

**TITLE NOT EXAMINED**

This Instrument Prepared By:

J. Sanford Mullins, III  
SPAIN, GILLON, GROOMS, BLAN & NETTLES  
The Zinszer Building  
2117 2nd Avenue, North  
Birmingham, Alabama 35203

Send Tax Notices To:

Rollin L. Johnson, Jr.  
545 13th Street, S.W.  
Alabaster, AL 35007  
and  
James Thomas Johnson  
2994 Happy Top Road  
Morris, AL 35116

Inst # 1993-29314

**DEED OF DISTRIBUTION**

STATE OF ALABAMA )

SHELBY COUNTY )

THIS DEED made and entered into the 1 day of April,  
1991, by ROLLIN L. JOHNSON, JR., as Trustee of the Family Trust  
created under the Last Will and Testament of ROLLIN L. JOHNSON,  
SR., deceased (herein referred to as Grantor), to ROLLIN L.  
JOHNSON, JR., individually and JAMES THOMAS JOHNSON (herein  
referred to as Grantees).

RECITALS:

1. ROLLIN L. JOHNSON, SR. (herein referred to as Decedent)  
died testate on the 21st day of November, 1987. His Last Will and  
Testament was admitted to record in the Probate Court of Shelby  
County, Alabama on the 15th day of December, 1988. The  
administration of the Decedent's Estate was assigned Case Number  
27-283 by said Court. Said Court issued Letters Testamentary to  
Grantor and his mother, HAYNIE JOHNSON, on the 15th day of  
December, 1988, authorizing them to act on behalf of the Estate of  
Decedent.

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2. On August 6, 1990, HAYNIE JOHNSON, died testate. In accordance with the terms of ITEM ELEVEN of the Decedent's Last Will and Testament, Grantor (ROLLIN L. JOHNSON, JR.) became the sole Executor of Decedent's Estate.

3. HAYNIE JOHNSON's Last Will and Testament was admitted to record in the Probate Court of Shelby County, Alabama, on the November 16, 1990, and the administration of her Estate was assigned Case No. 29-199. Said Court issued Letters Testamentary to ROLLIN L. JOHNSON, JR. on even date. Thus, ROLLIN L. JOHNSON, JR. is the Executor of the Estates of both Decedent and Decedent's surviving spouse, HAYNIE JOHNSON.

4. ITEM TWO of Decedent's Last Will and Testament states, in pertinent part, as follows:

All of the rest, residue and remainder of my property. of whatever kind and character and wherever situated, shall be disposed of by my executors as hereinafter provided:

(a) If my wife survives me, my executors shall, as soon as practicable after my death, divide the property constituting said residue of my estate into two fractional shares, one of which shall be referred to as the Marital Share and the other as the Family Share.

The Marital Share shall be held or disposed of in accordance with the provisions of Item Three hereof...

5. ITEM THREE of Decedent's Last Will and Testament states, in pertinent part, as follows:

The Marital Share, hereinafter referred to as the Marital Trust, I give, devise and bequeath to my trustees, who shall hold the same in trust for the use and benefit of my wife...

. . .

(b) Upon the death of my wife the Martial Trust shall terminate, and the surviving trustee shall transfer and pay over the property then constituting said trust and any accrued or unpaid income thereof to such person or persons, including the estate of my wife, as she may by her last will and testament appoint and direct, making specific reference to this general power of appointment hereby granted. The trustee shall hold or dispose of any unappointed portion of the Martial Trust as part of the Family Share... (emphasis added).

6. Grantor is named as Trustee of the Marital Trust and Family Trust established under the Last Will and Testament of Decedent, along with his mother, HAYNIE JOHNSON, and ITEM ELEVEN of said Will states that if HAYNIE JOHNSON "should resign or for any reason fail to serve as an executor or trustee, then Rollin L. Johnson, Jr. shall serve as the sole executor or trustee as the case may be...". Thus, ROLLIN L. JOHNSON, JR. (Grantor) is sole Trustee of both the Marital Trust and the Family Trust established under the terms of Decedent's Last Will and Testament.

