Consideration \$43,600.00

DEED (\$48.40 Federal Stamps Cancelled on this Deed)

STATE OF ALABAMA
SHELBY COUNTY

WHEREAS, the undersigned grantors, who are former stockholders of the Montevallo Coal Mining Company, have received and accepted the property hereinafter described, and other property, in full payment in exchange for their stock by way of a distribution in kind, and

WHEREAS, they are of the opinion that it would be to their best interests to act in concert in the matter of the unkeep pending a sale of such property and believing that a better price could likely be obtained for any lot or parcel sold as a whole rather than by separate sales of fractional interests, the sale of the property being the purpose of this arrangement,

NOW, THEFEFORE, PREMISES CONSIDERED, and in consideration of each joining in this conveyance with the otheres, we the said D. A. Thomas in his own right and as the husband of Ella Mae Thomas; Claud M. Shill as trustee for The First National Bank of Birmingham; the Birmingham Trust & Savings Company; W.H. Sadler in his own right and as the husband of Ruth S. Sadler; Ruth S. Sadler in her own right and as the wife of W.H. Sadler; J. L. Dollar and his wife Mary Dollar; Ethel Corine Moore, as executrix under the will of B. C. Moore, deceased; H. W. Stokes and his wife Elizabeth Thomas Stokes; Virginia Means Nesbit, a widow; Ella Mae Thomas in her own right and as the wife of D. A. Thomas; Dorothy Thomas Morrow in her own right and as the wife of Hugh Morrow, Jr; Hugh Morrow, Jr. in his own right and as the husband of Dorothy Thomas Morrow, hereby grant, bargain, sell and convey unto D. A. Thomas, and W. C. Scott, in trust however, for the uses and purposes hereinafter stated, the property described in Exhibit A. hereto attached and made a part hereof, situated in Shelby County, Alabama, which is the same property conveyed to said grantors by deed of the Montevallo Coal Mining Company dated August 31, 1943, and filed for record in the office of the Probate Judge of Shelby County,

TO HAVE AND TO HOLD to the said trustees, their successors and assigns for the following uses and purposes:

- 1. The trustees shall hold and manage said property, keep the samein repair and collect all income therefrom as if full owners thereof.
- 2. The trustees are authorized to sell and to convey in their own names any or all of said property for whatever price and upon such terms they may deem proper; provided that as to any sale for more than \$5,000.00 or on terms longer than one year, the trustees shall consult the President of the Birmingham any

  Trust & Savings Company; provided further that sale without such action shall nevertheless be valid.
- 3. The trustees, are authorized to incur and to pay such expenses for mepairs, advertising, traveling, legal assistance, clerical help, rent and other like matters as in their judgment may seem to be property; and they shall pay and discharge out of the trust funds all obligations for taxes of every kind and other charges and obligations incident to the perforance of their duties hereunder.
- 4. The trustees shall keep a complete record of all transactions, which shall be open to inspector by any grantor at all reasonable times; and they shall report the status of the trust estate including all transactions involving as much as \$500.00 to the grantors each six months.
- 5. The trustees are not authorized to invest any funds forming a part of the trust estate but shall keep such funds on deposit with the Merchants and Planters Bank of Montevallo, The First National Bank of Birmingham and/ or the Birmingham Trust & Savings Company.
- 6. Distribution of the trust funds shall be made to the grantors or their assignees in the proportion of their ownership as recited in said deed, which is as follows:
- D. A. Thomas 81.713%; Claude M. Shill, as trustee for the First National Bank of Birmingham, 2.588%; Birmingham Trust and Savings Company 2.906%; W.H. Sadler 2.265%; Ruth S. Sadler 0.162%; J.L. Dollar 3.329%; H. W. Stokes 9.007%; Esther Corrings Moore as Executrix under the will of B. C. Moore, deceased.

deceased, 3.329%; Virginia Means Nesbit 1.936%; Ella Mae Thomas 1.177%; Dorothy Thomas Morrow 0.294%; Hugh Morrow, Jr. 0.294%;

