

This instrument was prepared by C. A. J. Beaver, 2010 City Federal Bldg., Birmingham, Alabama

STATE OF ALABAMA

SHELBY COUNTY

2155

EXECUTORS DEED

KNOW ALL MEN BY THESE PRESENTS:

That, Whereas, the Birmingham Trust National Bank, a national banking corporation, and Emma Jean Rucker were duly appointed by the Judge of Probate of Jefferson County, Alabama as Co-Executors of the estate of Edward Brewer Rucker, deceased, and are acting in that capacity at this time, and

WHEREAS, said Decedant left numerous debts, claims for which have been filed against the estate of said Decedant and there is insufficient personal property in said estate with which to pay said debts, and

WHEREAS, under the terms and provisions of the Last Will and Testament of said Edward Brewer Rucker the Co-Executors were authorized and empowered to convey real estate without approval of Court, and

WHEREAS, under the law of the State of Alabama where such power and authority are granted under the will of a decedant, the Probate Court cannot order a sale of property to pay debts when property may be sold under the power in a will, and

WHEREAS, said decedant was the owner of an undivided one fourth interest in the real estate hereinafter described, and

WHEREAS, the owners of the other three-fourths interest in said land have contracted to sell same to the within named Grantee at a price which represents the fair market value of said property, and

WHEREAS, the sale of said property is necessary in order to pay the debts of said estate,

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES and the sum of \$2,587.50 cash in hand paid to the undersigned Grantors, receipt whereof is hereby acknowledged, the undersigned Birmingham Trust National Bank, a national banking corporation, and Emma Jean Rucker, as Co-Executors under the Last Will and Testament of Edward Brewer Rucker, deceased; and Emma Jean Rucker, individually, a widow, have this day bargained, sold and by these presents do hereby grant, bargain sell and convey unto Gertrude L. Kirkley an undivided one-fourth interest in and to the following described real

586
257

estate, situated in Shelby County, Alabama, to-wit:

Plot 5: A parcel of land situated in the SE $\frac{1}{4}$ of Section 10, Township 22 South, Range 3 West and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the SW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 11; thence run in a Easterly direction along the South line of said quarter-quarter section for a distance of 985.12 feet; thence 91 deg. 43 min. to the left in a Northerly direction for a distance of 280.30 feet to the point of beginning; thence continue on last described course for a distance of 259.07 feet; thence 55 deg. 18 min. 15 sec. to the left in a Northwesterly direction for a distance of 2121.68 feet to a point on the southeasterly right of way line of Alabama Highway #119; thence 90 deg. to the left in a southwesterly direction along said southeasterly right of way line for a distance of 213.0 feet; thence 90 deg. to the left in a southeasterly direction for a distance of 2259.15 feet to the point of beginning. Containing 10.7 acres, more or less.

Plot 6: A parcel of land situated in the SE $\frac{1}{4}$ of Section 10, Township 22 South, Range 3 West and the SW $\frac{1}{4}$ of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the SW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 11; thence run in a Easterly direction along the south line of said quarter-quarter section for a distance of 985.12 feet; thence 91 deg. 43 min. to the left in a Northerly direction for a distance of 539.37 feet to the point of beginning; thence continue on last described course for a distance of 259.07 feet; thence 55 deg. 18 min. 15 sec. to the left in a Northwesterly direction for a distance of 1974.21 feet to a point on the southeasterly right of way line of Alabama Highway #119; thence 90 deg. to the left in a southwesterly direction along said southeasterly right of way line for a distance of 213.0 feet; thence 90 deg. to the left in a southeasterly direction for a distance of 2121.68 feet to the point of beginning. Containing 10 acres, more or less.

Subject to:

1. Taxes for the year 1969.
2. Rights claimed by the Alabama Power Company under the following transmission line permits recorded in Deed Book 107, Page 218; Deed Book 138, Page 163; Deed Book 142, Page 428, Deed Book 181, Page 432.
3. Rights claimed by the public road right of way deed to Shelby County recorded in Deed Book 124, Page 190.
4. The following restrictions: Any house constructed upon said property must have a minimum of 1800 square feet of floor space and shall have an exterior of brick or brick veneer (this restriction shall not be construed as prohibiting the use of decorative stone incorporated in brick exterior wall finish, nor shall it be construed prohibiting the use of other exterior wall finish on walls of gables and other walls which occur above any portion of roof) and shall have a setback from the front of said property line (i.e., from the southeasterly right of way line of Alabama Hwy. #119) of at least a distance of 100 ft. from the frontmost portion of said house; and appurtenances of any other kind not attached to said house shall have a minimum setback of at least 300 feet from said front of said property line, other than well house.

TO HAVE AND TO HOLD unto the said Grantee, her heirs and assigns forever.

And said Grantors do for themselves, their heirs, successors and assigns, covenant with said Grantee, her heirs and assigns, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, except as set forth hereinabove, that they have a good right to sell and convey the same as aforesaid, and that they will, and their heirs, successors and assigns shall, warrant and defend the same to the said Grantee, her heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Birmingham Trust National Bank, a national banking corporation, as Co-Executor of the Last Will and Testament of Edward Brewer Rucker, deceased, has set its signature by its Vice President and Trust Officer, who is duly authorized, and has caused the same to be attested by its Secretary, on this 15 day of April, 1969.

ATTEST:

Marion F. Traynor
Secretary ASSISTANT CASHIER

BIRMINGHAM TRUST NATIONAL BANK

By Cary F. Hollingsworth Jr.
Vice President and Trust Officer

Emma Jean Rucker
Emma Jean Rucker, as Co-Executor under the Last Will and Testament of Edward B. Rucker, deceased

Emma Jean Rucker
Emma Jean Rucker, individually

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Cary F. Hollingsworth Jr., whose name as Vice President and Trust Officer of Birmingham Trust National Bank, a national banking corporation, as Co-Executor under the Last Will and Testament of Edward B. Rucker, 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 said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as Co-Executor as aforesaid.

Given under my hand this 14th day of April, 1969.

Francis J. Frederick
Notary Public

My Commission Expires January 1, 1972

589
257

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Emma Jean Rucker, whose name as Co-Executor under the Last Will and Testament of Edward B. Rucker, 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 Co-Executor, executed the same voluntarily on the day the same bears date.

Given under my hand this the 15 day of April, 1969.


Notary Public

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Emma Jean Rucker, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 15 day of April, 1969.


Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
15 APR 17 PM 8:03
20
U.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
JUDGE OF PROBATE