7. By Deed of Distribution dated the 1 day of April, 1991, recorded at Real <sup>Inst #</sup> Volume 1993, ~~Pages~~ 29312, in the Probate Office of Shelby County, Alabama, ROLLIN L. JOHNSON, JR., acting in his capacity as Executor under the Last Will and Testament of Decedent, conveyed Decedent's one-third (1/3), undivided interest in the real estate described herein, as follows: a one-half (1/2) share to the Marital Trust under Decedent's Will and a one-half (1/2) share to the Family Trust under Decedent's

Will (each Trust receiving a one-sixth [1/6]), undivided interest in the whole of such real estate described herein).

8. As set forth above, HAYNIE JOHNSON survived Decedent, but subsequently died testate on August 6, 1990. Said death resulted in a termination of the Marital Trust by operation of ITEM THREE of Decedent's Will. HAYNIE JOHNSON's Last Will and Testament did not effectively make any disposition of the property constituting the Martial Trust, because said Will made no specific reference to the general power of appointment granted to HAYNIE JOHNSON under ITEM THREE of the Decedent's Will.

9. By Deed of Distribution dated the 1 day of April, 1991, recorded at Real <sup>Inst #</sup> Volume 1993, Pages 293/3, in the Probate Office of Shelby County, Alabama, ROLLIN L. JOHNSON, JR., acting in his capacity as Trustee of the Marital Trust under the Last Will and Testament of Decedent, conveyed the Martial Trust's interest in the real estate described herein to ROLLIN L. JOHNSON, JR., as Trustee of the Family Trust established under the Last Will and Testament of Decedent, which real estate interest thereby became a part of the corpus of the Family Trust.

10. ITEM FOUR of Decedent's Last Will and Testament, which governs the disposition of the Family Trust, states, in pertinent part, as follows:

ITEM FOUR: The Family Share, hereinafter referred to as the Family Trust, I give, devise and bequeath to my trustees, who shall hold the same in trust for the uses and purposes as hereinafter provided:

(a) During the lifetime of my wife, the trustees shall pay to her the entire net income from said trust in convenient installments. If at any time during such period the net income from said trust is insufficient, in the opinion of the corporate trustee, for the health, maintenance and support of my wife, taking into account other resources available to her and known to the corporate trustee, the trustees shall pay to her such additional sum or sums out of the principal of said trust as the corporate trustee may deem necessary or desirable, provided, however, that no principal shall be paid from the family Trust for her benefit until the Marital Trust shall have been exhausted.

(b) Upon the death of my wife, or upon my death if she shall not survive me, the surviving trustee shall apportion the Family trust into so many equal parts that there will be one share for each child of mine then living, and one share for the then living descendants of each deceased child of mine.

The trustee shall transfer and pay over, subject to subsection (e) of this Item, any share set aside for the living descendants of a deceased child of mine, to such descendants, per stirpes.

(c) The trustee shall transfer and pay over one-fourth of the share allocated to any child of mine to such child free of trust when he or she attains the age of twenty-five years, or upon apportionment, whichever later occurs. The trustee shall transfer and pay over the remainder of said share to such child when he or she shall attain the age of thirty years, or upon apportionment, whichever later occurs.

During the continuance of the trust for any child of mine, the trustee shall pay to or for the benefit of such child so much of the income and principal of such child's share as the trustee deems necessary or desirable to provide for the health, maintenance, support and education of such child. Any part of the net income not so used shall be accumulated

and added to the principal of said share being thereafter invested and treated in all respects as a part thereof, or may be distributed in such manner as the trustee deems to be in the best interests of such child.

. . .

11. Decedent and HAYNIE JOHNSON were survived by two (2) children, ROLLIN L. JOHNSON, JR. and JAMES THOMAS JOHNSON, and were not survived by any living descendants of deceased children. Pursuant to Paragraph (b) of ITEM FOUR of Decedent's Will, the death of HAYNIE JOHNSON resulted in an apportionment of the Family Trust into two (2) equal parts, viz.: one (1) part for Decedent's son, ROLLIN L. JOHNSON, JR. and one (1) for Decedent's son, JAMES THOMAS JOHNSON.

