

Corrected Deed Of Distribution

This Corrected Deed Of Distribution is made for the purpose of correcting the legal description contained in that certain conveyance previously recorded in **Instrument 20030417000234540** in the Probate Office of Shelby County, Alabama, *to-wit*:

This Deed Of Distribution made and entered into the 29th day of March, 2006 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").

R E C I T A L S:

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, 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, that portion of said **Lot 1 Block 3** being more particularly described as follows:

Begin at the most Southeast corner of Lot 2 Block 3 of Cedar Cove, Phase I; thence run Northwesterly along the Easterly line of said Lot 2 a distance of 370.74 feet to the Easterly right of way line of Cedar Cove Lane (this being the Northeast corner of said Lot 2 and the Southwest corner of said Lot 1), said Right of Way line being in a curve to the left running Northeasterly having a radius of 110.0 feet, and an interior angle of 2°22'08"; thence from the last described course, turn right 90°00' to the tangent of said curve and run Northeasterly along said Right of Way line an arc distance of 4.55 feet; thence from the tangent of the last described curve, turn right 93°04'19" and run Southeasterly a distance of 370.86 feet to the point of beginning.

1st Deed – 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**.

2nd Deed – Estate's Source of Title: That certain conveyance from Franklin Properties, Inc. to Horace C. Smith and wife, Sarah C. Smith dated September 25, 1985 and recorded in the Probate Court of Shelby County, Alabama at **Book 042** at **Page 875**.

* 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;

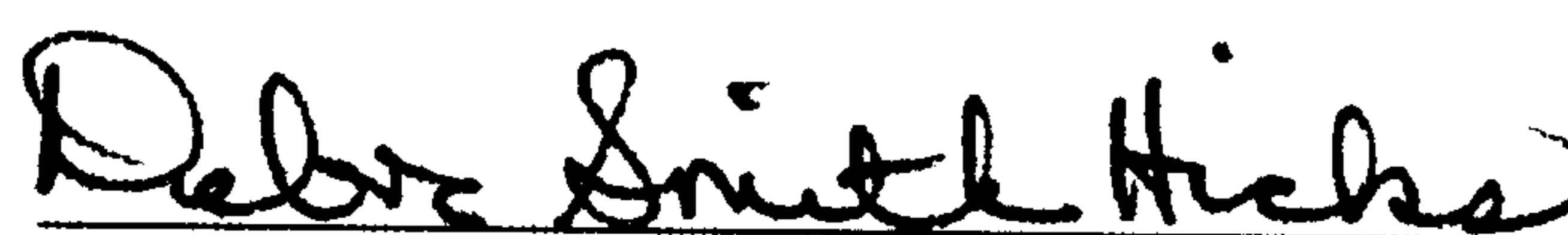
In Witness Whereof, the Grantors have executed this conveyance by setting their signatures hereto this the 29th day of March, 2006.

Estate of Sarah Smith

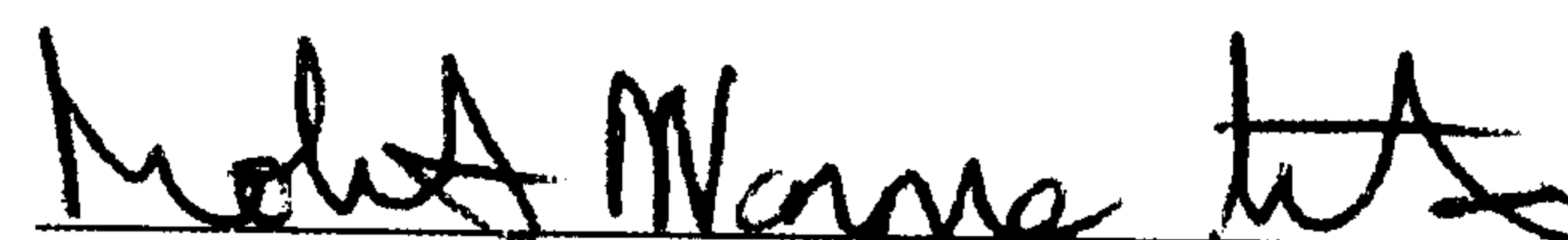
By:



Debra Smith Hicks, