



20050607000276310 1/5 \$27.00
Shelby Cnty Judge of Probate, AL
06/07/2005 01:55:31PM FILED/CERT

This Instrument Was Prepared By:
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Send Tax Notice To:
Sheila Whittington Cole
1990 County Road 753
Clanton, Alabama 35045

PERSONAL REPRESENTATIVE'S DEED IN DISTRIBUTION

STATE OF ALABAMA)

SHELBY COUNTY)

THIS INDENTURE is made this 16th day of May, 2005, by
SHEILA WHITTINGTON COLE in her capacity as Personal Representative of the Estate of
WILLIAM A. COLE (also known as "WILLIAM ARMOUR COLE"), as the Grantor, in favor
of SHEILA WHITTINGTON COLE, individually, as the Grantee.

W I T N E S S E T H :

WHEREAS, the said WILLIAM A. COLE (the "Decedent") died on November 21, 2003, a resident of Clanton, Chilton County, Alabama, leaving a surviving spouse, SHEILA WHITTINGTON COLE, one surviving issue (who is also an issue of such surviving spouse), KERI DIANNE COLE CALLOWAY, and a surviving father, ALPHAS W. COLE, and mother, BILLIE R. COLE; and

WHEREAS, the Decedent did not leave a valid Last Will and Testament, thereby causing his estate to be distributed in accordance with the laws regarding intestate succession in the State of Alabama (Alabama Code §§ 43-8-40 et seq.); and

WHEREAS, SHEILA WHITTINGTON COLE petitioned for and was appointed by the Chilton County Probate Court as the Personal Representative of the Decedent's Estate, Case No. 2003-288 (the "Estate"), with letters of administration being issued by the said court on December 29, 2003; and

WHEREAS, the Decedent died the owner of the real property described herein and conveyed hereby, and said property is part of the Decedent's estate (the "Real Property"); and

WHEREAS, the said laws of intestate succession in the State of Alabama provide that, if a Decedent is survived by a spouse and issue of the Decedent (which is also issue of such surviving spouse), the Decedent's estate is to be distributed as follows: (1) the surviving spouse is to be distributed \$50,000 of property, plus one-half of balance of the estate; and (2) the remaining balance is to be distributed to the surviving issue of the Decedent; and

WHEREAS, the said KERI DIANNE COLE CALLOWAY filed a qualified Disclaimer with the Chilton County Probate Court on January 7, 2004, at Book Number 087, Page Number 139, the effect of which is to treat her as though she failed to survive the Decedent for purposes of determining the disposition of the Decedent's estate; and

WHEREAS, the the said laws of intestate succession in the State of Alabama provide that, if a Decedent is survived by a spouse and parents, but is not survived by any issue, then the Decedent's estate is to be distributed as follows: (1) the surviving spouse is to be distributed \$100,000 of property, plus one-half of balance of the estate; and (2) the remaining balance is to be distributed to the surviving parents of the Decedent; and

WHEREAS, the said ALPHAS W. COLE and BILLIE R. COLE each filed a qualified Disclaimer with the Chilton County Probate Court on January 7, 2004, at Book Number 087, Page Numbers 142 and 145, respectively, the effect of which is to treat each as though he or she failed to survive the Decedent for purposes of determining the disposition of the Decedent's estate; and

WHEREAS, the said laws of intestate succession in the State of Alabama provide that, if a Decedent is survived by a spouse, but is not survived by any issue or by a parent, then the Decedent's entire estate is to distributed to the surviving spouse; and

WHEREAS, as a result of the said Disclaimers and their effect on the distribution of the Decedent's estate pursuant to the laws of intestate succession in the State of Alabama, the Real Property is due to be distributed to the Decedent's surviving spouse, SHEILA WHITTINGTON COLE.

NOW, THEREFORE, in consideration of these premises, and for other good and valuable consideration, the receipt and sufficiency whereof is acknowledged, the undersigned, SHEILA WHITTINGTON COLE, in her capacity as Personal Representative of the Estate, as Grantor, does hereby grant, bargain, sell and convey unto the Grantee, SHEILA WHITTINGTON COLE, all of the Grantor's right, title and interest in and to the following described real property, together with all improvements thereon, situated in Shelby County, Alabama, to-wit:

SEE EXHIBITS A AND B ATTACHED HERETO

The conveyance of the real property described in Exhibit A is hereby made subject to the mortgages recorded at Instrument # 1997-17823, Instrument # 1999-38771 (with respect to Parcel One therein), and Instrument # 2000-03896 (with respect to Parcel I therein) in the Office of the Judge of Probate, Shelby County, Alabama, as well as any and all restrictive covenants, rights of way, easements and reservations of record that apply to the real property described therein, including those matters to which the conveyance set forth in the deed dated November 10, 1988, from I-65 Investment Properties, a General Partnership, to the said Decedent were made "subject to".

