

THE STATE OF ALABAMA

SHELBY COUNTY

6099

1/1/01

ASSIGNMENT OF INTEREST IN STEWART-WYATT TRUST

THIS AGREEMENT, made and entered into this 29th day of December, 1977, by and among Birmingham Trust National Bank and Rita M. Stewart Hudson as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, and Lester C. Wyatt,

W I T N E S S E T H:

WHEREAS, Charles W. Stewart and Lester C. Wyatt, as Beneficiaries, and Lester C. Wyatt, as Trustee, did heretofore enter into a certain Indenture of Trust dated June 22, 1974, which said Indenture of Trust was recorded in the Office of the Judge of Probate of Shelby County, Alabama on August 22, 1974 in Book 288, Page 386, and created the trust known as the "Stewart-Wyatt Trust", sometimes known as the "Stewart-Wyatt Land Trust"; and,

WHEREAS, the said Indenture of Trust was thereafter amended and modified by Amendment to Indenture of Trust dated April 30, 1975, and recorded in Book 11, Page 141, said Probate Office; and,

WHEREAS, the said Charles W. Stewart died testate in Jefferson County, Alabama on the 3rd day of August, 1974, naming Rita M. Stewart (Hudson) and Birmingham Trust National Bank as Co-Executors and Co-Trustees of his Last Will and Testament; and,

WHEREAS, Lester C. Wyatt, individually, has agreed to purchase the interest in said Stewart-Wyatt Trust which was owned by Charles W. Stewart at the time of his death, including all the assets, real, personal and mixed, of said Trust, on the terms and conditions hereinafter set forth; and,

WHEREAS, Rita M. Stewart Hudson and Birmingham Trust National Bank as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, have agreed to transfer, assign and convey all of their right, title, interest and claim in and to said Stewart-Wyatt Trust to Lester C. Wyatt, on the terms and conditions hereinafter set forth,



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Shelby Cnty Judge of Probate, AL
01/04/1978 12:00:00 AM FILED/CERT

BOOK 23 PAGE 219-

Jeff. Land Title
G.O. Box 10481
Bham Ala. 35201



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Shelby Cnty Judge of Probate, AL
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NOW, THEREFORE, in consideration of the premises, the sum of One (\$1.00) Dollar and other good and valuable consideration in hand paid by each of the parties to the other, the receipt and sufficiency whereof is hereby mutually acknowledged, the parties hereto covenant and agree as follows:

1. That Rita M. Stewart Hudson and Birmingham Trust National Bank as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, shall forthwith transfer, assign and convey unto Lester C. Wyatt all of their right, title, interest and claim in and to the Stewart-Wyatt Trust, including all assets of every kind and character, real, personal and mixed.

2. That Lester C. Wyatt shall pay to Rita M. Stewart Hudson and Birmingham Trust National Bank as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, the sum of Fifty-Two Thousand Five Hundred and No/100 (\$52,500.00) Dollars in cash and in addition thereto, the said Lester C. Wyatt shall transfer and assign to Rita M. Stewart Hudson and Birmingham Trust National Bank as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, his one-third (1/3) interest (fifty shares) of common stock in Indian Springs Land Development Corporation.

3. The parties hereto do hereby acknowledge that the provisions of the said Indenture of Trust relating to the sale of a beneficiary interest therein, being Item Two 2(d) have been fully complied with and met by the parties hereto prior to entering into this agreement.

4. That immediately following the transfer and assignment of the interest owned by Charles W. Stewart at the time of his death to Lester C. Wyatt, the said Stewart-Wyatt Trust shall be terminated and all of the assets of said Trust shall thereafter be owned by Lester C. Wyatt, individually.

5. Said Rita M. Stewart Hudson and Birmingham Trust National Bank as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, shall join in the execution of a Termination of Trust Agreement.

6. The said Rita M. Stewart Hudson and Birmingham Trust National Bank as Co-Executors and Co-Trustees of the Estate of Charles W. Stewart, Deceased, represent and warrant to Lester C. Wyatt that all claims filed against the Estate of Charles W. Stewart have been paid. Also, all Federal and Alabama estate tax have been paid, and that said Rita M. Stewart Hudson and Birmingham Trust National Bank have a good right to transfer and assign all of their right, title, interest and claim in and to said Stewart-Wyatt Trust to Lester C. Wyatt.

7. The said Rita M. Stewart Hudson and Birmingham Trust National Bank further agree to join in the execution of a Statutory Warranty Deed, conveying all of the real property which said Stewart-Wyatt Trust owns or has an interest in to Lester C. Wyatt.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this the 29th day of December 1977.

ATTEST:

BIRMINGHAM TRUST NATIONAL BANK

By: _____
Its: _____

By: *W. Douglas Bell* (SEAL)
Its: VICE PRESIDENT
As Co-Executor and Co-Trustee

Rita M. Stewart Hudson (SEAL)
Rita M. Stewart Hudson
As Co-Executor and Co-Trustee

Lester C. Wyatt (SEAL)
Lester C. Wyatt, Individually and
as Trustee of the Stewart-Wyatt Trust

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THE STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that *W. Douglas Bell*, whose name as *Vice Pres.* of *Birmingham Trust National Bank*, a national banking association, as Co-Executor and Co-Trustee of the Estate of Charles W. Stewart, Deceased, is signed to the foregoing Assignment of Interest in Stewart-Wyatt Trust, and who is known to me, acknowledged before me on this day, that being informed of th contents of said instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said national banking association, acting in its capacity as Co-Executor and Co-Trustee as aforesaid:

Gives under my hand & official seal this the 29th day of Dec, 1977.

Thomas Shelby
Notary Public

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THE STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Rita M. Stewart Hudson, whose name as Co-Executor and Co-Trustee of the Estate of Charles W. Stewart, Deceased, is signed to the foregoing Assignment of Interest in Stewart-Wyatt Trust, and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, she, in her capacity as such Co-Executor and Co-Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 29 day of Dec, 1977.

Donna Sherley
Notary Public



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Shelby Cnty Judge of Probate, AL
01/04/1978 12:00:00 AM FILED/CERT

THE STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Lester C. Wyatt, whose name is signed to the foregoing Assignment of Interest in Stewart-Wyatt Trust, and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 29 day of Dec, 1977.

Donna Sherley
Notary Public

THE STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Lester C. Wyatt, whose name as Trustee of the Stewart-Wyatt Trust, is signed to the foregoing Assignment of Interest in Stewart-Wyatt Trust, and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 29 day of Dec, 1977.

Donna Sherley
Notary Public

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