

This instrument prepared by:

Douglas L. McWhorter
Dominick, Fletcher, Yeilding,
Wood & Lloyd, P. A.
2121 Highland Avenue South
Birmingham, Alabama 35205

Send tax notice to:

James M. Tingle, Successor Trustee
2001 Park Place North
Suite 900
Birmingham, Alabama 35203

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
) **KNOW ALL MEN BY THESE PRESENTS:**
SHELBY COUNTY)

That for and in consideration of Ten and no/100 Dollars (\$10) and other good and valuable consideration, to the undersigned **JAMES M. TINGLE**, as **Conservator for Mary Evelyn Horton, an incapacitated person** ("Grantor"), in hand paid by **JAMES M. TINGLE**, as **Successor Trustee of the Henry B. Horton Family Trust** ("Grantee"), the receipt and sufficiency of which are hereby acknowledged, Grantor does by these presents grant, bargain, sell and convey unto the said Grantee the following described real estate situated in Shelby County, Alabama, to-wit:

PARCEL ONE

5 Acres on the East side of the Northeast 1/4 of the Southeast 1/4 of Section 18, Township 20, Range 1 East all in Shelby County, Alabama

PARCEL TWO

The West one-half of the Southeast 1/4 of Section 7; West one-half (1/2) of the Northeast 1/4 of Section 18; and West thirty-five (35) Acres of the Northeast 1/4 of the Southeast 1/4 of Section 18, all in Township 20, Range 1 East, containing 195 Acres more or less, situated in Shelby County, Alabama.

The above described properties were conveyed to Mary Evelyn Horton, as trustee of the Henry B. Horton Family Trust, by those certain Executor's Deeds recorded in the Shelby County Probate Records, Inst # 1998-44108 and Inst # 1998-44109. Mary Evelyn Horton was declared to be an

incapacitated person by the Jefferson County Probate Court, Case No. 169178; and James M. Tingle was appointed as her conservator on April 7, 2000, by the Jefferson County Probate Court. The Grantee herein, James M. Tingle as successor trustee of the Henry B. Horton Family Trust, was appointed to such capacity by that certain Order enter by the Jefferson County Probate Court on March 19, 2003, as a part of the conservatorship proceedings for Mary Evelyn Horton, an incapacitated person. The purpose of this deed is to convey the above described properties, which were held by Mary Evelyn Horton as trustee of the Henry B. Horton Family Trust pursuant to the Executor's Deeds hereinabove referenced, to James M. Tingle as successor trustee of the Henry B. Horton Family Trust. The "Henry B. Horton Family Trust" and "Henry B. Horton, Sr. Family Trust" are one and the same entity.

The Property is conveyed subject to the following:

- (1) General and special taxes and assessments for 2003 and subsequent years not yet due and payable;
- (2) All easements, restrictions, covenants, reservations, rights-of-way and other matters of record;
- (3) Mineral and mining rights not owned by Grantor;

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor, **JAMES M. TINGLE**, as **Conservator for Mary Evelyn Horton, an incapacitated person**, has heretofore set its signature and seal this 25th day of August, 2003.

ESTATE OF MARY EVELYN HORTON,
an incapacitated person

By: 
Its: Conservator

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **JAMES M. TINGLE**, whose name as **Conservator for Mary Evelyn Horton, an incapacitated person**, 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 such instrument, he, as such Conservator and with full authority, executed the same voluntarily and as the act of said conservatorship on the day the same bears date.

Given under my hand and seal, this 25th day of August, 2003.

(SEAL)

Hortense Jennings
Notary Public
My commission expires: 10/24/04