The conveyance of the real property described in Exhibit B is hereby made subject to the mortgages recorded at Instrument # 1999-38771 (with respect to Parcel Two therein) and Instrument # 2000-03896 (with respect to Parcel II therein) in the Office of the Judge of Probate, Shelby County, Alabama, as well as any and all restrictive covenants, rights of way, easements and reservations of record that apply to the real property described therein.

TO HAVE AND TO HOLD unto the said Grantee, her heirs, executors, administrators and assigns, forever.

IN WITNESS WHEREOF, the Grantor, acting as Personal Representative of the Estate of WILLIAM A. COLE, deceased, has hereunto set her hand and seal this day and year first above written.

Sheila Whittington Cole
SHEILA WHITTINGTON COLE, Personal
Representative of the Estate of WILLIAM A.
COLE, deceased

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that SHEILA WHITTINGTON COLE, whose name as Personal Representative of the Estate of WILLIAM A. COLE, 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 such Personal Representative, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 16th day of May, 2005.

W. Whittington
Notary Public
My Commission Expires: 9-27-06

[SEAL]



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EXHIBIT A

Commence at the northwest corner of the northeast quarter of the northeast quarter of Section 19, Township 21 South, Range 2 West, Shelby County, Alabama, and run thence S 89 degrees, 11' 26" E along the north line of said quarter - quarter section a distance of 227.95' to a point; thence run S 29 degrees, 39' 48" E a distance of 353.99' to the point of beginning of the property being described; thence continue along last described course a distance of 225.00' to a point; thence run S 89 degrees, 13' 37" E a distance of 299.85' to a point on the westerly margin of Shelby County Road #87; thence run S 14 degrees, 27' 11" E along said Road margin a distance of 302.89' to a point; thence S 82 degrees, 34' 13" W a distance of 50.38' to a point; thence run S 14 degrees, 27' 11" E a distance of 50.38' to a point on the the northerly margin of Airpark Industrial Road; thence run S 82 degrees, 34' 13" W along the north line of said Airpark Industrial Road a distance of 292.00' to a point; thence run N 14 degrees, 27' 11" W a distance of 403.90' to a point; thence run N 16 degrees, 51' 32" W a distance of 203.56' to the point of beginning. There is a 20' easement along the north and northwesterly lines of this property as shown hereon the plat. Situated in Shelby County, Alabama.

Less and except any portion of the following described property that may lie within the above-described property:

Commence at the northwest corner of the northeast quarter of the northeast quarter of Section 19, Township 21 south, Range 2 west, Shelby County, Alabama and run thence S 89° 11' 26" E along the north line of said quarter quarter section a distance of 227.95' to a point, Thence run S 29° 39' 48" E a distance of 353.99' to the point of beginning of the property being described, Thence continue along last described course of distance of 225.00' to a point, Thence turn 59° 33' 49" left and run a distance of 46.91' to a point, Thence turn 76° 07' 43" right and run southerly a distance of 388.63' to a point on the northerly line of Airpark Industrial Road, Thence turn 95° 40' 07" right and run westerly along said right of way of said road a distance of 87.21' to a point, Thence turn 82° 58' 36" right and run northerly 403.90' to a point, Thence turn 2° 24' 21" left and run 203.56' to the point of beginning, containing 0.95 of an acre.

EXHIBIT B

Beginning at a found 2" open top pipe corner representing the southwest corner of the southeast quarter of the southeast quarter of Section 18, Township 21, Range 2 West, Alabaster, Shelby County, Alabama, and run thence North $01^{\circ} 07' 09''$ West along the west line of said quarter-quarter a distance of 200.00' to a set 1/2" steel rebar corner; thence run South $88^{\circ} 52' 51''$ East a distance of 310.25' to a set 1/2" steel rebar corner on the westerly margin of Commercial Court, a proposed fifty foot wide right of way with a guttered street centered within now under construction; thence run South $01^{\circ} 07' 09''$ East along said west margin of said street a distance of 47.63' to the P.C. of a curve to the left having a central angle of $88^{\circ} 04' 12''$ and a radius of 180.00'; thence run along the arc of said curve an arc distance of 250.24' to the P.T. of said curve; thence run South $89^{\circ} 11' 30''$ East along the said margin of said street a distance of 36.06' to the P.T. of a curve to a right having a central angle of $20^{\circ} 49' 36''$ and a radius of 125.00'; thence run along the arc of said curve an arc distance of 45.19' to a set 1/2" steel rebar corner; thence run South $13^{\circ} 06' 14''$ East a distance of 494.05' to a set 1/2" steel rebar corner; thence run North $89^{\circ} 13' 12''$ West a distance of 162.56' to a found 1/2" steel rebar corner; thence run North $29^{\circ} 39' 48''$ West a distance of 578.99' to an existing 1/2" steel rebar corner on the section line between sections 18 and 19; thence run North $89^{\circ} 11' 26''$ West along said section line a distance of 227.95' to the point of beginning.

The above description is taken in its entirety from the survey of S.M. Allen, Alabama Licensed Land Surveyor No. #12944, dated: August 18, 1999.