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This declaration of trust made and entered into this the  
25th day of October, 1974, by the undersigned, Jim Anton,

WHEREAS, the said Jim Anton does presently have four children  
namely: Wayne Wesley Anton, age 19, Shirley Rose Anton, age 17,  
Julia Francis Anton, age 14, and John Ernest Anton, age 12, and  
the said Jim Anton is hopeful and desirous that some or all of  
these children finish high school, and go on beyond that--and  
pursue and complete a college education, and

WHEREAS the said Wayne Wesley Anton, is now 19 years old,  
did finish high school in May, 1974, and has been working for wages  
for the last 2 or 3 years, and does now work for wages, and never  
has shown, and does not now show or evidence any intention of--or  
interest in--pursuing his education any further, while the younger  
3 children do talk and plan of going to college, and

WHEREAS, the said Jim Anton does therefore hereby wish to  
provide means, or establish an estate which can be converted into  
cash when needed, for said college education purposes for the  
three younger said children, and with which the three said children  
shall be financially able to pursue said college education, and

WHEREAS, the said Jim Anton hereby clearly expresses his  
intention that if one, or any of, the three said children do not  
pursue a course of college studies, then, in that event, said child  
or children that do not go to college shall forfeit his, her, or  
their right to receive or share in any of these assets, funds,  
or income from this fund, and shall not receive any of the proceeds  
from said trust estate... the purpose of this provision being that,

First: These funds are hereby provided for either or any of the  
three said younger children for their college educational  
purposes only, and if all three said children go to college,  
then these trust funds are to be used to pay the college  
expenses of all three children, if these trust funds hold out  
that long; but if only one child goes to college, then these  
trust funds are to be used to pay for only the one child's



college expenses-- and if neither of said children go to college--then neither of them receive anything under-- or benefit from--this trust.

Second: In case neither of said children go to college, or in case there are funds, or property, in this trust after either or all three said children have gone to college, then these funds are to be transferred by "Jim Anton, trustee for Shirley Rose Anton, Julia Frances Anton, and John Ernest Anton, to Jim Anton, for his retirement purposes and retirement funds, when John Ernest Anton becomes twenty-one years of age.

WHEREAS, for the purposes of convenience, the three said children in this trust (Shirley Rose Anton, Julia Frances Anton, and John Ernest Anton) shall hereinafter be known and referred to merely as Shirley, Julia, and John.

NOW, THEREFORE, BE IT KNOWN, that the said Jim Anton, for the consideration of love and affection for his said three younger children, does hereby establish, create, and set up an "Educational Trust", or "Trust Estate" for the benefit of either, any of, or all three of the said minor children, (namely: Shirley Rose Anton, Julia Frances Anton, and John Ernest Anton) that do go to college, to the exclusion of any of them that do not go to college; and the trust property is to be held by and as "Jim Anton, trustee for Shirley Rose Anton, Julia Frances Anton, and John Ernest Anton" under the qualifications, reservations, stipulations, terms, and conditions as set out in this document.

WHEREAS, of these three children, Shirley shall become of college age first, and--if she goes to college--shall need all, or a part of, these trust funds, for her college expenses before Julia or John become of college age.... And, by the same principle, Julia shall become of college age before John does... Therefore, Jim Anton hereby expressly states his intentions as being that any or all of the funds or assets of this "educational trust" are to be used if--and as--they arise for the expenses of the college education for the said child--or children--as they go to college, And it is the intention of Jim Anton that the trust funds be used to the extent necessary in providing the college

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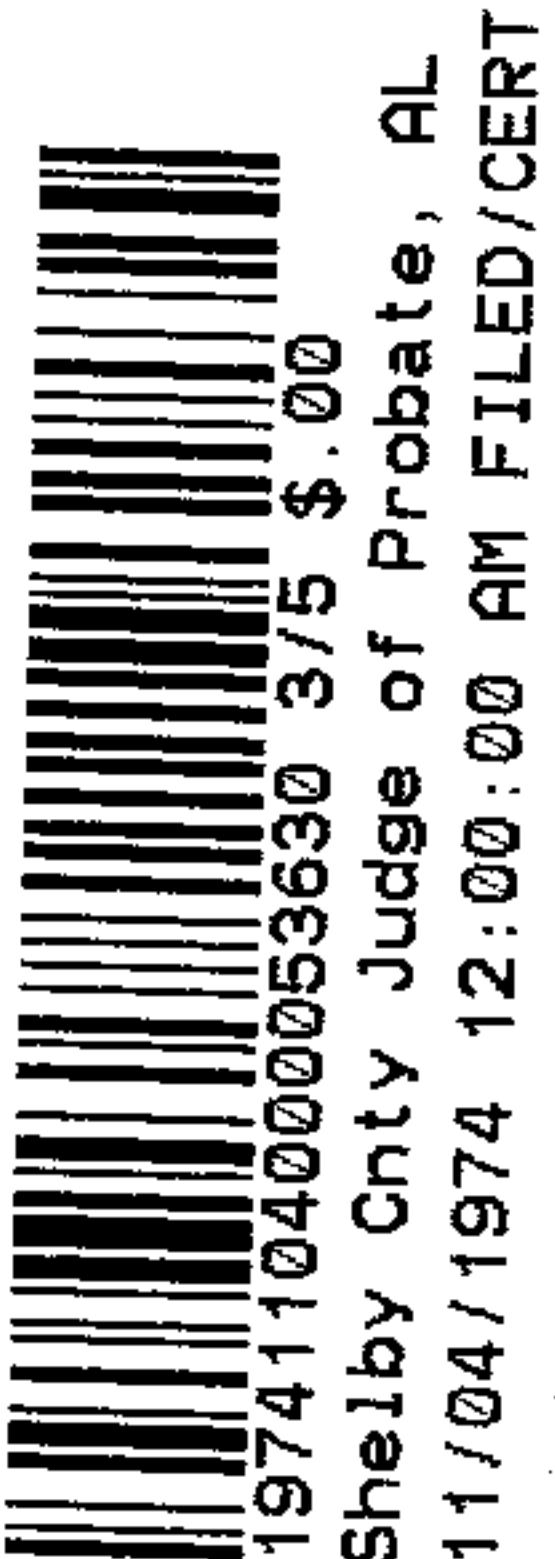
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education for any one of, for any two of, or for all three of the said children--meaning that these trust funds might be partly or fully used, depleted, spent, or extinct, when either Julia or John finish high school, and are ready for college.

