

This Instrument was prepared without
examination of title by:

Send Tax Notice To:

E. T. Brown, Jr.
Cabaniss, Johnston, Gardner,
Dumas & O'Neal
Post Office Box 830612
Birmingham, Alabama 35283-0612

Teresa Cox Kirkwood
4216 Overlook Road
Birmingham, AL 35222

EXECUTOR'S DEED

STATE OF ALABAMA)
:
SHELBY COUNTY)

WHEREAS, Theron Oscar Cox died testate at Birmingham, Alabama, on or about the 16th day of March, 1965, and at the time of such death was an inhabitant of Jefferson County, Alabama;

WHEREAS, the Last Will and Testament of Theron Oscar Cox, deceased, was duly probated and admitted to record in the Probate Court of Jefferson County, Alabama, on the 8th day of April, 1965, in Case Number 55233;

WHEREAS, Theron Oscar Cox established a Marital Trust under Article IV of his Will naming The First National Bank of Birmingham (now AmSouth Bank, an Alabama banking corporation) as Trustee of such trust;

WHEREAS, Marguerite Prince Cox was the widow of Theron Oscar Cox and the beneficiary of the Marital Trust under the Will of Theron Oscar Cox.

WHEREAS, Marguerite Prince Cox (the "Decedent") died a resident of Jefferson County, Alabama, on the 17th day of January, 2000, leaving a Last Will and Testament, wherein AmSouth Bank was nominated and appointed as Executor thereof, which said Will was duly probated and admitted to record in the Probate Court of Jefferson County, Alabama, on the 24th day of January, 2000, in Case No. 169626.

WHEREAS, the Marital Trust under the Will of Theron Oscar Cox owned an undivided one-half interest in the real property in Shelby County, Alabama, hereinafter described.

Inst # 2001-20795

WHEREAS, the Marital Trust terminated upon the death of Marguerite Prince Cox and the undivided one-half interest in the hereinafter described real property became a part of her estate.

WHEREAS, The Will of Marguerite Prince Cox provided in part in ITEM TWO

“I have two children, Theron Oscar Cox, Jr. (hereinafter “Theron”) and James William Cox (hereinafter “Jim”). I have several grandchildren but I am particularly close to my granddaughter Teresa Cox Kirkwood (hereinafter “Teresa”). My two sons and said granddaughter are the primary objects of my bounty.”

WHEREAS, the Will of Marguerite Prince Cox further provided in ITEM FIVE

“I dispose of my residuary estate (meaning thereby the rest and residue of the property of whatsoever kind and character and wheresoever situated belonging to me at the time of my death (including the property in the marital trust under my late husband’s will) and over which I have the power of disposition and remaining after the payment of estate, inheritance, transfer, legacy, succession and death taxes or duties from said rest and residue, but not meaning any property over which I then have only a power of appointment, general or limited, exercisable by deed, will or otherwise) as follows: . . .

2. If Jim does not survive me and if Theron and Teresa survive me, I give, devise and bequeath one-sixth (1/6) of my residuary estate to Theron and the balance of my residuary estate to Teresa.

WHEREAS, James William Cox died at Birmingham, Alabama, on or about the 22nd day of May, 1998, and at the time of his death was an inhabitant of Jefferson County, Alabama.

WHEREAS, AmSouth Bank, as Executor of the Estate of Marguerite Prince Cox, deceased, has administered her estate, paid all debts and taxes, and the estate is now ready for settlement.

WHEREAS, the undivided one-half interest in the real property hereinafter described is a part of the residuary estate of Marguerite Prince Cox, deceased, and passes under paragraph 2 of ITEM FIVE of her Will, so that Theron Oscar Cox is entitled to one-sixth of the one-half undivided interest in the hereinafter described real property and Teresa Cox Kirkwood is entitled to the remaining five-sixths of the undivided one-half interest in the real property hereinafter described.

WHEREAS, AmSouth Bank as Executor of the Estate of Marguerite Prince Cox, deceased, desires to convey to Theron Oscar Cox, Jr., an undivided one-sixth interest in and to the undivided one-half interest in the real property hereinafter described, and to Teresa Cox Kirkwood an undivided five-sixth interest in and to the undivided one-half interest in the real property hereinafter described.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, paid to the undersigned, AmSouth Bank, an Alabama banking corporation, not in its individual corporate capacity, but solely in its capacity as Executor of the Estate of Marguerite Prince Cox, deceased ("GRANTOR"), by **THERON OSCAR COX, JR.**, and **TERESA COX KIRKWOOD** ("GRANTEES"), the receipt and sufficiency of which are hereby acknowledged, GRANTOR does hereby **GRANT, BARGAIN, SELL,** and **CONVEY**, forever, unto **THERON OSCAR COX, JR.**, a one-sixth (1/6th) interest in and to an undivided one-half interest in the following described real estate lying and being situated in Shelby County, Alabama, and unto **TERESA COX KIRKWOOD** a five-sixth (5/6th) interest in and to an undivided one-half interest in the following described real property lying and being situated in Shelby County, Alabama, to-wit:

Tract 4: SW $\frac{1}{4}$ of SE $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$ all in Section 17, Township 24 North, Range 15 East.

Tract 5: N $\frac{1}{2}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SE diagonal half of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ all in Section 28, Township 24 North, Range 15 East; and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 34, Township 24 North, Range 15 East.

All of the above lands in tract 5 lying North of Waxahatchee Creek (above the 397' elevation),

together with all and singular the improvements thereon, fixtures, rights, easements, privileges, tenements and appurtenances thereunto belonging or in anywise appertaining; subject, however, to the following:

1. Taxes due for the year 2001 which are a lien on the property, but are not yet due and payable.

2. All existing rights-of-way, encroachments, party walls, building restrictions, zoning restrictions, recorded and/or unrecorded easements, deficiencies in quantity of ground, overlaps, overhangs, any discrepancies or conflicts in boundary lines, or any matters not of record, if any, which would be disclosed by an inspection or survey of the property.

3. Any and all outstanding mineral and mining rights not owned by the GRANTOR.

TO HAVE AND TO HOLD unto GRANTEES, their respective successors and assigns, in fee simple forever, together with every contingent remainder and right of reversion.

This instrument is executed without warranty or representation of any kind on the part of the undersigned, express or implied, except that there are no liens or encumbrances outstanding against the premises conveyed which were created or suffered by the undersigned and not specifically excepted herein.

This instrument is executed by the undersigned solely in the 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 undersigned in its corporate or individual capacity, and the undersigned expressly limits its liability hereunder to the property now or hereafter held by them in the representative capacity named.

IN WITNESS WHEREOF, GRANTOR has caused the due execution of this conveyance as of this 15 day of May, 2001.

AmSouth Bank, an Alabama banking corporation, not in its individual corporate capacity, but solely in its capacity as Executor of the Estate of Marguerite Prince Cox, deceased.

By: *A. Halland*
Its: *Vice President*

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Stephen H. Holland, as Vice President of AmSouth Bank, an Alabama banking corporation, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, as such officer and with full authority, he executed the same voluntarily in his capacity as aforesaid as of the day the same bears date.

GIVEN UNDER MY HAND on this 15th day of May, 2001.

Christi L. Duggan
Notary Public

[SEAL]

My Commission Expires: 11-7-03

Inst # 2001-20795

05/22/2001-20795
01:07 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE