

*Passed by
terms of Will*



Send tax notice to:
Geraldine A. Foster
340 Brandy Lane
Harpersville, AL 35078

20030716000450130 Pg 1/3 18.00
Shelby Cnty Judge of Probate, AL
07/16/2003 11:09:00 FILED/CERTIFIED

This Instrument Prepared By:
Kay O. Wilburn, Esq.
Feld, Hyde, Wertheimer & Bryant, P.C.
2000 SouthBridge Parkway, Suite 500
Birmingham, Alabama 35209

THIS INSTRUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE INFORMATION SUPPLIED BY THE PARTIES HERETO. NO TITLE EXAMINATION AND/OR OPINION WAS REQUESTED OF FELD, HYDE, WERTHEIMER & BRYANT, P.C. BY EITHER GRANTOR OR GRANTEE, AND NONE WAS CONDUCTED AND/OR RENDERED.

PERSONAL REPRESENTATIVE'S DEED

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS:

SHELBY COUNTY)

That in consideration of the terms of the Last Will and Testament of James H. Foster, deceased, the undersigned Grantor, Geraldine A. Foster, in her capacity as Personal Representative of the Estate of said decedent, with the general authority to execute conveyances conferred upon the Personal Representative and pursuant to the terms of the Last Will and Testament of said decedent, does grant, bargain, sell and convey unto Geraldine A. Foster as Trustee of the testamentary trust created under the Last Will and Testament of James H. Foster (hereinafter referred to as "Grantee"), an undivided 50% interest in and to the following described real estate situated in Shelby County, Alabama, to-wit:

PARCEL ONE:

Lot 16, according to the survey of Clearview Estates, Sector II, as recorded in Map Book 23, Page 163, in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama.

LESS AND EXCEPT:

Commence at the Southeast corner of said Lot 16, thence run Northerly along the East line a distance of 7.80 feet to a point, thence turn an angle to the left and run in a Southwesterly direction in a straight line to the Southwest corner of said Lot 16, thence run in a Easterly direction along the South line of said Lot 16 268.03 feet to the point of beginning.

PARCEL TWO:

The North one-half of Lot Number 15 of the Clearview Estates Subdivision as recorded in the Office of the Judge of Probate of Shelby County, Alabama in Plat Book 23 at Page 163 and being more particularly described as follows:

Commence at the Southwest corner of the South one-half of the Northeast Quarter of Section 28, Township 19 South, Range 2 East, Shelby County, Alabama and proceed N 0 deg. 36' 30" E along the West boundary of said south one-half for 473.97 feet to the Northwest corner of the aforementioned Lot 15, said point being the POINT OF BEGINNING of herein described parcel of land; thence from said POINT OF BEGINNING proceed S 89 deg. 57' 53" E along the North boundary of said Lot 15 for 268.03 feet to a point on the West right-of-way boundary of Brandy Lane (R/W 50'); thence S 0

deg. 37' 30" W along said right-of-way for 51.60 feet; thence leaving said right-of-way proceed N 89 deg. 57' 53" W parallel to the North boundary of Lot 15 for 268.01 feet to a point on the aforementioned West boundary of said South one-half of the Northeast Quarter; thence N 0 deg. 36' 30" E along the West boundary of said South one-half for 51.60 feet, back to the POINT OF BEGINNING, containing 0.32 acres, more or less.

PARCEL THREE:

Tract No. 2 according to the Survey of W. M. Varnen, Registered Land Surveyor 9324, dated April 26, 1985; Begin at the NW corner of the NE¼ of Section 28, Township 19 South, Range 2 East, Shelby County, Alabama; thence southerly along the west line of said ¼ Section 1226.41 feet, more or less, to the centerline of Southern Railway right of way; thence left 100 deg. 30 min. in a northeasterly direction along said centerline 700.00 feet to the point of beginning; thence continue Northeasterly along said centerline 641.63 feet; thence left 90 deg. 00 min. in a northwesterly direction 398.00 feet; thence right 81 deg. 00 min. in a northeasterly direction 375.00 feet to the west right of way of a public road; thence 79 deg. 35 min. left in a northwesterly direction along said right of way 225.00 feet, more or less, to a point that is 25.00 feet South of the North line of said ¼ Section; thence West along a line that is 25.00 feet South and parallel to said North line 720.00 feet; thence Southerly and parallel to said West line 978.05 feet, more or less, to the point of beginning; being situated in Shelby County, Alabama.

SOURCE OF TITLE: Parcel Three was conveyed to James Foster (a/k/a James H. Foster) and Geraldine A. Foster (a/k/a Geraldine Foster), as joint tenants with rights of survivorship, by Warranty Deed dated April 27, 1997 recorded at Instrument #1997-13183. Pursuant to Warranty Deed dated February 6, 2001, recorded at Instrument #2001-04550, the survivorship rights were eliminated and James H. Foster and Geraldine Foster thereafter held title to Parcel Three as tenants in common. By Warranty Deed dated March 15, 2000, recorded at Instrument #2000-08610, Parcel Three was conveyed by mutual mistake to Woodrow L. Holloway (See Civil Action #CV-01-991 in the Circuit Court of Shelby County, Alabama). Parcel Three was reconveyed to James Foster and Geraldine Foster by Corrective Warranty Deed dated March 6, 2002, recorded at Instrument #2002-06020. Pursuant to the doctrine of after-acquired title or otherwise, the Personal Representative of the Estate of James H. Foster, deceased, claims an undivided one-half interest in said Parcel Three pursuant to the aforesaid Warranty Deed dated February 6, 2001.

