

IN THE MATTER OF THE ESTATE OF

CHARLES R. WARTH

Deceased

)
) IN THE PROBATE COURT OF
)
) JEFFERSON COUNTY, ALABAMA
) Case No. 34-114

MAY 31 1997

DISCLAIMER

COMES NOW, MARYLIN B. WARTH, as surviving spouse of Charles R Warth, pursuant to the Alabama uniform Disclaimer of Property Interest Act, as found in Section 43-8-296 through Section 43-8-298 of the Code of Alabama, 1975 as amended, hereby disclaim and refuse to accept each and every interest in the property more specifically described on Exhibit A which is attached hereto and incorporated herein by this reference.

The undersigned acknowledges, represents and certifies that she is not now insolvent and was not insolvent at the and was not insolvent at the date of death of the deceased, that she has not made any voluntary assignment or transfer of, contract to assign or transfer, or encumbrance of, given a written waiver of the right to disclaim the succession to and interest in, and has not made any sale or other disposition of any interest in the property being disclaimed pursuant to judicial process or otherwise. The undersigned further acknowledges, represents and certifies that she has not accepted property or an interest in property described above, or any of its benefits.

This disclaimer is intended to be a disclaimer which is qualified for Federal Estate and Gift Tax purposes under Sec. 2518 of the Internal Revenue Code of 1986 as amended and under the Alabama Uniform Disclaimer of Property Interest Act, as found in the Code of Alabama, 1975, as amended.

Marylin B. Warth
Marylin B. Warth

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned Notary Public in and for said County in said State, hereby certify that Marylin B. Warth has signed the foregoing Disclaimer, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Disclaimer, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 9 day of May, 1996.

George Bouloukh
Notary Public

My commission expires: MY COMMISSION EXPIRES JUNE 29, 1996

k:\corp\warth\doc\disclaimer

Inst. # 1997-24107

08/01/1997-24107
08:09 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
008 HCD 26.00




Inst # 1997-24107

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Exhibit A
TO DISCLAIMER OF
MARYLIN B. WARTH

1. Any and all interest devolving to Disclaimant by right of survivorship in the property described as 1426 3rd Avenue West, known as the W 108 feet Lots 1 & 2 Block 7 Compton Rising, which on the date of death of Charles R. Warth was held in the name of Charles R. Warth and Marilyn B. Warth.
2. Any and all interest devolving to Disclaimant by right of survivorship in the property on Indian Crest Drive as described on the attached Exhibit B, which on the date of death of Charles R. Warth was held in the name of Charles R. Warth and Marilyn B. Warth.
3. Any and all interest in any and all real property owned by Charles R. Warth, individually, or joint with right of survivorship with Disclaimant which devolves to Disclaimant by right of survivorship or pursuant to the terms of the Will of Charles R. Warth executed on the 29th day of October, 1994 (the "Will").
4. Any and all interest in the 1993 Nissan Truck, Vehicle Identification Number 1N6SD16S6PC364019, which on the date of death of Charles R. Warth was held in the name of Charles R. Warth.
5. Any and all interest in the 1994 Volkswagon "The Thing", Vehicle Identification Number 1842543433, which on the date of death of Charles R. Warth was held in the name of Charles R. Warth.
6. That certain power of appointment contained in Article IV, paragraph B of the Will.

