


STATE OF ALABAMA,
COUNTY OF MOBILE.


20040827000482310 Pg 1/16 60.00
Shelby Cnty Judge of Probate, AL
08/27/2004 14:41:00 FILED/CERTIFIED

CONFIRMATION DEED

WHEREAS, ANNE ELIZABETH WELDON BENTLEY died on March 23, 2002, and her will was duly probated in the Probate Court of Mobile County, Alabama, in Case No. 2002-1736, and a copy of said will and the Order Admitting the Will to Probate from the Probate Court of Mobile County, Alabama, are hereto attached as **Exhibit "A"**; and

WHEREAS, by the terms of said will in Paragraph (c) of Item III, ANNE ELIZABETH WELDON BENTLEY devised and bequeathed all of her interest in the "546 acre timberland real estate located in Shelby County, Alabama" and more particularly described on Exhibit B attached to said will to the Baptist Foundation of Alabama, as Trustee of the W. J. Weldon Family Memorial Fund created in the will of ANNE ELIZABETH WELDON BENTLEY; and

WHEREAS, ANNE ELIZABETH WELDON BENTLEY, along with her sister, MARY JOHN WELDON, by Warranty Deed, dated June 9, 1998, and recorded in the office of the Judge of Probate of Shelby County, Alabama as Instrument No. 1998-22624, conveyed all of their interest in and to certain timberland located in Shelby County, Alabama to the Baptist Foundation of Alabama, as Trustee of the Mary John Weldon and Elizabeth Bentley Memorial Fund created by that certain Agreement, dated August 28, 1987, by and among Mary John Weldon and Elizabeth Weldon Bentley, as Grantors, and the Baptist Foundation of Alabama, as Trustee, which Agreement was thereafter amended by that certain Trust A Amendment, dated July 17, 1998, by and among Mary John Weldon and Elizabeth Weldon Bentley, as Grantors, and the Baptist Foundation of Alabama, as Trustee, as subsequently amended and reformed by the Circuit Court of Montgomery County, Alabama pursuant to that certain Order Reforming Trust dated February 2, 2004 (Case No. 2003-2481); and

WHEREAS, due to certain discrepancies in the legal descriptions of the real property as contained in the will of ANNE ELIZABETH WELDON BENTLEY with respect to the bequest and devise to the Baptist Foundation of Alabama, as Trustee of the W. J. Weldon Family Memorial Fund of certain timberland real estate as contained in Paragraph (c) of Item III thereof and in the Warranty Deed referenced hereinabove, GEORGE E. WELDON, as the Personal Representative of the Estate

of ANNE ELIZABETH WELDON BENTLEY, desires to confirm the title to any of the timberland real estate devised and bequeathed by ANNE ELIZABETH WELDON BENTLEY in her will in Paragraph (c) of Item III thereof to the Baptist Foundation of Alabama, as Trustee of the W. J. Weldon Family Memorial Fund that had not been previously conveyed by ANNE ELIZABETH WELDON BENTLEY to others prior to her death; and

WHEREAS, GEORGE E. WELDON, the Personal Representative of the Estate of ANNE ELIZABETH WELDON BENTLEY, desires to confirm the title to any of the “546 acre timberland real estate located in Shelby County, Alabama” bequeathed and devised to the Baptist Foundation of Alabama, as Trustee of the W. J. Weldon Family Memorial Fund as set forth in Paragraph (c) of Item III of the will of ANNE ELIZABETH WELDON BENTLEY, which timberland real estate was more particularly described in Exhibit B to said will, that had not been conveyed by ANNE ELIZABETH WELDON BENTLEY to others prior to her death;

NOW, THEREFORE, in consideration of the premises and in order to confirm title to the real property in Shelby County, Alabama, to the Baptist Foundation of Alabama, as Trustee of the W. J. Weldon Family Memorial Fund created in Paragraph (c) of Item III of the will of ANNE ELIZABETH WELDON BENTLEY, deceased, the said GEORGE E. WELDON, as Personal Representative under the will of ANNE ELIZABETH WELDON BENTLEY (the “GRANTOR”), does hereby remise, release, quitclaim and confirm to the Baptist Foundation of Alabama, as Trustee of the W. J. Weldon Family Memorial Fund created in Paragraph (c) of Item III of the will of ANNE ELIZABETH WELDON BENTLEY (the “GRANTEE”), and its successors and assigns forever, subject to all leases, liens, mortgages, easements, reservations, covenants, restrictions, boundary encroachments and encumbrances of every kind and nature applicable to the properties hereinafter described, all of the interest of ANNE ELIZABETH WELDON BENTLEY that she owned at her death in 546 acres of timberland real estate located in Shelby County, Alabama, more particularly described as follows:

NE½, E½ of SE½; NE½ of NW½; S½ of the SW½ of the SE¼ and the S½ of the SE½ of the SW½; all in Section 24, Township 20, Range 1 East; also the NW¼; N½ of SW½; all in Section 19, Township 20, Range 2 East.

LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED PROPERTY OR ANY INTEREST THEREIN HERETOFORE CONVEYED BY ANNE ELIZABETH WELDON BENTLEY TO OTHERS.

IT IS EXPRESSLY EXCLUDED FROM THE PROPERTY DESCRIBED ABOVE ANY AND ALL TRANSFERS OR CONVEYANCES TO OTHER PERSONS OR ENTITIES WHICH ARE INADVERTENTLY INCLUDED IN THE DESCRIPTION DESCRIBED ABOVE.

TOGETHER WITH all and singular the rights, tenements, hereditaments, members, privileges and appurtenances thereunto belonging or in anywise appertaining;

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

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal, this the 25th day of August, 2004.

George E Weldon
GEORGE E. WELDON
As Personal Representative
U/W Anne Elizabeth Weldon Bentley, Deceased

STATE OF ALABAMA

COUNTY OF MOBILE

I, the undersigned Notary Public in and for said County in said State, hereby certify that GEORGE E. WELDON, whose name as Personal Representative under the Will of Anne Elizabeth Weldon Bentley, Deceased, 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 the conveyance, he, in his capacity as such Personal Representative, executed the same voluntarily on the day the same bears date.

Given under my hand this the 25th day of August, 2004.

Karen C Chavis
Notary Public
My Commission expires: 2/13/08

GRANTEE'S ADDRESS:
P.O. Box 4773
Montgomery, Alabama 36103
Attn: Barry Bledsoe, President

This Instrument was Prepared By:
RONALD P. DAVIS
Vickers, Riis, Murray and Curran, L.L.C.
Regions Bank Building, 11th Floor
106 St. Francis Street
Mobile, AL 36602-3419

Last Will and Testament

OF

ANNE ELIZABETH WELDON BENTLEY

I, ANNE ELIZABETH WELDON BENTLEY, a resident of Madison County, Alabama, of sound mind and disposing memory, declare this to be my Last Will and Testament hereby revoking all prior wills and codicils by me made.

ITEM I

I direct that my debts, my funeral expenses, the expenses of my last illness, the cost of the administration of my estate and all federal and state estate taxes, including such taxes, if any, that may be deemed attributable to interests not passing under this, my Last Will and Testament, be paid as soon as practicable after my death.

ITEM II

If my sister, MARY JOHN WELDON, survives me, I give, bequeath and devise all the rest, residue and remainder of my estate of whatever kind and character and wheresoever situated, as follows:

(a) To my sister, MARY JOHN WELDON, all of my tangible personal property (including automobiles, furniture, furnishings, appliances, tools, equipment, clothing, jewelry, etc.).

(b) My remaining assets in trust to my cousin, GEORGE E. WELDON (the "Trustee"), to be held and administered by the Trustee for the benefit of my sister, MARY JOHN WELDON, as follows:

(1) My Trustee shall distribute all of the net income of the trust to MARY JOHN WELDON at least quarterly. In addition, my Trustee shall have discretion to pay all or a portion of the principal of the trust to or for the benefit of MARY JOHN WELDON in order to provide for the expenses of her reasonable support and maintenance, and to pay for her uninsured medical expenses, after considering other assets and sources of support available to her.

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(2) On my said sister's death, the trust shall terminate and my Trustee shall distribute the remaining trust principal, if any, as follows:

(A) my interest in the house and lot in Wilsonville, Alabama, more particularly described on Exhibit A attached hereto and made a part hereof, to the WILSONVILLE BAPTIST CHURCH to be maintained as a parsonage.