- 7. Distribution of net income shall be made currently: distribution of principal shall be made as often as the best interests of the estate warrant. The trustees may borrow money when necessary for the preservation of the estate.
- 8. Until the owners of 60% interest in this trust shall order otherwise, Mr. D. A. Thomas shall be compensated at the rate of \$500.00 per month, payable out of the trust fund, and he shall be reimbursed for all expenses incident to the perforamence of his duties. Mr. W. C. Scott shall receive no compensation but he shall be reimbursed for expenses incident to the performance of his duties.
- 9. This trust shall continue for a period not exceeding three years at which time, if not sooner, settled, all remaining property shall be conveyed to the beneficiaries according to their beneficial interestatherein.
- 10. The trustees shall act jointly and not severally. Upon the death or resignation of any trustees or upon any vacancy otherwise, occurring, a successor trustee or successor trustees shall be appointed by the beneficiaries or, if they do not agree, by a judge of the Tenth Judicial Circuit of Alabama sitting as a chancellor.

The property here conveyed does not form any part of the homestead of any of the grantors. WITNESS our hands and seals, this the 1 day of September, 1943.

D. A. Thomas

Claude M. Shill, as trustees for the First National Bank of Birmingham

BIRMINGHAM TRUST & SAVINGS COMPANY

BY W. E. Henley Chr. of the Board

W. H. Sadler

Ruth S. Sadler

J. L. Dollar

Mary Dollar

Ethel Corine Moore As Executrix under the will of B.C. Moore, deceased.

H. W. Stokes

Elizabeth Thomas Stokes

Virginia Means Nesbit

Ella Mae Thomas

Dorothy Thomas Morrow

Hugh Morrow Jr.

## STATE OF VIRGINIA MONTGOMERY COUNTY

I, H. A. Clingenpeel, a Notary Public in and for said County, in said State, hereby certify that Mrs. Virginia Means Nesbit, whose names are signed to the foregoing deed and who ar known to me, acknowledged before me on this day that, being informed of the contents of this deed, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 20th day of Sept. 1943.

Notary Public Seal Here & state when commission expires

H. A. Clingenpeel
Notary Public
My commisson expires Aug. 29,1946

STATE OF ALABAMA

SHELBY COUNTY

I, R. C. Henderson, a Notary Public, in and for said County, in said State, hereby certify that D. A. Thomas and Mary Dollar whose names are signed to the foregoing deed, and who are known to me,

acknowledged before me on this day that, being informed of the contents of this deed, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 10th day of September, 1943.

R. C. Henderson Notary Public

My commission expires March 4, 1947

ch 4, 1947 NOTERIAL SEAL

STATE OF ALABAMA

SHELBY COUNTY

I, R. C. Henderson, a Notary Public in and for said County, in said State, hereby certify that Ethel Corrine Moore, whose name as executrix under the will of B. C. Moore, deceased, 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, she, in her capacity as such executrix, executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 10th day of September, 1943.

R. C. Henderson
Notary Public
My commission expires March 4, 1947

NOTARIAL SEAL

STATE OF ALABAMA

JEFFERSON COUNTY

I, Elgin O. Thomas, a Notary Public in and for said County in said State, hereby certify that Claud M. Shill, whoses mame as trustee for The First National Bank of Birmingham, is signed to the foregoing conveyance and who is known to me, acknowleged before me on this day tht, being informed of the contents of the conveyance, he, in his capacity as such trustee, executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 7th day of September, 1943.

Elgin O. Thomas,

NOTARIAL SEAL

Notary Public

STATE OF ALABAMA

JEFFERSON COUNTY

I, Annie H. Evans, a Notary Public in and for said County in said State, hereby certify that W. E. Henley, whose name as Chr. of the Board of the Birmingham Trust & Savings Company, a corporation is signed to the foreg ing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal, this 7th day of September, 1943.