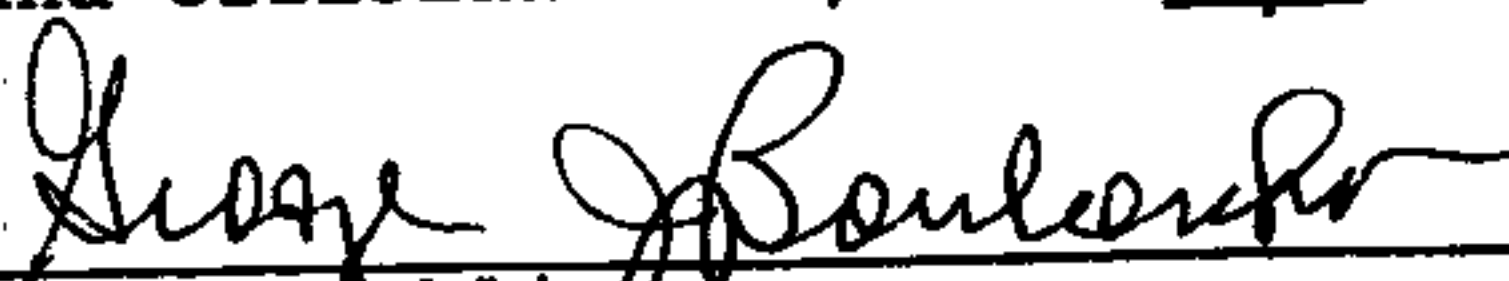


Marilyn B. Warth

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned Notary Public in and for said County in said State, hereby certify that Marilyn B. Warth has signed the foregoing Exhibit A to Disclaimer, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Exhibit A, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 9 day of May, 1996.



Notary Public
My Commission Expires:

EXHIBIT B TO DISCLAIMER

(page 1 of 6)

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THIS INSTRUMENT WAS PREPARED BY:

Leonard Wertheimer, III
Wertheimer, McCord, Feld and Hoffman, P.C.
2019 Third Avenue North, 3rd Floor
Birmingham, Alabama 35203

\$30,000

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Ten and no/100 Dollars (\$10.00) and as a liquidating distribution, to the undersigned grantor, ADVANCE FOUNDATION, a corporation, in hand paid by C. R. WARTH and wife, MARYLIN B. WARTH, receipt of which is hereby acknowledged, the said Advance Foundation does by these presents, grant, bargain, sell and convey unto the said C. R. Warth and Marilyn B. Warth, as joint tenants, with right of survivorship, the following described real estate, situated in Shelby County, Alabama, to wit:

Part of the NE 1/4 of SW 1/4, part of the NW 1/4 of SE 1/4 and part of SE 1/4 of SW 1/4, all in Section 15, Township 19 South, Range 2 West, more particularly described as follows: Beginning at the Northwest corner of said NE 1/4 of SW 1/4, run thence South along the West line of said 1/4-1/4 Section for 374.78 feet; thence left 31 degrees 27 minutes and Southeasterly for 1,221.0 feet to the center of a 60 foot public road; thence Northeasterly along the center line of said road 1,402 feet, more or less, to its intersection with the Center line of Caldwell Mill Road; thence Northwesterly 580 feet, more or less, along the center of said Caldwell Mill Road, to its intersection with the North line of said NE 1/4 of SW 1/4; thence West along said North line to the point of beginning. Containing 28.5 acres, more or less.

Mineral and mining rights excepted.

Subject to:

Material Option from V. H. Huey to State of Alabama affecting NW 1/4 of SE 1/4, Section 15, recorded in Deed Book 176, page 26, and material option for same recorded in Deed Book 202, page 229, in Probate Office.

Easement to Alabama Power Company over NW 1/4 of SE 1/4 and NE 1/4 of SW 1/4, Section 15, recorded in Deed Book 186, page 194, in Probate Office.

Rights of public to a 60 foot road along Southeast boundary of subject property.

Right of way to Shelby County recorded in Deed Book 216, page 9, in Probate Office.

ALSO, All that part of the SW 1/4 of SW 1/4, Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, lying North and West of the County Road, more particularly described as follows: Begin at the Northeast Corner of said SW 1/4 of SW 1/4, 15-19-2 West, thence West 1,331.47 feet to Northwest Corner of said 1/4-1/4 Section; thence South 1,116.55 feet to Southwest Corner of said 1/4-1/4 section; thence East along the South line of said 1/4-1/4 section 403 feet, more or less, to center of County Road; thence Northeasterly along the center of said County Road, 1,272.4 feet, more or less, to East line of said 1/4-1/4 section; thence

219 PAGE 387

JUL 31 1997

(page 2 of 6)

North 486 feet to point of beginning, containing 31.81 acres, more or less.

Mineral and mining rights excepted.

ALSO, Part of E 1/2 of SW 1/4, Section 15, Township 19 South, Range 2 West, Shelby County, Alabama. Begin at the Southwest corner of NE 1/4 of SW 1/4 of 15-19-2 West, run North along the West line thereof for 957.84 feet; thence right 148 degrees 33 minutes and South-easterly for 1,191 feet to a point on the North line of a County Road; thence right 90 degrees Southwesterly along the North line of said road for 556.1 feet; thence left 3 degrees 07 minutes and Southwesterly along the North line of said road for 178.44 feet to the West line of the SE 1/4 of SW 1/4 of said 15-19-2 West; thence right 124 degrees 34 minutes and North along said West line for 449.56 feet to the point of beginning. Containing 10 acres, more or less.

Mineral and mining rights excepted.

Subject to:

Reservation of minerals underlying caption property, with mining rights and privileges thereto belonging as contained in deed from Alabama State Land Company to H. F. DeBardleben, dated June 27, 1906, recorded in Deed Book 42, Page 246.

Easement from V. H. Huey and wife to Alabama Power Company over the NW 1/4 of SE 1/4 and NE 1/4 of SW 1/4 of Section 15, Township 19, Range 2 West, dated January 23, 1957, recorded in Deed Book 186, Page 194.

Right of way and easement from V. H. Huey and wife to Shelby County, dated February 15, 1961, recorded in Deed Book 216, page 9, over the NW 1/4 of SE 1/4 and NE 1/4 of SW 1/4 of Section 15, Township 19 South, Range 2 West.

LESS AND EXCEPT: A part of the SW 1/4 of the SW 1/4, Section 15, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows: From the Northwest corner of said SW 1/4 of SW 1/4, looking East along North line thereof, turn an angle of 44 degrees 54 minutes right; and run Southeast for 874 feet to point of beginning; thence continue Southeast along same course for 347 feet to the center of Indian Crest Drive; thence left 83 degrees 31 minutes and Northeasterly along Indian Crest Drive for 218.09 feet; thence left 91 degrees 30 minutes and Northwesterly for 336.54 feet, more or less, to the Easternmost point of that certain deed from Marilyn B. Warth, and husband, Charles R. Warth, to Advance Foundation, described in Book 149, page 891, Probate Office, Shelby County, Alabama; thence deflect left and run Southwesterly for 246 feet, more or less, to the point of beginning.

LESS AND EXCEPT: A parcel of land situated in the Southwest quarter of the Southwest quarter of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

Begin at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama and run North along the West line of said quarter-quarter section for a distance of 380.00 feet; thence 49 degrees 12 minutes 20 seconds right and in a Northeasterly direction for a distance of 516.66 feet; thence 86

BOOK 219 PAGE 388

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continued

EXHIBIT B TO DISCLAIMER

(page 3 of 6)

degrees 40 minutes 49 seconds right and in a Southeasterly direction for a distance of 472.13 feet to a point on the Northwesterly right-of-way line of Indian Crest Drive; thence 90 degrees 46 minutes 05 seconds right and in a Southwesterly direction for a distance of 202.28 feet to the beginning of a curve to the left, said curve to the left having a central angle of 13 degrees 45 minutes 35 seconds and a radius of 1,066.0 feet; thence in a Southwesterly direction along the arc of the curve to the left and the Northwesterly right-of-way line of Indian Crest Drive for a distance of 256.00 feet to the end of said curve; thence at tangent to said curve and in a Southwesterly direction along the Northwesterly right-of-way line of Indian Crest Drive for a distance of 55.09 feet to the point of intersection with the Northwesterly right-of-way line of Indian Crest Drive with the South line of said quarter-quarter section; thence 57 degrees 31 minutes 42 seconds right and run West along the South line of said quarter-quarter section line for a distance of 379.39 feet to the point of beginning. Containing 324,771.798 square feet = 7.455 acres, more or less.

LESS AND EXCEPT: Commence at the southwest corner of the SW 1/4 of the SW 1/4 of Section 15, Township 19 South, Range 2 West, in Shelby County, Alabama; thence run east along the south line of said quarter-quarter section for 379.39 feet to a point on the northwesterly right-of-way line of Indian Crest Drive; thence 57 degrees 31 minutes 42 seconds left and run northeasterly along said right-of-way line for 55.09 feet to the beginning of a curve to the right, said curve having a radius of 1,066.0 feet and a central angle of 13 degrees 45 minutes 35 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way line of 256.00 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 231.89 feet to the beginning of another curve to the right, said curve having a radius of 1,704.55 feet and a central angle of 3 degrees 25 minutes 14 seconds; thence continue northeasterly along the arc of said curve and along said right of way for 101.76 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 239.33 feet to a point; thence continue Northeasterly along the last stated course and along said right-of-way line for 87.62 feet to the beginning of a curve to the right, said curve having a radius of 1,607.21 feet and a central angle of 5 degrees 26 minutes 42 seconds; thence continue Northeasterly along the arc of said curve and along said right of way line of 112.38 feet to the point of beginning of the property herein described; thence deflect 90 degrees left and run 200 feet, more or less, to the Northwest line of the property described as Parcel 2 in that certain deed from Law Lamar to Carolyn J. Titone and Cheryl J. Watkins, as recorded in Deed Book 318, page 004, Probate Office, Shelby County, Alabama; thence deflect left and run southwesterly along the northwest line of said 318-004 tract to the westernmost corner thereof; thence deflect left and run along the southwest line of said 318-004 tract to a point; thence deflect left and run Northeast along the Northwest line of Indian Crest Drive to the point of beginning, said description embracing a portion of the Southwest Quarter of Section 15, Township 19, Range 2 West in Shelby County, Alabama.

