

#4032

No Federal Stamps Collected
— on this Deed —

BOOK 147 PAGE 276

WHEREAS, by Deed bearing date the ____ day of February, 1949, the said Theophilus Jones and wife, Annie Jones, being the owners of certain real estate situated in Shelby County, Alabama and described as follows:

Beginning at a point 140 yards north of the Southeast corner of the Southwest quarter of the Southwest Quarter of Section 1, Township 21, Range 3 West, and run thence north 140 yards, and run thence East $87\frac{1}{2}$ yards; run thence south 140 yards; run thence west $87\frac{1}{2}$ yards to the point of beginning, containing $2\frac{1}{2}$ acres, more or less. Subject to a roadway 8 feet in width on the south side.

Situated in Shelby County, Alabama.

Said property having been dedicated to the public as a cemetery for burial of colored people only; without regard to church affiliation of any kind, and said dedication being by way of deed and recorded on the third day of November, 1948 at 12:00 o'clock, noon, in Deed Record 736, folio 76 and examined on November twelfth 1948, in the Office of the Judge of Probate, State of Alabama, Shelby County; do grant and convey the same to:

Johnnie Mae Hill
W. Theophilus Jones, Sr.
W. Theophilus Jones, Jr.

as trustees under a certain unrecorded Declaration of Trust, dated February 4th, 1949;

AND WHEREAS, by said deed the uses and purposes of said trust were not set forth fully and declared, and it is the desire of the said Johnnie Mae Hill, W. Theophilus Jones, Sr. and W. Theophilus Jones, Jr. to declare by this instrument the full uses and purposes for which said property is held, and is to be held by them as Trustees.

NOW THEREFORE, in consideration of the premises and the sum of One (\$1.00) Dollar to them in hand paid, receipt whereof is hereby acknowledged before the signing and sealing of these presents, the said Johnnie Mae Hill, W. Theophilus Jones, Sr. and W. Theophilus Jones, Jr. do hereby declare that they hold title to the above described property in and upon the following trusts and with the

following powers and duties, that is to say: in trust to hold manage, control, improve, and sell, parts or all or otherwise dispose of the whole or any part of the trust property to be used as cemetery lots and necessary buildings incidental thereto, to institute suits in connection therewith and adjust or compromise the same and to convey said property by absolute deed in fee or by way of Deed of Trust or mortgage lien or otherwise as the circumstances may require, without liability on the part of the purchaser, lessee, or person lending money, to see to the application of the purchase money or money loaned, for any necessary improvements. And in the event of any sale of said property during the term of this trust for cemetery lots, to invest or re-invest the proceeds thereof in the improvement and care of the cemetery as may be deemed proper by the said trustees or any substitute trustee or trustees; and the said trustees herein agree that the net income arising from the sale of any of the trust property, for cemetery lots, will be applied towards the support and maintenance and care of the said trust property, and the said trust is to be in existence for a period of twenty-five (25) years, and after the expiration of twenty-five (25) years, the trustees are empowered to convey, transfer and deliver all of the remaining trust property to and unto the said Colored Second Baptist Church, Siluria, Alabama absolutely in fee simple. In the event of the death of any of the trustees, the then remaining trustee or trustees herein shall continue to exercise their trust herein for a period of twenty-five (25) years from the date hereof and thereafter to convey, transfer and deliver the remaining property both real and personal to the said Colored Second Baptist Church, Siluria, Alabama, since the term of this trust shall be for a period of twenty-five (25) years in any event.

That the said Trustees named shall not be accountable for the proceeds collected therefrom to any person or persons at any time or to the beneficiary of the said trusts.

The beneficiary, Colored Second Baptist Church, Siluria, Ala-

bama, of this trust is hereby restrained from selling transferring, assigning, hypothecating or otherwise disposing of its respective interest in the corpus of the said trust or any part thereof, at any time before the said corpus shall come into its possession under the terms of this trust, and the said respective interest of said beneficiary in the corpus of the said trust as aforesaid shall not be assignable and shall not be subject to the claim of creditors of the said beneficiary.

IN WITNESS WHEREOF on the 19 day of February, 1949, the said Johnie Mae Hill, has hereunto set her hand and seal.

Signed, sealed and delivered in the presence of:

N. B. Smith

Johnie Mae Hill
N. B. Smith Notary Public (SEAL)

Birmingham, Alabama :
Jefferson County : ss

I, N. B. Smith, a Notary Public in and for the City of Birmingham, State of Alabama, County of Jefferson, do hereby certify that Johnie Mae Hill, party to a certain declaration of trust, bearing date on the 4 day of February, 1949, and hereunto annexed, personally appeared before me in said City of Birmingham, State of Alabama, County of Jefferson, the said Johnie Mae Hill, being personally well known to me as the person who executed the said Declaration of Trust and acknowledged the same to be her act and deed.

GIVEN under my hand and seal this 19 day of February, 1949.

MY COMMISSION EXPIRES OCT. 22, 1950
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N. B. Smith
Notary Public
My Commission expires _____

IN WITNESS WHEREOF ON the 1st day of March, 1949, the said

W. Theophilus Jones, Sr., hereunto set his hand and seal.

Signed, sealed and delivered in the presence of:

W. B. Harrison

W. Theophilus Jones Sr (SEAL)

Shelby County
State of Alabama ss

I, W. B. Nicolson, a Notary Public in and for Shelby County, State of Alabama, do hereby certify that W. Theophilus Jones, Sr., party to a certain declaration of trust bearing date on the 14 day of March 1949, and hereunto annexed, personally appeared before me in the said Shelby County, State of Alabama, the said W. Theophilus Jones, Sr., being personally well known to me as the person who executed the said Declaration of Trust and acknowledged the same to be his act and deed.

GIVEN under my hand and seal this 14 day of March 1949,

W. B. Nicolson
Notary Public
My Commission expires 7/4/50

IN WITNESS WHEREOF on the ___ day of February, 1949, the said W. Theophilus Jones, Jr., hereunto set his hand and seal.

Signed, sealed and delivered
in the presence of:

Elizabeth A. Snowden W. Theophilus Jones, Jr. (SEAL)

DISTRICT OF COLUMBIA, SS:

I, Elizabeth A. Snowden, a Notary Public in and for the said City of Washington, District of Columbia, do hereby certify that W. Theophilus Jones, Jr., party to a certain declaration of trust bearing date on the 4th day of February, 1949, and hereunto annexed, personally appeared before me in the said City of Washington, District of Columbia, the said W. Theophilus Jones, Jr., being personally well known to me as the person who executed the said Declaration of Trust and acknowledged the same to be his act and deed.

GIVEN under my hand and seal this 4th day of February, 1949.

Elizabeth A. Snowden
Notary Public, D. C.

Filed in the Office of the Probate Judge on the 23 day of July 1951 at 10 o'clock A M.
and recorded in Deed Book 147 Page 279 this 23 day of July 1951.
Deed Tax — Mortgage Tax — has been paid.
L.C. Walker, Judge of Probate