

THIS INSTRUMENT PREPARED BY:  
Kirby Sevier, Esq.  
MAYNARD, COOPER & GALE, P.C.  
1901 Sixth Avenue North  
2400 AmSouth/Harbert Plaza  
Birmingham, AL 35203

✓ SEND TAX NOTICE TO:  
Samuel R. Bain  
2622 Valleydale Road  
Birmingham, AL 35244

Inst # 1997-20561

REVOCATION OF DECLARATION OF TRUST  
AND  
WARRANTY DEED CREATING JOINT TENANCY WITH RIGHT OF SURVIVORSHIP

STATE OF ALABAMA  
COUNTY OF SHELBY

WHEREAS, under that certain Declaration of Trust dated August 17, 1990, recorded in Volume 306, at Page 14 of the real property records in the Probate Court of Shelby County, Alabama, the undersigned SAMUEL R. BAIN and wife, ALICE D. BAIN, declared themselves to be Trustees over certain real estate situated in Shelby County, Alabama, more fully described below;

WHEREAS, under paragraph 5 of said Declaration of Trust, SAMUEL R. BAIN and ALICE D. BAIN expressly reserved the right to revoke, in whole or in part, the trust created by said Declaration of Trust "without the necessity of obtaining the consent of any beneficiary and without giving notice to any beneficiary";

WHEREAS, by this instrument, (i) SAMUEL R. BAIN and ALICE D. BAIN, acting individually, desire to revoke the said trust created under said Declaration of Trust in its entirety, and (ii) SAMUEL R. BAIN and ALICE D. BAIN, acting as Trustees under said Declaration of Trust, desire to convey the real estate heretofore held in said trust to SAMUEL R. BAIN and ALICE D. BAIN as joint tenants with right of survivorship;

NOW, THEREFORE, we, the undersigned, SAMUEL R. BAIN and wife, ALICE D. BAIN, acting both individually and as Trustees under the said Declaration of Trust dated August 17, 1990, hereby take the following actions:

1. We, the undersigned, SAMUEL R. BAIN and ALICE D. BAIN, acting individually, hereby revoke in its entirety the trust created under said Declaration of Trust dated August 17, 1990, recorded in Volume 306, at page 14 of the real property records in the Probate Court of Shelby County, Alabama; and,

2. In consideration of Ten Dollars and other good and valuable consideration to the undersigned in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we, the undersigned, SAMUEL R. BAIN and wife, ALICE D. BAIN, as Trustees under that certain Declaration of Trust dated August 17, 1990 (herein referred to as GRANTORS), do grant, bargain, sell and convey unto SAMUEL R. BAIN AND ALICE D. BAIN (herein referred to as GRANTEES) as joint tenants with right of survivorship, the following described real estate situated in Shelby County, Alabama, to-wit:

Part of SE Diag. half SE 1/4 of NE 1/4 Sec. 16 Township 19 S Range 2 W. of Huntsville Princp. Meridian, Shelby Co. Alabama as follows: Begin S E corner SE 1/4 of NE 1/4 Sec. 16 then in N. direct on E. bound of 1/4 of 1/4 sec. 250.00 ft turn  $\angle 88^{\circ}-30'$  to L. to W 428.10 ft. to NW right of way County Road for begin pt. for tract of land. Continue in line W. on course 650.70 ft. to intersect with NE-SE diag. line of 1/4 of 1/4 sec. Then turn  $\angle 134^{\circ}-02'-44"$  to R. in NE direct. for 692.72 ft. then 106  $13^{\circ}40'$  R. to SE 515.50 ft. to intersect. with NE bound of Co. road then turn  $\angle 90^{\circ}-00'$  to R in SE direct. 32.16 ft. to point of begin. curve to L with a radius of 2,905.00 ft. arc subtended by central  $\angle 10^{\circ}-20'-16"$  with chord 67.84 ft. then along arc-the NW bound of R.O.W. 67.84 ft. to begin. 4.310 acres-mineral and mining rights excepted.

SUBJECT TO all taxes, easements, restrictions, reservations and rights of way appearing of record affecting the subject property.

NOTE: SAM BAIN AND SAMUEL R. BAIN ARE ONE AND THE SAME PERSON.

This deed was prepared with information supplied by the Grantor herewith without the benefit of a title search being performed on the subject property.

TO HAVE AND TO HOLD Unto the said GRANTEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

And we do for ourselves and for our heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that it is free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 15<sup>th</sup> day of July, 1997.

Samuel R. Bain  
SAMUEL R. BAIN, acting both individually and as a Trustee under that certain Declaration of Trust dated August 17, 1990

Alice D. Bain  
ALICE D. BAIN, acting both individually and as a Trustee under that certain Declaration of Trust dated August 17, 1990

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that SAMUEL R. BAIN, acting both individually and as Trustee under that certain Declaration of Trust dated August 17, 1990, whose name 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 the conveyance, he, individually and in his capacity as Trustee under that certain Declaration of Trust dated August 17, 1990, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1<sup>st</sup> day of July, 1997.

Jeanine Dodson  
NOTARY PUBLIC  
(SEAL)

My Commission Expires:  
10-12-2000

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that ALICE D. BAIN, acting both individually and as Trustee under that certain Declaration of Trust dated August 17, 1990, whose name 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 the conveyance, she, individually and in her capacity as Trustee under that certain Declaration of Trust dated August 17, 1990, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1<sup>st</sup> day of July, 1997.

Jeanine Dodson  
NOTARY PUBLIC  
(SEAL)

My Commission Expires:  
10-12-2000

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