgia
Ann Dobbins under Instrument of Trust dated September 1,
1948, recorded in the Office of the Judge of Probate of Jefferson
County, Alabama in Deed Book 4665, Page 490.

William D. Dobbins and Veronica A. Dobbins as Trustees for
William D. Dobbins, III, Sharon Alice Dobbins and Georgia
Ann Dobbins, under Instrument of Trust dated August 1,
1949, recorded in the Office of the Judge of Probate of Jefferson
County, Alabama in Deed Book 5264, Page 222.

William D. Dobbins and Veronica A. Dobbins as Trustees for
William D. Dobbins, III, Sharon Alice Dobbins and Georgia
Ann Dobbins, under Instrument of Trust dated January 1, 1953,
recorded in the Office of the Judge of Probate of Jefferson
County, Alabama in Deed Book 5364, Page 227.

This resignation is effective immediately.

Dated this 5th day of May, 1970.

Witnesses:

Louise S. Cantrell

William Durall Dobbins, Jr.
William Durall Dobbins, Jr.

Charles H. Hester

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said
State, hereby certify that William Durall Dobbins, Jr., also known as W. D.
Dobbins, Jr. and Durall Dobbins, whose name 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 the instrument he executed the same
voluntarily on the day the same bears date.

Given under my hand and official seal this 5th day of May, 1970.

Charles H. Hester
Notary Public

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STATE OF ALABAMA
JEFFERSON COUNTY



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Shelby Cnty Judge of Probate, AL
11/04/1977 12:00:00 AM FILED/CERT

PROPERTY TAX
& S. DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT

John T. Meador
NOTARY PUBLIC

The undersigned, William Durall Dobbins, III, the oldest child
of George Stacey Dobbins, and designated as a Successor Trustee in
those certain Instruments of Trust described as follows:-

William D. Dobbins and Veronica A. Dobbins as Trustees for
William D. Dobbins, III, Sharon Alice Dobbins and Georgia
Ann Dobbins under Instrument of Trust dated September 1,
1948, recorded in the Office of the Judge of Probate of Jefferson
County, Alabama in Deed Book 4665, Page 490.

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William D. Dobbins, III, Sharon Alice Dobbins and Georgia
Ann Dobbins, under Instrument of Trust dated August 1, 1949,
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Alabama, in Deed Book 5364, Page 222.

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Ann Dobbins, under Instrument of Trust dated January 1, 1953,
recorded in the Office of the Judge of Probate of Jefferson
County, Alabama in Deed Book 5364, Page 227;

does hereby accept the responsibilities and obligations as Successor Trustee
to William Durall Dobbins, Jr., also known as W. D. Dobbins, Jr. and
Durall Dobbins, in the aforesaid Trusts.

WITNESS my hand and seal this 6th day of May, 1970.

Witnesses:

Shelby T. Ligon
John T. Meador

William Durall Dobbins, III
William Durall Dobbins, III

STATE OF ALABAMA
I CERTIFY THIS
INSTRUMENT HAS BEEN
FILED

STATE OF ALABAMA
JEFFERSON COUNTY

Recd. 12-00
Dul. 1-00
12 00

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JUDGE OF PROBATE

I, the undersigned, a Notary Public in and for said County, in said
State, hereby certify that William Durall Dobbins, III, whose name 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 the instrument he executed
the same voluntarily on the day the same bears date.

Given under my hand and official seal this 6th day of May, 1970.

Shelby T. Ligon
Notary Public