12. Upon the death of HAYNIE JOHNSON, both ROLLIN L. JOHNSON, JR. and JAMES THOMAS JOHNSON had attained the age of thirty (30) years. Therefore, pursuant to the first unnumbered paragraph of Paragraph (c) of said ITEM FOUR, the Family Trust terminates upon the death of HAYNIE JOHNSON and the corpus thereof, including the real estate described herein, shall be divided equally and distributed to ROLLIN L. JOHNSON, JR. and JAMES THOMAS JOHNSON, outright, free of trust.

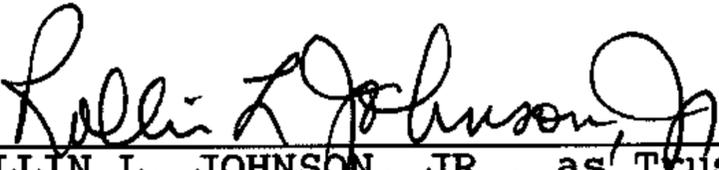
NOW, THEREFORE, in consideration of the premises, Grantor does hereby Grant, Bargain, Sell and Convey unto Grantees, ROLLIN L. JOHNSON, JR., individually, and JAMES THOMAS JOHNSON, outright, free of trust, all of the Family Trust's right, title, interest and claim, which is a one-third (1/3), undivided, fractional share,

with each Grantee receiving one-half (1/2) share of the Family Trust's said one-third (1/3), undivided interest (i.e., each Grantee receiving a one-sixth [1/6], undivided interest in the whole of the real estate described herein), in or to the real estate situated in Shelby County, Alabama, described with particularity in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD to the said Grantees, their respective heirs, executors and assigns forever.

This instrument is executed by the Grantor solely in his representative capacity named herein, and neither this instrument nor anything contained herein shall be construed as creating any indebtedness or obligation on the part of the Grantor in his individual capacity, and the Grantor expressly limits his liability hereunder to the property now or hereafter held by him in his representative capacity named.

IN WITNESS WHEREOF the Grantor has executed this conveyance by setting his signature hereto this the 1 day of April, 1991.

  
ROLLIN L. JOHNSON, JR., as Trustee  
of the Family Trust established  
under the Last Will and Testament  
of ROLLIN L. JOHNSON, SR., deceased

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said State in said County, hereby certify that ROLLIN L. JOHNSON, JR., whose name as Trustee of the Family Trust established under the

Will of the said ROLLIN L. JOHNSON, SR., deceased, is signed to the foregoing conveyance, 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 in his official capacity as such Trustee on the day the same bears date.

Given under my hand and official seal this the 1st day of April, 1991.

J. Sanford Mullins, Jr.  
NOTARY PUBLIC  
My Commission Expires: 2/02/94

**EXHIBIT A**

**TRACT I:**

That portion of the East Half of Southwest Quarter of Section 31, Township 19 South, Range 2 West, lying easterly of Birmingham-Montgomery Highway (Hwy. 31); northerly of Cahaba Valley Road; southwesterly of cut-off road from Cahaba Valley Road to Birmingham-Montgomery Highway; and southerly of that certain property conveyed to Charles W. Stewart recorded in Deed Book 281, Page 6. Less and except that property described in Deed Book 269, Page 28; Deed Book 96, Page 342; Deed Book 185, Page 263; and Deed Book 173, Page 95. Said tract of land described above being situated in Shelby County, Alabama.

**TRACT II:**

That portion of the North Half of Northwest Quarter of Section 6, Township 20 South, Range 2 West, lying easterly of Birmingham-Montgomery Highway (Hwy. 31) and North of Bishop Creek (Cahaba Valley Creek).

Also that part of the South Half of Southwest Quarter of Section 31, Township 19 South, Range 2 West, lying East of Birmingham-Montgomery Highway and South of Cahaba Valley Road and Northwest of Bishop Creek (Cahaba Valley Creek). Said tract of land described above being situated in Shelby County, Alabama.

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