LESS AND EXCEPT: Commence at the southwest corner of the SW 1/4 of the SW 1/4 of Section 15, Township 19 South, Range 2 West, in Shelby County, Alabama; thence run east along the south line of said quarter-quarter section for 379.39 feet to a point on the northwesterly

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right-of-way line of Indian Crest Drive; thence 57 degrees 31 minutes 42 seconds left and run northeasterly along said right-of-way line for 55.09 feet to the beginning of a curve to the right, said curve having a radius of 1,066.0 feet and a central angle of 13 degrees 45 minutes 35 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way line of 256.00 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 231.89 feet to the beginning of another curve to the right, said curve having a radius of 1,704.55 feet and a central angle of 3 degrees 25 minutes 14 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way for 101.76 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 239.33 feet to a point; thence continue Northeasterly along the last stated course and along said right-of-way line for 87.62 feet to the beginning of a curve to the right, said curve having a radius of 1,607.21 feet and a central angle of 5 degrees 26 minutes 42 seconds; thence continue Northeasterly along the arc of said curve and along said right-of-way line for 112.38 feet to the point of beginning; thence deflect 90 degrees left to a point on the Northwestern line of the tract of land in that certain deed from Law Lamar to Carolyn J. Titone and Cheryl J. Watkins, recorded in Book 318, page 004, Probate Office, Shelby County, Alabama; thence deflect right and run in a Northeasterly direction 928 feet to a point along the said 318-004 tract; thence deflect 90 degrees right and run in a Southeasterly direction to a point in the Northwestern Right-of-way line of Indian Crest Drive; thence deflect right and run West along the Northwestern right-of-way line of Indian Crest Drive to the point of beginning, and embracing a portion of the Southwest Quarter in Section 15, Township 19 South, Range 2 West, Shelby County, Alabama.

LESS AND EXCEPT: Commence at the southwest corner of the SW 1/4 of the SW 1/4 of Section 15, Township 19 South, Range 2 West, in Shelby County, Alabama; thence run east along the south line of said quarter-quarter section for 379.39 feet to a point on the northwesterly right-of-way line of Indian Crest Drive; thence 57 degrees 31 minutes 42 seconds left and run northeasterly along said right-of-way line for 55.09 feet to the beginning of a curve to the right, said curve having a radius of 1,066.0 feet and a central angle of 13 degrees 45 minutes 35 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way line of 256.00 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 231.89 feet to the beginning of another curve to the right, said curve having a radius of 1,704.55 feet and a central angle of 3 degrees 25 minutes 14 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way for 101.76 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 239.33 feet to a point; thence continue Northeasterly along the last stated course and along said right-of-way line for 87.62 feet to the beginning of a curve to the right, said curve having a radius of 1,607.21 feet and a central angle of 5 degrees 26 minutes 42 seconds; thence continue Northeasterly along the arc of said curve and along said right-of-way line for 112.38 feet to the point; thence deflect left 90 degrees and run on the Northwestern line of the Tract of land in that certain deed from Law Lamar to Carolyn J. Titone and Cheryl J. Watkins recorded in Book 318, page 004, Probate Office, Shelby County, Alabama, 200

