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4392

STATE OF ALA. JEFFERSON CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON

1990 APR -5 PM 4:20

RECORDED & INDEXED  
DEED TAX HAS BEEN PAID ON THIS INSTRUMENT

*James A. Grooms*  
JUDGE OF PROBATE

DOCUMENT

STATE OF ALABAMA )  
CALHOUN COUNTY )

1193

This Document made and executed by Myrtle Lee Spraggins.

WHEREAS, Iva Nell Holman and Myrtle Lee Spraggins are devisees in the Last Will and Testament of W. C. Lloyd, Deceased, dated February 5, 1987; and

WHEREAS, said Last Will and Testament of W. C. Lloyd, Deceased, was admitted to probate in Calhoun County, Alabama, on the 28 day of July, 1988; and

WHEREAS, Iva Nell Holman and Myrtle Lee Spraggins have been duly appointed and have duly served as Co-Executrixes under the said Last Will and Testament of said W. C. Lloyd; and

WHEREAS, ITEM III of said Last Will and Testament states, in relevant part, that all such devises (in real property) shall be in fee simple, but in the event any of the real estate devised by this Last Will and Testament shall not be disposed of by any of the devisees during such devisee's lifetime, then such real estate shall pass under this Last Will and Testament equally to the other devisees mentioned in this paragraph or living at the time of such death, share and share alike; and

✓ SPAIN, GILLON, GROOMS, BLAN & NETTLES

The Zinszer Building • 2117 Second Avenue North  
Birmingham, Alabama 35203

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WHEREAS, this ITEM III of the Last Will and Testament of W. C. Lloyd clearly creates a fee simple defeasible real property interest in Iva Nell Holman or Myrtle Lee Spraggins; and

WHEREAS, Iva Nell Holman and Myrtle Lee Spraggins, as Co-Executrixes under the Last Will and Testament and devisees thereto, have entered into an earlier agreement dated the 20th day of November, 1988, which attempts to transfer identical real property interests from Iva Nell Holman to Myrtle Lee Spraggins and vice versa and to cut off any possible automatic transfer to title from one sister to the other which may arise upon the death of the first sister; and

WHEREAS, Myrtle Lee Spraggins created an Instrument dated July 11, 1989 which, among other things, states that Myrtle Lee Spraggins shall disclaim any real property she receives as a result of the defeasible condition, or if the property cannot be disclaimed, she will sell the real property received as a result of the defeasible condition to the estate of Iva Nell Holman; and

WHEREAS, Myrtle Lee Spraggins believes the Instrument may create substantial legal and tax problems that were not considered at the time the Instrument was created; and

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WHEREAS, Myrtle Lee Spraggins wishes to transfer a portion of the real property interest which she received under the Will of W. C. Lloyd or pursuant to the Agreement dated the 20th day of November, 1988, in trust for her grandnieces and grandnephews.

NOW, THEREFORE, the undersigned does hereby state:

1. The Instrument made by Myrtle Lee Spraggins dated July 11, 1989, is specifically revoked and shall be null and void and of no legal effect.

2. The undivided 5/48ths interest in the real property, more specifically described in Exhibit A, which is attached hereto and expressly made a part hereof, which is owned by Myrtle Lee Spraggins shall be transferred by Myrtle Lee Spraggins to her grandnieces and grandnephews, in trust, in fee simple absolute.

3. This Document shall be binding upon the heirs, executors, administrators, and personal representatives of the undersigned, and the undersigned shall make and execute any instruments or documents that may be necessary to fulfill the intention of this Document.

4. A copy of this Document shall be placed on record in the offices of the Judges of Probate of Calhoun County, Jefferson

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County and Shelby County, Alabama, and such other counties as may  
be necessary.

IN WITNESS WHEREOF, the undersigned hereto has set her hand  
and seal this the 2nd day of April, 1990.

Myrtle Lee Spraggins  
Myrtle Lee Spraggins

STATE OF ALABAMA )  
Jessie COUNTY )

I, the undersigned authority, a notary public in and for said  
county in said state, hereby certify that Myrtle Lee Spraggins,  
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 said instruments, she executed the same voluntarily  
on the day the same bears date.

