

# Declaration of Trust

DT-16

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WHEREAS, I, Walter Carlos Anderton of the

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

am the owner of certain shares of the capital stock of:

Walter Carlos Anderton, Inc.

(Name of Corporation)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare that I hold and will hold said Shares and all right, title and interest in and to said Shares IN TRUST, for the following uses and purposes:

1. To add, or cause to be added, to the corpus of this Trust all income and distributions which may from time to time be received on the said Shares, by causing the same to be invested in additional shares, or if I shall so elect from time to time to pay said income and distributions or cause the same to be paid to myself during my lifetime.

2. To hold said Shares and all right, title and interest therein for the use and benefit of:

(Name) Marian B. Anderton (my wife) of

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

Number WCA Street City WCA 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. ~~If because of my illness or legal incapacity~~ the Successor Trustee shall assume active administration of this trust during my lifetime, such Successor Trustee shall be fully authorized to pay to me or disburse on my behalf such sums from income or principal as appear necessary or desirable for my comfort or welfare. Upon my death, unless all of the beneficiaries shall predecease me or unless we shall die as a result of a common accident or disaster, my Successor Trustee is hereby directed forthwith to transfer said Shares and all right, title and interest in and to said Shares 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 such beneficiary's share of the trust assets in continuing trust until such beneficiary attains the age of twenty-one years. Prior to that date, the Successor Trustee may apply or expend any or all of the income or principal of such minor's share 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 such minor survives me but dies before attaining the age of twenty-one years, at his or her death the Successor Trustee shall deliver, pay over, transfer and distribute the trust property to such minor's personal representatives, absolutely.

3. I reserve the right to register any shares held hereunder in the name of a nominee, which nominee may be myself as an individual, or to pledge the shares as collateral for a loan. The right, power and authority is hereby conferred upon any Successor Trustee hereunder, at any time during the minority of the beneficiary, to invest and reinvest without limitation or restriction, to sell all or any part of the Shares being held, holding either Shares or the proceeds of the sale thereof until the minor beneficiary attains the age of twenty-one years.

4. This Trust is created upon the express understanding that the issuer or transfer agent of the Shares hereunder shall be under no liability whatsoever to see to its proper administration, and that upon the transfer of the right, title and interest in and to said Shares by any Trustee hereunder, said issuer or transfer agent shall conclusively treat the transferee as the sole owner of said Shares. In the event that any shares, cash or other property shall be distributable at any time under the terms of said Shares, the said issuer or transfer agent is fully authorized to pay, deliver and distribute the same to whosoever shall then be Trustee hereunder, and shall be under no liability to see to the proper application thereof. Until the issuer or transfer agent shall receive from some person interested in this Trust, written notice of any death or other event upon which the right to receive may depend, the issuer or transfer agent shall incur no liability for payments made in good faith to persons whose interests shall have been affected by such event. The issuer or transfer agent shall be protected in acting upon any notice or other instrument or document believed by it to be genuine and to have been signed or presented by the proper party or parties.

5. The death during my lifetime, or in a common accident or disaster with me, of any beneficiary designated hereunder shall revoke such designation, and in the former event I reserve the right to designate a new beneficiary. Should no designated beneficiary be surviving, this Trust shall terminate upon my death and the trust property shall revert to my estate.

6. I hereby reserve unto myself the power and right at any time during my lifetime, before actual distribution to the beneficiaries hereunder, to revoke in whole or in part or to amend the Trust hereby created without the necessity of obtaining the consent of

889 REGISTERED ARCHITECT  
820 SOUTH SHADES CREST ROAD  
BESSEMER, ALABAMA 35020  
TELEPHONE (205) 426-4911



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the beneficiaries and without giving notice to the beneficiaries. Any one of the following acts shall be conclusive evidence of such revocation of this Trust:

- (a) The delivery to the issuer or transfer agent of the Shares by me of written notice that this Trust is revoked in whole or in part;
- (b) The transfer by me of my right, title and interest in and to said Shares;
- (c) The delivery by me to the issuer or transfer agent of the Shares of written notice of the death of the beneficiary hereunder.

I hereby reserve unto myself the right, upon the revocation or termination of this Trust, to create a new Trust for the benefit of any person whatsoever.

7. In the case of my death or legal incapacity, I hereby nominate and appoint as Successor Trustee hereunder the First Beneficiary unless he or she shall be a minor or otherwise legally incapacitated, in which event I hereby nominate and appoint as Successor Trustee hereunder:

(Name) James W. Anderton, of

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

Number Street City State

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 Successor Trustee hereunder whosoever shall qualify as Executor, Administrator or Guardian, as the case may be, of my estate.

8. 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.

9. 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, 19 76.

(sign here) Walter C. Anderton S.

Witness: (1) Walter McCoy

Witness: (2) Shelia Corbin

STATE OF Alabama  
COUNTY OF Shelby } ss: Thomas A. Snow  
JUDGE OF PROBATE

On the 30th day of January, nineteen hundred and seventy six, before me came Walter C. Anderton known to me to be the individual described in, and who executed the foregoing instrument, and he acknowledged that he executed the same; and in due form of law acknowledged the foregoing instrument to be act and deed and desired the same might be recorded as such.

WITNESS my hand and notarial seal the day and year aforesaid.

(Notary Seal)

NOTARY PUBLIC

Notary Public



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