feet, more or less, to a point; thence deflect right and run 928 feet to a point along the said 318-004; thence deflect 90 degrees right, in a Southeasterly direction to a point in the Northern Right-of-way line of Indian Crest Drive, the point of beginning; thence deflect right 180 degrees, and in a Northwesterly direction to the last point, which said point is a point in the Northern line in that certain deed recorded in Book 318, page 004, Shelby County, Probate Office; thence deflect right and run in a Northeasterly direction 215 feet, more or less, along the 318-004 to a point; being the northernmost corner of the 318-004 tract; thence deflect right and run in a Southeasterly direction to the Northern right-of-way of Indian Crest Drive; thence turn right, and in a Westerly direction, along the Northern right-of-way line of Indian Crest Drive to the point of beginning, said description embracing a portion of the Southwest Quarter of Section 15, Township 19, Range 2 West in Shelby County, Alabama.

LESS AND EXCEPT: Commence at the southwest corner of the SW 1/4 of the SW 1/4 of Section 15, Township 19 South, Range 2 West, in Shelby County, Alabama; thence run east along the south line of said quarter-quarter section for 379.39 feet to a point on the northwesterly right-of-way line of Indian Crest Drive; thence 57 degrees 31 minutes 42 seconds left and run northeasterly along said right-of-way line for 55.09 feet to the beginning of a curve to the right, said curve having a radius of 1,066.0 feet and a central angle of 13 degrees 45 minutes 35 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way line of 256.00 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 231.89 feet to the beginning of another curve to the right, said curve having a radius of 1,704.55 feet and a central angle of 3 degrees 25 minutes 14 seconds; thence continue northeasterly along the arc of said curve and along said right-of-way for 101.76 feet to the end of said curve; thence at tangent to said curve continue northeasterly along said right-of-way line for 239.33 feet to a point; thence continue Northeasterly along the last stated course and along said right-of-way line for 87.62 feet to the beginning of a curve to the right, said curve having a radius of 1,607.21 feet and a central angle of 5 degrees 26 minutes 42 seconds; thence continue Northeasterly along the arc of said curve and along said right-of-way line for 112.38 feet to the point; thence deflect left 90 degrees and run on the Northwesterly line of the Tract of land in that certain deed from Law Lamar to Carolyn J. Titone and Cheryl J. Watkins recorded in Book 318, page 004, Probate Office, Shelby County, Alabama; 200 feet, more or less, to a point; thence deflect right and run 1,143 feet, more or less, to a point which said point being the northern most corner of the 318-004 tract; thence deflect right 90 degrees and run in a Southeasterly direction to a point in the Northern Right-of-Way line of Indian Crest Drive, the point of beginning; thence deflect 180 degrees right and in a Northwesterly direction to a point, which said point is the Northern most corner of the said 318-004 tract; thence deflect right 90 degrees and run 200 feet to a point; thence deflect right 90 degrees and run to a point on the Northern right-of-way line of Indian Crest Drive; thence deflect right and run along the North right-of-way line of Indian Crest Drive to the point of beginning. Said parcel embracing a portion of the SW 1/4 of Section 15, Township 19, Range 2 West in Shelby County, Alabama.

BOOK 219 PAGE 391

EXHIBIT B TO DISCLAIMER

(page 6 of 6)

TO HAVE AND TO HOLD, To the said C. R. Warth and Marylin B. Warth, 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 said Advance Foundation does for itself, its successors and assigns, covenant with said C. R. Warth and Marylin B. Warth, their heirs and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall warrant and defend the same to the said C. R. Warth and Marylin B. Warth, their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Advance Foundation by its President, Charles R. Warth, who is authorized to execute this conveyance, has hereto set its signature and seal, this the 24 day of December, 1988.

ADVANCE FOUNDATION

By Charles R. Warth
Charles R. Warth, President

STATE OF ALABAMA
COUNTY OF Shelby

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Charles R. Warth, whose name as President of Advance Foundation, a corporation, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 24th day of December, 1988.

(Seal)

Kathina R. Self
Notary Public
My Commission Expires: Nov 1990

RECORDED
1 CERTIFIED
INSTRUMENT NO. 1997-24107

88 DEC 27 PM 1:00

JUDGE OF PROBATE

Inst # 1997-24107

08/01/1997-24107

08:09 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
008 MCD 26.00

1. Doc. Tax \$ 30.00
2. Mig. Tax
3. Recording Fee 15.00
4. Indexing Fee 1.00
TOTAL 46.00

JUL 31 1989

BOOK 219 PAGE 392