

Declaration of Trust

DT-4

WHEREAS, I, Marian B. Anderton of the

City/Town of Bessemer County of Shelby State of Alabama,

am the owner of certain real property located at (and known as) 820 South Shades Crest Road

in the said City/Town of Bessemer, State of Alabama,

which property is described more fully in the Deed conveying it from Sherwood J. Stamps and wife

to Walter Anderton and wife, as "that certain piece or parcel of land with buildings thereon

standing, located in said Shelby County, being

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sect. 5, T20S, R3W containing 32 acres more or less
as recorded in the Probate Office of Shelby County, Alabama, Deed Book
233, Page 344.

and, the part of SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sect. 5, T20S, R3W which lies North
and west of the Atlantic Coast Line Railroad as recorded in a deed from
J.E. Wilborn and wife to Walter Anderton and wife which is in the Probate
Office of Shelby County, Alabama, Deed Book 276, Page 877.

and an easement From S.K. Rushing and wife to Walter Anderton and wife
as recorded in the Probate office of Shelby County, Alabama, Deed book
247, Page 772.

19760130000005970 1/2 \$.00
Shelby Cnty Judge of Probate, AL
01/30/1976 12:00:00AM FILED/CERT

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare
that I hold and will hold said real property and all right and title and interest in and to said property and all furniture,
fixtures and personal property situated therein IN TRUST

1. For the use and benefit of

(Name) Walter Carlos Anderton (my husband)

(Address) 820 South Shades Crest Road, Bessemer, Alabama 35020

Number MBA Street

City MBA

State

(hereinafter referred to as the "First Beneficiary") and upon his or her death prior to the termination of the trust, for the use
and benefit of my children, natural ~~or~~ adopted, in equal shares or the survivor of them, ~~provided~~. Upon my death, unless
all of the beneficiaries shall predecease me or unless we all shall die as a result of a common accident or disaster,
my Successor Trustee is hereby directed forthwith to transfer said property and all right, title and interest in and to
said property unto the beneficiary or beneficiaries absolutely and thereby terminate this trust; provided, however, that if any
beneficiary hereunder shall then be a minor, the Successor Trustee shall hold the trust assets in continuing trust until such beneficiary
attains the age of twenty-one years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain
the specific trust property herein described if he believes it in the best interest of the beneficiary so to do, or he may sell or otherwise
dispose of such specific trust property, investing and reinvesting the proceeds as he may deem appropriate. If the specific trust property

shall be productive of income or if it be sold or otherwise disposed of, the Successor Trustee may apply or expend any or all of the income or principal directly for the maintenance, education and support of the minor beneficiary without the intervention of any guardian and without application to any court. Such payments of income or principal may be made to the parents of such minor or to the person with whom the minor is living without any liability upon the Successor Trustee to see to the application thereof. If any such minor survives me but dies before the age of twenty-one years, at his or her death the Successor Trustee shall deliver, pay over, transfer and distribute the trust property being held for such minor to said minor's personal representatives, absolutely.

2. I reserve unto myself the power and right (1) to place a mortgage or other lien upon the property, (2) to collect any rental or other income which may accrue from the trust property and, in my sole discretion as trustee, either to accumulate such income as an addition to the trust assets being held hereunder or pay such income to myself as an individual.

3. I reserve unto myself the power and right at any time during my lifetime to amend or revoke in whole or in part the trust hereby created without the necessity of obtaining the consent of the beneficiaries and without giving notice to the beneficiaries, but no such amendment or revocation shall be effective unless and until it is filed in the land records. The sale or other disposition by me of the whole or any part of the property shall constitute as to such whole or part a revocation of this trust.

4. The death during my lifetime, or in a common accident or disaster with me, of all the beneficiaries designated hereunder shall revoke such designation, and in the former event, I reserve the right to designate a new beneficiary. Should I for any reason fail to designate such new beneficiary, this trust shall terminate upon my death and the trust property shall revert to my estate.

5. In the event of my death or legal incapacity, I hereby nominate and appoint as Successor Trustee hereunder the First Beneficiary, and upon his or her failure or ceasing to act, then I nominate and appoint

(Name) James W. Anderton

(Address) 1856 Lake Ridge Road, Birmingham, Alabama 35216

Number Street City State

as Successor Trustee, and upon his or her failure or ceasing to act or should I for any reason fail to designate the person above intended to be nominated, then I nominate and appoint as such Successor Trustee hereunder whosoever shall qualify as executor, administrator, or guardian, as the case may be, of my estate.

6. This Declaration of Trust shall extend to and be binding upon the heirs, executors, administrators and assigns of the undersigned and upon the Successors to the Trustee.

7. The Trustee and his successors shall serve without bond.

8. This Declaration of Trust shall be construed and enforced in accordance with the laws of the State of

Alabama

IN WITNESS WHEREOF I have hereunto set my hand and seal this 30th day of

January 1976

(sign here) Marian B. Anderton L.S.

Witness: (1) Willard G. Atkins

Witness: (2) Walter McCoy

STATE OF Alabama

COUNTY OF Shelby

ss: _____

On the 30th day of January, nineteen hundred and seventy six,

before me came Marian B. Anderton, known to me to be the individual described in, and who executed the foregoing instrument, and she acknowledged that she executed the same, and in due form of law acknowledge the foregoing instrument to be _____ free act and deed and desired the same might be recorded as such.

(Notary Seal) L.S.

Susan O. Lichensky
Notary Public

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Shelby Cnty Judge of Probate, AL
01/30/1976 12:00:00AM FILED/CERT

BOOK 296 PAGE 722

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1976 JAN 30 PM 1:51
Carol M. Boudreau
JUDGE OF PROBATE