



DT-138

361  
**Declaration of Trust**

WHEREAS, I, Linda Ann Thompson, of the  
City/Town of Harpersville, County of Shelby, State of Alabama,  
am the owner of a motor vehicle or trailer described as follows:  
Ford LTD Station Wagon 1984 Brown/Beige 1FABP4039EG110104  
(Make) (Model) (Year) (Color) (Registration Number)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I do hereby acknowledge and declare that I hold and will hold said vehicle and all my right, title and interest in and to said vehicle IN TRUST

1. For the use and benefit of:

(Name) Karen Michelle Oliver - Daughter, of  
(Address) Post Office Box 3, Harpersville, Alabama 35078  
Number Street City State Zip

or, if such beneficiary be not surviving, for the use and benefit of:

(Name) John Paul Butler - Brother, of  
(Address) 41 Shelby 62 South, Harpersville, Alabama 35078  
Number Street City State Zip

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If because of my physical or mental incapacity certified in writing by a physician, the Successor Trustee hereinafter named shall assume active administration of this trust during my lifetime, such Successor Trustee shall be fully authorized to retain or sell the said vehicle, and in the latter case, 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 the beneficiary shall predecease me or unless we both shall die as a result of a common accident or disaster, my Successor Trustee hereinafter named is hereby directed forthwith to transfer said vehicle and all right, title and interest in and to said vehicle unto the beneficiary absolutely and thereby terminate this trust; provided, however, that if the beneficiary hereunder shall not have attained the age of 21 years, the Successor Trustee shall hold the title to the vehicle in continuing trust until such beneficiary shall have attained the age of 21 years. During such period of continuing trust the Successor Trustee, in his absolute discretion, may retain the specific vehicle herein described and may allow the beneficiary to have the use of it if he believes it to be in such beneficiary's best interest so to do, or he may dispose of it, investing and reinvesting the proceeds as he may deem appropriate. Prior to the date upon which such beneficiary attains the age of 21 years, the Successor Trustee may apply or expend any or all of the income or principal derived from such sale directly for the maintenance, education and support of the 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 beneficiary or to the person with whom the beneficiary is living without any liability upon the Successor Trustee to see to the application thereof. If such beneficiary survives me but dies before attaining the age of 21 years, at his or her death the Successor Trustee shall sell the said vehicle and transfer, pay over and deliver the proceeds to such beneficiary's personal representative, absolutely.

2. The beneficiary hereunder shall be liable for his proportionate share of any taxes levied upon the Settlor's total taxable estate by reason of the Settlor's death.

3. All interests of a beneficiary hereunder shall be inalienable and free from anticipation, assignment, attachment, pledge or control by creditors or a present or former spouse of such beneficiary in any proceedings at law or in equity.

4. 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 any beneficiary and without giving notice to any beneficiary. The sale or other disposal by me of the vehicle held hereunder shall constitute a revocation of this trust.

5. The death during my lifetime, or in a common accident or disaster with me, of both of 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.

6. In the event of my physical or mental incapacity or my death, I hereby nominate and appoint as Successor Trustee hereunder whosoever shall at that time be beneficiary hereunder, unless such beneficiary shall not have attained the age of 21 years or is otherwise legally incapacitated, in which event I hereby nominate and appoint

(Name) John Paul Butler - Brother, of  
(Address) 41 Shelby 62 South, Harpersville, Alabama 35078  
Number Street City State Zip

to be Successor Trustee.

7. 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.

Linda Ann Thompson  
P.O. Box 3  
Harpersville, Ala.

8. The Trustee and his successors shall serve without bond.  
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 14th  
day of April, 19 89  
(Settlor sign here) Linda Ann Thompson L.S.

I, the undersigned legal spouse of the above Settlor, hereby waive all community property rights which I may have in the hereinabove-described vehicle and give my assent to the provisions of the trust and to the inclusion in it of the said vehicle.  
(Spouse sign here) \_\_\_\_\_ L.S.

Witness: (1) \_\_\_\_\_ Witness: (2) \_\_\_\_\_  
STATE OF Alabama City Birmingham  
COUNTY OF Jefferson, Ala. Town \_\_\_\_\_  
On the 14th day of April, 19 89, personally appeared  
Linda Ann Thompson

known to me to be the individual(s) who executed the foregoing instrument, and acknowledged the same to be \_\_\_\_\_ free  
act and deed, before me.

(Notary Seal)

Joh Allen  
Notary Public  
9-390

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

89 MAY -4 AM 8:12

Thomas A. Inoué, Jr.  
JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$ <u>500</u>
Index Fee	<u>200</u>
TOTAL	<u>700</u>

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