NOTARIAL SEAL

Annie H. Evans Notary Public

STATE-OF-ALA BAMA

JEFFERSON COUNTY

I, Lida Crawford, a Notary Public in and for said County, in said State, hereby certify that W. H. Sadler, Ruth S. Sadler, J. L. Dollar, H. W. Stokes, Elizabeth Thomas Stokes, Ella Mae Thomas, Dorothy Thomas Morrow and Hugh Morrow, Jr. whose names are signed to the foregoing deed, and who are known to me, acknowledged before me on this day that, being informed of the contents of the convey nce, they executed the same weltuntarily on the day the same bears date.

Given under my hand and seal, this 22 day of September, 1943.

Lida Crawford

NOTARIAL SEAL

Notary Public

EXHIBIT A TO DEED OF MONTEVALLO COAL MINING COMPANY, DATED JANUARY 1943, FORMING A PART OF SUCH DEED AND CONTAINING A MORE PARTICULAR DESCRIPTION OF THE REAL ESTATE CONVEYED

	Sec.	Tp.	Ran ge	Acres
SW 1/4 and SW 1/4 of SE 1/4.	7	22	3W	200
SW 1/4 except 6 Acres in the NE corner; the W 1/2 of				
NW 1/4 and 10 acres in the south Part of SE 1/4 of NW 1/4	18	22	3W	247
NE 1/4 lying West of Southern Railway; W 1/2 except 2 Acres				
in part of Lots 49, 50 and 54 in the Town of Aldrich, Alabama				
the W 1/2 of SE 1/4 less 16 Acres in Lots 9, 11, 18, 20, part of				
Lots 23, 24, 25, 26, 28, 31, 39, and Part of Lots 48, 49, 50				
and 54 in the Town of Aldrich, Alabama and 40 acres more or less				
in the E $1/2$ of SE $1/4$ . Less 43.38 Acres sold to J. E. Nichols,				
lying in NW 1/4 of NE 1/4; SW 1/2 of NE 1/4; SE 1/4 of NW 1/4				
Also less 4.6 acres sold to George W. Whatley lying in NE 1/4				
of NE 1/4.	. 19	22	3W	426
W 1/2 and W 1/2 of the E 1/2 less 4 Acres in Lots 44, 45 and			•	
part of Lots 46 and 48 in the Town of Aldrich, Alabama.	30	22	3W	56
SW 1/4 of NE 1/4; S 1/2 of NW 1/4; SW 1/4 and W 1/2 of SE 1/4	12	22	4W	360
All of Section except NW 1/4 of NE 1/4	13	22	4W	600
SE 1/4 of NE 1/4; E 1/2 of SW 1/4 and SE 1/4.	14	22	4W	280
E 1/2 of E 1/2	23	22	4W	160
All of Section	24	22	4W	640
All Fractional Section	25	22	4W	7 7
E 1/2 of Fractional Section	26	22	4W	32
That part of the N 1/2 of fractional Section West of Simmons Creek	<b>C</b>			
less 10 Acres in NE corner	5	24	12E	160
E 1/2 of NW 1/4; NE 1/4 of SW 1/4; NW 1/4 of SE 1/4 and NE-1/4				
fractional Section	6	24	12E	295
W 1/2 of NE 1/4 and E 1/2 of SW 1/4	<b>5</b> .	21	3W	160
NW 1/4	16	22	lW	160
S $1/2$ of NE $1/4$ ; W $1/2$ of SE $1/4$ excepting the right of way of			•	
Alabama Mineral Railroad which is a strip 100 feet in width in				
and over the W 1/2 of SE 1/4	17	22	lW	160
NW 1/4 of NE 1/4 Total	20	22	lw	40 4,053
		Acres, n	ore or I	ess.

Together with all improvements thereon.

Filed in the office of the Probate Judge the 23rd day of September, 1943 at 8 o'clock A.M. and recorded in STATE OF ALABAMA the Deed Record 117 on page 274 on this the 23rd day of September, 19431

L.C. Walker,

harday foertily thei Judge of Probate indtrument as required by

laty.

SHELBY COUNTY

JUDGE OF PROBAT!