

This Instrument prepared by:

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Bradley Arant Boult Cummings LLP
1819 5th Avenue North
Birmingham, AL 35203

STATE OF ALABAMA)
 :
SHELBY COUNTY)

RELEASE OF MORTGAGE

THIS RELEASE OF MORTGAGE (this “Release”) executed and delivered this 26th day of January, 2021 by **CATHY GOFF CLAYTON, DELTON LANE CLAYTON AND DIEDRE CLAYTON O’NEAL, AS CO-TRUSTEES OF THE MARITAL TRUST CREATED UNDER THE WILL OF WILLIAM LARRY CLAYTON, DECEASED, SHELBY COUNTY PROBATE CASE NO. PR-2009-742** (together, “Lender”) in favor of **SHELBY SPRINGS, LLC** (“Borrower”):

WHEREAS, Borrower executed and delivered that certain Future Advance Mortgage dated June 5, 2001 and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument No. 2001-23160 (the “Mortgage”) in favor of **W. LARRY CLAYTON** (“Decedent”); and

WHEREAS, Decedent died on October 25, 2009, and the will of Decedent dated October 25, 2009 (the “Will”), was admitted to probate by the Probate Court of Shelby County, Alabama on or about December 3, 2009 (Probate Case No. PR-2009-742), and on December 3, 2009, Letters Testamentary were issued by the Probate Court of Shelby County, Alabama, appointing Cathy Goff Clayton, Delton Lane Clayton and Diedre Clayton O’Neal (formerly Diedre Elaine Clayton) as the personal representatives of the Will; and

WHEREAS, Decedent was survived by his spouse, Cathy Goff Clayton, and under Item III(a) of the Will, Decedent divided his residuary estate into two parts (shares), with one part (share) being a defined gift (i.e., a gift of a certain amount) to the Grandchildren’s Trust created under Item VI of the Will, and the other part (share) being the balance of Decedent’s residuary estate given to the Marital Trust created for the lifetime benefit of Decedent’s spouse under Item V of the Will;

WHEREAS, Decedent’s rights under both the Mortgage and the note evidenced by such Mortgage (collectively, “Mortgage Interest”) constituted part of Decedent’s residuary estate under his Will. Further, such Mortgage Interest was not used to satisfy the defined gift to the Grandchildren’s Trust under the Will. Accordingly, such Mortgage Interest was part of the balance of Decedent’s residuary estate given to the Marital Trust under the Will; and pursuant to Section 43-2-830 of the Code of Alabama of 1975 (as amended), title to such Mortgage Interest became vested in the Trustees of the Marital Trust created under the Will. All claims against Decedent’s estate were paid or satisfied, and Decedent’s estate (Shelby County Probate Case No. PR-2009-742) was closed by an Order of Discharge of Personal Representative dated December 12, 2011, signed by the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Item XI of the Will appointed Cathy Goff Clayton, Delton Lane Clayton and Diedre Elaine Clayton (now Diedre Clayton O'Neal) as the co-trustees of the Marital Trust. Cathy Goff Clayton, Delton Lane Clayton and Diedre Clayton O'Neal (together, referred to as "Lender" under this Release) have served as trustees of the Marital Trust since its creation, and they are serving as trustees of the Marital Trust at the time of the execution of this Release; and

WHEREAS, the debt underlying the Mortgage has been paid and satisfied by Borrower, and the Lender desires to release the Mortgage.

NOW THEREFORE, in consideration of the premises, and other valuable consideration hereby acknowledge by the undersigned Lender:

KNOW ALL PERSONS BY THESE PRESENTS, that Lender being the owner of the Mortgage, and the indebtedness thereby secured, does hereby release and satisfy said Mortgage.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Lender has caused this instrument to be executed as of the date first above written.

LENDER:

**CO-TRUSTEES OF THE MARITAL TRUST
CREATED UNDER THE WILL OF WILLIAM
LARRY CLAYTON, DECEASED, SHELBY
COUNTY PROBATE CASE NO. PR-2009-742**

Cathy Goff Clayton

Cathy Goff Clayton, as a co-trustee of the Marital Trust created under the Will of William Larry Clayton, deceased, Shelby County Probate Case No. PR-2009-742

Delton Lane Clayton

Delton Lane Clayton, as a co-trustee of the Marital Trust created under the Will of William Larry Clayton, deceased, Shelby County Probate Case No. PR-2009-742

Diedre Clayton O'Neal

Diedre Clayton O'Neal, as a co-trustee of the Marital Trust created under the Will of William Larry Clayton, deceased, Shelby County Probate Case No. PR-2009-742



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
02/03/2021 04:13:02 PM
\$31.00 CHERRY
20210203000058280

Ann S. Byrd

STATE OF ALABAMA)

SHELBY COUNTY)

I, *Law Pierce*, hereby certify that each of Cathy Goff Clayton, Delton Lane Clayton and Diedre Clayton O'Neal, whose name as a co-trustee of the **MARITAL TRUST CREATED UNDER THE WILL OF WILLIAM LARRY CLAYTON, DECEASED, SHELBY COUNTY PROBATE CASE NO. PR-2009-742** 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/he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this *26th* day of January, 2021.

Law Pierce

Notary Public

[NOTARIAL SEAL]

My commission expires: *10-21-24*