The said "Jim Anton, trustee for Shirley Rose Anton, Julia Frances Anton, and John Ernest Anton", shall have the following powers and authorizations:

- A. To appoint a successor trustee, or to remove and replace the successive trustee, or trustees, by a recorded amendment, or in and by a Will; and to amend this express trust by a document duly made and recorded: and to terminate this trust upon its purpose being fulfilled, or its funds exhausted; and to carry out and execute the provisions of this trust.
- B. To purchase, assign, rent, sell, convey, mortgage, encumber, invest, re-invest, exchange, lease, transfer, and manage any and all trust property, including corpus and income therefrom, including real estate, personal property, stocks, bonds, notes, collaterals and assets or property, upon such terms and conditions, and in any manner that the said trustee shall deem proper... without any order or authority from any court or anyone else.
- C. To execute and deliver good and sufficient legal instruments necessary and beneficial to this trust without any order from any court or anyone else.
- D. To purchase, convey, encumber, build, improve, alter, rebuild, or remodel any buildings on any real estate which shall become a part of this trust property.
- E. To make, maintain, or withdraw, deposits of funds or assets with any bank, savings and loan association, or trust company for safe keeping, or for interest producing purposes.
- F. To convert the trust property to cash when necessary to protect the interest of the trust, or to benefit the trust, or to provide cash for college expenses.
- G. To spend any or all of the trust funds, both corpus and income therefrom, as he sees fit, for the expenses of the college education for the said child, or children, as said expenses arise.
- H. To determine, in his judgment or discretion, which child or children sincerely pursue college studies, and thus determine which child is deserving of these funds being spent on, or for, his or her college education.
- I. To determine as to what amounts of the trust estate is to be spent for which said child or children, for boarding, eating, books, tuition fees, and such necessary expenses of college studies, or college schooling.





It is expressly agreed and made a part of this instrument that the terms and conditions hereof, and the trusts and estates herein created, or any part of them, may from time to time be amended, modified, or changed, by an instrument in writing, referring to this document--and duly signed, acknowledged, and recorded by the trustee in the County where this document is recorded in the Probate Court.

The said Jim Anton, as such trustee, shall not be required to give any bond, or other security, for the faithful performance of these duties as such trustee; however, if there are other or successor trustee, or trustees, it is hereby directed that the said successor trustee, or trustees, be required to furnish a good and sufficient performance bond for the performance of the trustee duties.

This said trust estate, and all questions and transactions pursuant thereto, shall be construed under the laws of the State where this document is recorded.

This trust shall terminate upon the happening of either of the following events:

1. When all the funds herein have been spent by said trustee for the said college educational purposes on one or more of the said children's college education, or
2. When the youngest beneficiary hereunder that goes to college completes his or her college education, or
3. Under any conditions when the youngest living beneficiary shall have reached the age of twenty-one years, or
4. If neither of the said children goes to college, then when the youngest child, John, becomes nineteen years of age.

And upon the termination of this trust--for either of the four reasons set out immediately above--then the trustee is directed to do the following:

- A. First, the trustee is hereby authorized and directed to convey, assign, grant, or transfer any and all trust property and funds, if any, in this trust to Jim Anton, if he is then living, for his sole use and benefit, without regards to this trust, for his retirement funds, or

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B. If Jim Anton is not then living, then the trustee is hereby authorized and directed to convey, assign, grant, or transfer any and all remaining trust property over to the said three children of Jim Anton, in equal shares.

For information purposes, it is stated herein that this trust is a follow up to, and a division of, the educational trust created by the said Jim Anton (for the education of his children) recorded Alabama which is/in Jefferson County/Probate Office in Real 412, Pages 79, through 84, and which was amended in Real 823, Page 930, and further amended in Real 1116, Page 291, and which now states substantially the same as does this trust document.

This document is to be recorded by the trustee in each County where the trustee herein holds or owns any property.

IN WITNESS WHEREOF, the aforesaid settler, Jim Anton, has hereunto set his hand and seal, this 25<sup>th</sup> day of October, 1974.

Jim Anton  
Jim Anton  
(the settler herein)

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Jefford D. Boling a Notary Public in and for said County and in said State, do hereby certify that Jim Anton, whose name is signed to the foregoing "Express Trust", and who is known to me, acknowledged before me on this date--that being informed of the contents of this Express Trust--he executed the same voluntarily on the day that the same bears date.

Given unto my hand and seal this 24 day of October, 1974.

My Commission Expires October 9, 1977  
Bonded by Home Indemnity Co. of N. Y.

Notary Public, Alabama State at Large  
My Commission Expires October 9, 1977  
Bonded by Home Indemnity Co. of N. Y.

Jefford D. Boling  
Notary Public

Address of Settler, Jim Anton:  
Frank Nelson Building,  
Birmingham, Alabama 35203  
Present Phone No. is 323-2445  
and ----- 322-1138



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