Given under my hand and official seal this the 2nd day of  
April, 1990.

Clair Hudson  
Notary Public

My Commission Expires: 9-1-92

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EXHIBIT "A" TO DOCUMENT  
OF MYRTLE LEE SPRAGGINS

A tract of land situated in the N.W. 1/4 and the North 1/2 of the S. W. 1/4 of Section 27, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Begin at the Southeast corner of the N.W. 1/4 of the S. W. 1/4 of Section 27, Township 18 South, Range 2 West; thence West along the South line of said 1/4-1/4 section a distance of 112.60 feet to a point on the Northeasterly right-of-way line of Old U. S. Highway No. 280; thence 35° 42' 41" to the right to the tangent of a curve to the right having a radius of 666.78 feet and a central angle of 73° 33' 31"; thence Northwesterly, Northerly and Northeasterly along the arc of said curve and along said right-of-way line a distance of 856.04 feet to the P.T. (point of tangent) of said curve; thence Northeasterly, tangent to said curve and along said right-of-way line a distance of 1175.05 feet to a point; thence 90° 00' to the left in a Northwesterly direction along said right-of-way line a distance of 10.00 feet to a point; thence 90° 00' to the right to the tangent of a curve to the left having a radius of 1472.69 feet and a central angle of 29° 41' 52"; thence Northeasterly, Northerly and Northwesterly along the arc of said curve and along said right-of-way line a distance of 763.33 feet to the P.T. (point of tangent) of said curve; thence Northwesterly, tangent to said curve and along said right-of-way line a distance of 578.74 feet to the P.C. (point of curve) of a curve to the left having a radius of 3859.83 feet and a central angle of 10° 36' 27"; thence Northwesterly along the arc of said curve and along said right-of-way line a distance of 714.59 feet to the point of intersection of said line with the South line of a 100 foot wide Alabama Power Company right-of-way; thence 111° 24' 19" to the right (angle measured to tangent) in an Easterly direction along said Alabama Power Company right-of-way line a distance of 1226.42 feet to the point of intersection of said line with the Southwesterly right-of-way line of U. S. Highway No. 280; thence 39° 46' 08" to the right to the tangent of a curve to the left having a radius of 5879.79 feet and a central angle of 2° 59' 18"; thence Southeasterly along the arc of said curve and along said right-of-way line a distance of 306.67 feet to a point; thence 143° 10' 50" to the right (angle measured to tangent) in a Southwesterly direction a distance of 353.52 feet to a point; thence 54° 37' 33" to the left in a Southwesterly direction a distance of 1138.38 feet to a point; thence 45° 00' 24" to the left in a Southeasterly direction a distance of 396.82 feet to a point; thence 45° 00' 10" to the left in a Southeasterly direction a distance of 1149.67 feet to a point on the Northwesterly right-of-way line of Interstate Highway I-459; thence 90° 00' to the right in a Southwesterly direction along said right-of-way line a distance of 1285.69 feet to a point; thence 1° 15' 17" to the left in a Southwesterly direction along said right-of-way line a distance of 793.31 feet to a point on the South line of the North

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1/2 of the S.W. 1/4 of said Section 27; thence 55 33' 32" to the right in a Westerly direction a distance of 32.47 feet to the point of beginning. Containing 2,833,818.90 square feet or 65.055 acres.

2008

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ALABAMA CALHOUN COUNTY  
I CERTIFY THIS INSTRUMENT  
WAS FILED

'90 APR 6 AM 10 34

ARTHUR C MURRAY  
PROBATE JUDGE

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

90 APR 18 AM 10: 00

*Arthur C. Murray, Jr.*  
JUDGE OF PROBATE

Mtg. Tax	
Deed Tax	
Certified	1.00
Recd.	15.00
Ind. Fee	2.00
TOTAL	18.00

1. Deed Tax	\$
2. Mtg. Tax	\$
3. Recording Fee	\$ 15.00
4. Indexing Fee	\$ 2.00
5. No Tax Fee	\$
6. Certified Fee	\$ 1.00
Total	\$ 19.00