(B) my interest in the 546 acre timberland real estate located in Shelby County, Alabama, more particularly described on Exhibit B attached hereto and made a part hereof, and eighty percent (80%) of any remaining trust principal in trust to the BAPTIST FOUNDATION OF ALABAMA, Montgomery, Alabama, a non-profit corporation with offices located at 430 South Court Street, Montgomery, Alabama (and such successor corporation having trust powers as shall succeed to the business of said corporation by purchase, merger, consolidation, or change of charter or name), as Trustee. The fund principal is to be held in trust in perpetuity, and entered upon the permanent books of the said Foundation as the W.J. WELDON FAMILY MEMORIAL FUND. The fund income, but not the fund principal, is to be distributed annually by The Baptist Foundation of Alabama to the WILSONVILLE BAPTIST CHURCH OF WILSONVILLE, ALABAMA, to be used by such church as follows:

- (i) 50% for church operations and facilities.
- (ii) 50% for missions.

In the event the WILSONVILLE BAPTIST CHURCH shall cease to exist or function in the manner and relationship existing at the time of my death, or if funds become difficult or impossible to administer, the Directors of The Baptist Foundation of Alabama shall have the power to determine the distribution of the income, keeping in mind my original intentions, so long as the said distributions are to organizations which meet the requirements of Section 501(c)(3) of the Internal Revenue Service Code of 1986 and the regulations thereunder (or subsequent Internal Revenue Code, Rules and Regulations). "Manner and Relationship" shall be determined by the

Directors of The Baptist Foundation of Alabama, and their decision will be final.

(C) ten percent (10%) of any remaining trust principal to my cousin's son, GEORGE SCOTT WELDON.

(D) ten percent (10%) of any remaining trust principal to my cousin, GEORGE E. WELDON.

If GEORGE E. WELDON predeceases me or MARY JOHN WELDON, as the case may be, the trust assets left to him hereunder shall, instead, be distributed to his wife, KATHLEEN S. WELDON, or if she is also deceased, to his son, GEORGE SCOTT WELDON.

If GEORGE SCOTT WELDON predeceases me or MARY JOHN WELDON, as the case may be, the trust assets left to him hereunder shall, instead, be distributed to his wife, PAULA TAYLOR WELDON, or if she is also deceased, to his son, C.E. TAYLOR WELDON.

ITEM III

In the event my sister, MARY JOHN WELDON, predeceases me, I give, devise and bequeath my residuary estate as follows:

(a) Certain items of my personal property I give and bequeath to the persons listed in a letter I will leave with this Will at the time of my death. I request my Personal Representative to follow the instructions in such letter as if they had been set out in full in this Will.

(b) my interest in the house and lot in Wilsonville, Alabama, more particularly described on Exhibit A attached hereto and made a part hereof, to the WILSONVILLE BAPTIST CHURCH to be maintained as a parsonage.

(c) my interest in the 546 acre timberland real estate located in Shelby County, Alabama, more particularly described on Exhibit B attached hereto and made a part hereof, and eighty percent (80%) of my remaining residuary estate in trust to the BAPTIST FOUNDATION OF ALABAMA, Montgomery, Alabama, a non-profit corporation with offices located at 430 South Court Street, Montgomery, Alabama (and such successor corporation having trust powers as shall succeed to the business of said corporation by purchase, merger, consolidation, or change of charter or name), as Trustee. The fund principal is to be held in trust in perpetuity,

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and entered upon the permanent books of the said Foundation as the W.J. WELDON FAMILY MEMORIAL FUND. The fund income, but not the fund principal, is to be distributed annually by The Baptist Foundation of Alabama to the WILSONVILLE BAPTIST CHURCH OF WILSONVILLE, ALABAMA, to be used by such church as follows:

- (1) 50% for church operations and facilities.
- (2) 50% for missions.

In the event the WILSONVILLE BAPTIST CHURCH shall cease to exist or function in the manner and relationship existing at the time of my death, or if funds become difficult or impossible to administer, the Directors of The Baptist Foundation of Alabama shall have the power to determine the distribution of the income; keeping in mind my original intentions, so long as the said distributions are to organizations which meet the requirements of Section 501(c)(3) of the Internal Revenue Service Code of 1986 and the regulations thereunder (or subsequent Internal Revenue Code, Rules and Regulations). "Manner and Relationship" shall be determined by the Directors of The Baptist Foundation of Alabama, and their decision will be final.

(d) ten percent (10%) of my remaining residuary estate to my cousin's son, GEORGE SCOTT WELDON.

(e) ten percent (10%) of my remaining residuary estate to my cousin, GEORGE E. WELDON.

If GEORGE E. WELDON predeceases me, the assets of my residuary estate left to him hereunder shall, instead, be given to his wife, KATHLEEN S. WELDON, or if she is also deceased, to his son, GEORGE SCOTT WELDON.

If GEORGE SCOTT WELDON predeceases me, the assets of my residuary estate left to him hereunder shall, instead, be given to his wife, PAULA TAYLOR WELDON, or if she is also deceased, to his son, C.E. TAYLOR WELDON.

ITEM IV

I hereby appoint my cousin, GEORGE E. WELDON, as Personal Representative of this, my Last Will and Testament. In the event GEORGE E. WELDON is unable or unwilling to serve as my Personal Representative or having been appointed, dies, resigns or becomes

incapacitated prior to the completion of the administration of my estate, I hereby appoint his son, GEORGE SCOTT WELDON, as successor Personal Representative.

I direct that neither my Personal Representative nor any successor shall be required to post any bond nor to file any inventory, report or accounting with any court concerning my estate.

ITEM V

In the administration of my estate, the trust or the separate shares herein created, the following provisions shall apply:

(a) Any mortgage, lien, or other encumbrance upon any property bequeathed or devised hereunder, whether outright or in trust, shall be assumed by the legatee or devisee of such property.

(b) My Personal Representative shall be vested with title to all of my property, including real estate, owned by me at the time of my death with the right on the part of my Personal Representative to convey any realty owned by me in carrying out the provisions of this will.

(c) If the income or principal from any trust or share herein created is payable to a minor or a person under a legal incapacity, then such amounts may be paid by my Trustee in such of the following ways as my Trustee may deem best:

- (1) Directly to such beneficiary;
- (2) To the guardian, conservator, curator or custodian (which custodian may be appointed by my Trustee under the Alabama Uniform Transfers to Minors Act) of such beneficiary; or
- (3) By my Trustee using such assets for such beneficiary.

(d) Any Trustee appointed in this will shall not be required to post any bond.

(e) To the extent permitted by law, the interests of any beneficiary of the trusts or shares herein created shall not be subject to the claims of creditors or to assignment or alienation, whether voluntarily or involuntarily.

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(f) If the trusts or separate shares created hereunder shall violate any applicable rule against perpetuities, accumulations, or any similar rule or law, the Trustee is hereby directed to terminate such trusts or shares on the date limited by such rule or law, and thereupon the property held in such trusts or shares shall be distributed to the persons then entitled to share the income therefrom in the proportions in which they are then entitled to share such income, notwithstanding any provision of this will to the contrary.

(g) Any persons may at any time and from time to time add cash, securities or other property, whether real or personal, to the corpus of any trust herein created, by deed, gift or will with the consent of the Trustee. Additions to any trust herein created shall be held, administered and distributed as an integral part of the corpus thereof in accordance with all of the terms and provisions of this will applicable to the trust.

(h) The invalidity of any devise, bequest or trust, as to any property or as to any beneficiary, shall not be considered materially to disturb the plan of distribution herein created or to effect the validity of any other devise, bequest or trust herein created.

(i) If GEORGE E. WELDON, who are named as Trustee in ITEM II of this, my Last Will and Testament, should fail to qualify or cease to act as Trustee for any reason, I appoint his son, GEORGE SCOTT WELDON, as successor Trustee.

ITEM VI

In addition to all powers conferred by law, and not by way of limitation, I hereby vest the Trustee, my Personal Representative and any successor to them under this will (all of whom may in this ITEM be referred to as "fiduciaries"), with all authority and power deemed necessary, appropriate or convenient in the administration of my estate or any trust or separate share herein created, without the necessity of prior court approval, and specifically, but without limitation, my fiduciaries shall have the power to:

(a) Receive, hold and manage property received, whether or not of the character permitted by law for the investment of fiduciary funds.

(b) Operate any business or property received for so long as may be deemed advisable.

(c) Buy, sell, exchange, lease and otherwise acquire and dispose of any property, privately or publicly, with or without advertisement, upon such terms and conditions as may be deemed advisable, including the extension of credit.

(d) Join in any plan of lease, mortgage, merger, consolidation, combination, reorganization, dissolution, foreclosure, change of capitalization or other change of structure of any corporation, trust, partnership or other organization or the property or assets thereof.

(e) Invest and reinvest in any property whatsoever, including, but not limited to, bonds, promissory notes, secured or unsecured, stock of corporations, real estate or any interest therein, interests in trust (which shall include any common trust maintained by any fiduciary or an affiliate of any fiduciary), irrespective of diversification as to kind or amount and without being restricted in any way by any constitutional provision, any statute or any court decision (now or hereafter existing) governing the investment of fiduciary funds.

(f) Compromise, settle and adjust any claims by or against the estate or trust.

(g) Execute and deliver proxies and powers of attorney and such other instruments as are incidental to the holding, controlling and voting of corporate stock or securities or the exchange and sale thereof.

(h) Hold assets in the name of a nominee.

(i) Make distribution from the trust or estate in cash or in kind, or partly in cash or partly in kind.

(j) Determine whether money or property received shall be income or principal, or partly income or partly principal.

(k) Loan money upon such terms and conditions as may be deemed best, and borrow money and execute a note or other instru-

ment therefor and grant a mortgage upon or security interest in any estate or trust asset as security therefor.

(l) Charge and apportion expenses and losses to principal or to income as may be deemed equitable.

(m) Execute and deliver any deeds (with or without warranty), receipts, releases, contracts, option or other instruments deemed necessary or appropriate.

(n) Incur and pay ordinary and necessary expenses of administration and employ and pay attorneys, brokers, accountants, appraisers and such other persons as may be deemed advisable.

(o) Consolidate for administration and investment any separate trusts or shares created hereunder and allocate undivided interests in such consolidated fund to the several trusts or shares; provided, however, that such consolidation shall not destroy the separate identity of such trusts or shares.

(p) Acquire or dispose of an asset, including land in this or another state, for cash or on credit, at public or private sale; and manage, develop, improve, exchange, partition, change the character of, or abandon an estate or trust asset.

(q) Make ordinary or extraordinary repairs or alterations in buildings or other structures, demolish any improvements, or raze existing or erect new party walls or buildings.

(r) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving considerations; or dedicate easements to public use without consideration.

(s) Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for such term as determined by my Personal Representative or Trustee, including a term of more than one year.

(t) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

(u) Sell, mortgage, or lease any real or personal property of the estate or trust or any interest therein for cash,

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credit, or for part cash and part credit, and with or without security for any unpaid balance.

(v) Pay reasonable compensation of the Personal Representative or Trustee.

All of the above powers and authorities shall be considered purposes of my estate and any trust created in this Will under Code of Alabama § 19-3-120.2.

In addition to all of the powers and authorities set forth in this ITEM VI, each Trustee serving under any trust created under the terms of this Will shall also have the powers and authorities set forth in Code of Alabama § 19-3-322. A Trustee appointed under this Will may not terminate any trust created in this Will pursuant to Code of Alabama § 19-3-323.

IN WITNESS WHEREOF, I, ANNE ELIZABETH WELDON BENTLEY, the Testatrix, sign my name to this instrument this 18 day of September, 1997, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am nineteen (19) years of age or older, of sound mind and under no constraint or undue influence.


ANNE ELIZABETH WELDON BENTLEY

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that ANNE ELIZABETH WELDON BENTLEY, the Testatrix, signs and executes this instrument as her Last Will and Testament and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Last Will and Testament as witnesses to the Testatrix's signing, and that to the best of our knowledge the Testatrix is nineteen (19) years of

age or older, of sound mind, and under no constraint or undue influence.

Elizabeth W. Abel
Witness

Kym Fredricksen
Witness

Wendy J. Babcock
Witness

STATE OF ALABAMA
COUNTY OF MADISON

Subscribed, sworn to and acknowledged before me by ANNE ELIZABETH WELDON BENTLEY, the Testatrix, and subscribed and sworn to before me by Elizabeth W. Abel, Kym Fredricksen and Wendy J. Babcock witnesses, this 18th day of September, 1997.

