

Deed Of Distribution

This Deed made and entered into the 26 day of March, 2003 by the **Estate of Sarah Smith, Deceased** by and through Debra Smith Hicks in her capacity as Executor of said estate and **Debra Smith Hicks**, a married woman, and **Robert Wayne Smith**, a married man, individually as heirs and next-of-kin of Sarah Smith, Deceased, (herein referred to as "Grantors"), to **Debra Smith Hicks**, (herein referred to as "Grantee").

RECITALS:

Know All Men By These Presents; Whereas, at the time of her death on or about May 15, 2002 Sarah Smith was lawfully seized, in fee simple, of the below described real property situated in Shelby County, Alabama; and

Whereas, at the time of her death Sarah Smith was the surviving spouse of Horace C. Smith, who predeceased his wife, having died on or about September 11, 1996 and she did not remarry during her lifetime; and

Whereas, there were two (2) children born of the marriage between Sarah Smith and Horace C. Smith, *to-wit*: Debra Smith Hicks and Robert Wayne Smith, all of whom are over nineteen years of age and of sound mind.; and

Whereas, during her lifetime Sarah Smith acquired fee simple title to the below described real property; and

Whereas, the *Last Will and Testament* of Sarah Smith has been admitted to probate in the Probate Court of Shelby County, Alabama, with *Letters Testamentary* issued to the Executor, Debra Smith Hicks in **Case 42-279** on May 28, 2002 (a copy of said *Letters Testamentary* is attached hereto and incorporated by reference herein), and

Whereas, Paragraph Fifth of the *Last Will and Testament* of Sarah Smith contains the following power of sale, *to-wit*:

....I hereby grant to my Executor (including any substitute or successor executor) the continuing absolute discretionary power to deal with any property, real or personal, held in my estate or in any trust, as freely as I might in the handling of my own affairs. Without in any way limiting the generality of the foregoing, I hereby grant to my Executor, in addition to and not in substitution of the powers granted under §43-2-843 Code of Alabama, 1975 or otherwise conferred by law, the specific powers and authority enumerated and authorized in §43-2-844 Code of Alabama, 1975 without prior approval of any court, including the full right, power and authority to sell and dispose of, at public or private sale, any and all of my property and execute and deliver good and sufficient deeds and other instruments to convey and transfer title without the order of any court.

Now, Therefore, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations as recited hereinabove, to the Grantor in hand paid by the Grantee herein, the receipt whereof is acknowledged, the **Estate of Sarah Smith**, by and through the Executor, Debra Smith Hicks, (hereinafter referred to as "Grantor") does hereby grant, bargain, sell and convey unto **Debra Smith Hicks**, (herein referred to as "Grantee"), in fee simple, together with every contingent remainder and right of reversion, the following described parcel of real

estate situated in Shelby County, Alabama, *to-wit*:

Lot 2 in Block 3, according to the **Survey of Cedar Cove, Phase I**, as recorded in Map Book 9, Page 53 of the Probate Office of Shelby County, Alabama. Mineral and mining rights excepted. Subject to existing easements, restrictions, set-back lines, rights of way and limitations, if any, of record.

Estate's Source of Title: That certain conveyance from Franklin Properties, Inc. to Horace C. Smith and wife, Sarah C. Smith dated May 15, 1985 and recorded in the Probate Court of Shelby County, Alabama at Book 027 at Page 312.

* The subject property is not the homestead of the Grantors.

To Have And To Hold to the said Grantee in fee simple together with every contingent remainder and right of reversion, and to the successors and assigns of said Grantee forever;

In Witness Whereof, the Grantors have executed this conveyance by setting their signatures hereto this the 26 day of March, 2003.

Estate of Sarah Smith

By:

Debra Smith Hicks
Debra Smith Hicks, Executor

Debra Smith Hicks
Debra Smith Hicks, Individually

Robert Wayne Smith
Robert Wayne Smith, Individually

State of Alabama)
Jefferson County)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Debra Smith Hicks, in her capacity as Executor of the **Estate of Sarah Smith**, Deceased, whose name is signed to the foregoing conveyance, and who is known to me to be over nineteen (19) years of age and of sound mind, acknowledged before me on this day, that, being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date as and for her free act and deed and as the Executor of said estate.

Given under my hand and official seal this 26 day of March, 2003.

Robert C. Royce
Notary Public
My Commission Expires: 10-9-06

State of Alabama)
Jefferson County)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Debra Smith Hicks**, whose name is signed to the foregoing conveyance, and who is known

to me to be over nineteen (19) years of age and of sound mind, acknowledged before me on this day, that, being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date as and for her free act and deed.

Given under my hand and official seal this 26 day of March, 2003.


Notary Public
My Commission Expires: 10-9-06

State of Maryland)
Hartford County)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Robert Wayne Smith**, whose name is signed to the foregoing conveyance, and who is known to me to be over nineteen (19) years of age and of sound mind, acknowledged before me on this day, that, being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date as and for his free act and deed.

Given under my hand and official seal this 4th day of ~~March~~^{April}, 2003.


Notary Public
My Commission Expires: Dec 1, 2003

TITLE NOT EXAMINED

This Instrument Prepared By:
Robert C. Boyce, III
Alabama State Bar # BOY003
1736 Oxmoor Road #204
Homewood, AL 35209-3505
879-6900

SEND TAX NOTICES TO:
Debra Smith Hicks
1541 King Charles Court
Alabaster, AL 35007