It is the intent of this conveyance that fee simple title immediately hereafter will be held as follows: Geraldine A. Foster as to an undivided 50% interest and Geraldine A. Foster, and any successors, as Trustee of the testamentary trust created under the Last Will and Testament of James H. Foster as to an undivided 50% interest.

This conveyance is made subject to the following:

1. The lien for ad valorem taxes due in the current year or the subsequent year but not yet payable.
2. All other easements, liens, encumbrances, restrictions, rights-of-way, any reservations of mineral rights, and other matters of record in the Probate Office of Talladega County, Alabama, together with any deficiencies in quantity of land, easements, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the property conveyed herein.

TO HAVE AND TO HOLD to said Grantee, her heirs, successors and assigns forever.

The said decedent's Will dated February 6, 2001 was admitted to record in the Probate Court of Shelby County, Alabama, Case No. 42-183. Said Court issued Letters Testamentary to the Personal Representative on March 21, 2002.

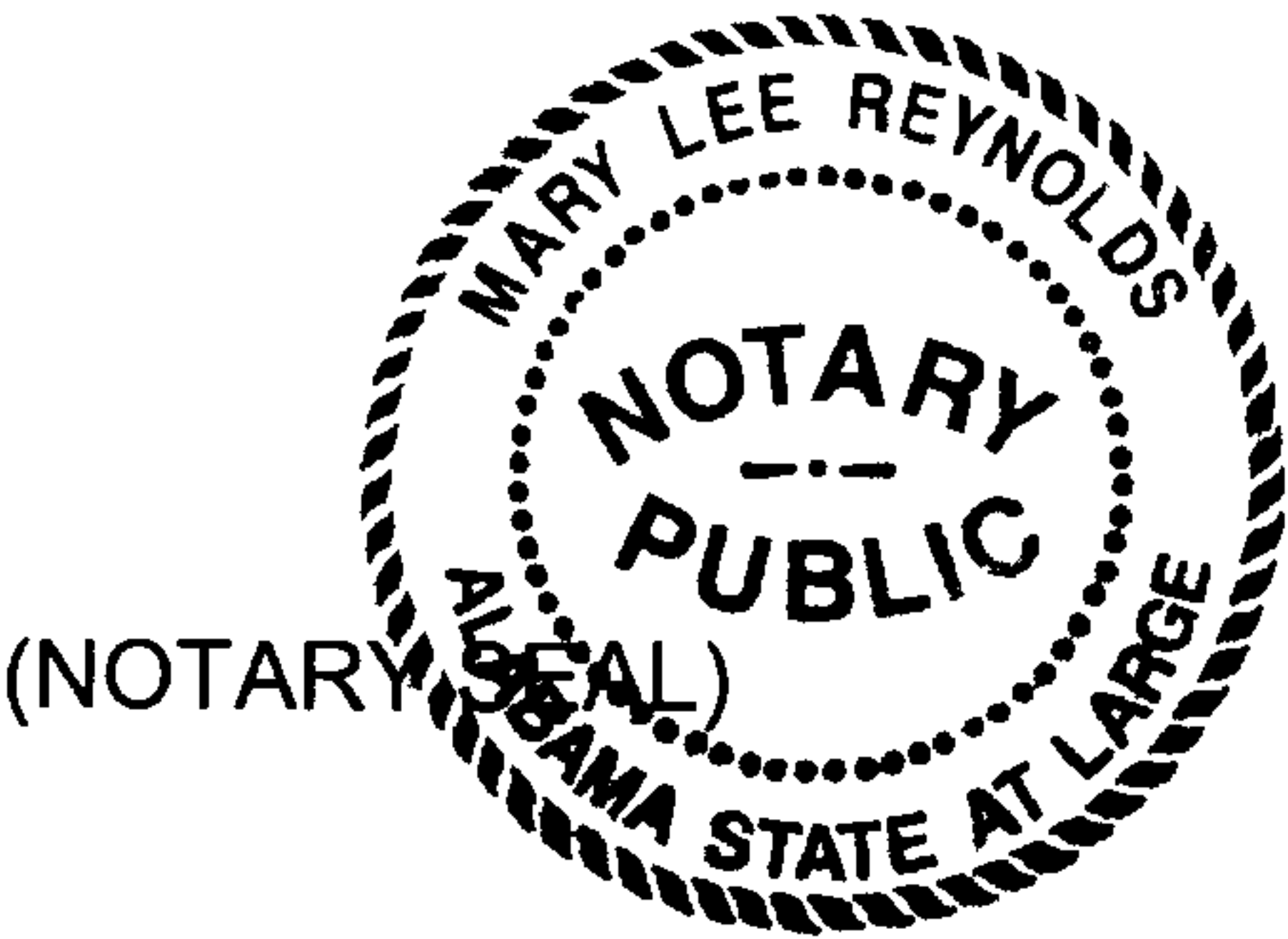
This instrument is executed by the Grantor solely in her representative capacity named herein, and neither this instrument nor anything contained herein shall be construed as creating any indebtedness or obligation on the part of the Grantor in her individual capacity, and the liability of the Grantor is expressly limited to her representative capacity named herein.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this 7 day of July, 2003.

Geraldine A. Foster
Geraldine A. Foster, as Personal Representative
of the Estate of James H. Foster, deceased

I, the undersigned authority, a Notary Public in and for the State of Alabama at Large, hereby certify that Geraldine A. Foster, whose name as Personal Representative of the Estate of James H. Foster, 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 the conveyance, she, in her capacity as Personal Representative, executed the same voluntarily on the day the same bears date.

Given under my hand this 7 day of July, 2003.



Mary Lee Reynolds
Notary Public

Mary Lee Reynolds
Printed Name

My Commission Expires: My Commission Expires 6-21-05