Shirley Belt
Notary Public
My Commission Expires: 4-4-98

[s]C:\WP00CS\WILLS\WELDON.ELI

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EXHIBIT A

Real estate lying and being situated in Shelby County, Alabama, and more particularly described as follows:

That certain lot with the dwelling and other appurtenances thereon, situated in the Town of Wilsonville, in said State and County, and bounded and described as follows, to-wit:

Commencing at the Northeast corner of the J.F. Pope dwelling lot (formerly sold to the said J.F. Pope by E.W. Williamson as administrator of the Estate of John E. Densler deceased), and running thence North a distance of 122 feet to the Southeast corner of the Johnie May Black lot; thence West a distance of 167 feet; thence North 20 feet; thence West 118½ feet; thence North 82 feet to a point on the Southern boundary line of the McGowen lot; thence West along the Southern boundary line of the McGowen lot a distance of 61 feet to a corner; thence South a distance of 215 feet to the Southeast corner of the lot of J.R. Black (now the Hebb lot); thence East 346½ feet, more or less, to the point of beginning.

Being a part of SE¼ of the NE¼, Section 1, Township 21 South, Range 1 East, Shelby County, Alabama.

Subject to taxes for 1997 and subsequent years, easements, restrictions, rights of way, and permits of record.

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EXHIBIT B

Real estate lying and being situated in Shelby County, Alabama, and more particularly described as follows:

NE $\frac{1}{4}$; E $\frac{1}{2}$ of SE $\frac{1}{4}$; NE $\frac{1}{4}$ of NW $\frac{1}{4}$; S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; all in Section 24, Township 20, Range 1 East; also the NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$; all in Section 19, Township 20, Range 2 East.

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STATE OF ALABAMA

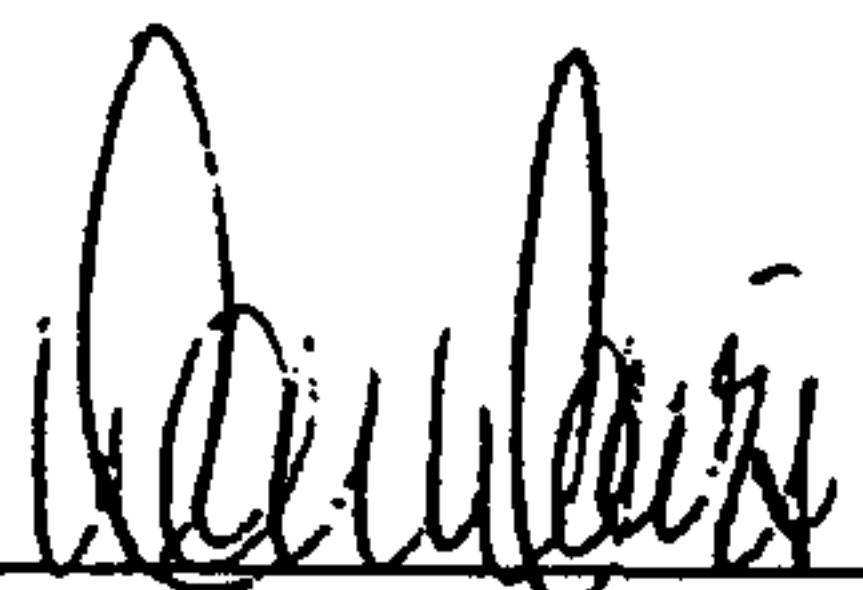
MOBILE COUNTY

PROBATE COURT OF SAID COUNTY

CERTIFICATE

I, **Don Davis**, Judge of the Probate Court in and for said County and State do hereby certify that the within instrument of writing, has this day in said Court, and before me as the Judge thereof, been duly proved, pursuant to §43-8-132, *Code of Alabama* 1975, as amended, which Section provides for self-proving wills, to be the genuine last will and testament of Anne Elizabeth Weldon Bentley, deceased, and that said will, together with the acknowledgment of the Testatrix and affidavit of the witnesses thereof, have been recorded in my office in Book of Wills No. 232 and on pages 1803.

IN WITNESS of all which I have hereunto set my hand and the Seal of the said Court, this 24th day of October, 2002.


Don Davis, Judge of Probate

CERTIFIED TRUE COPY
Probate Court of Mobile Co., AL
Don Davis, Judge

Signature 
Joe McEarchern Jr., Chief Clerk

Date 5 November 2002
(Not valid unless in red ink with raised seal of court)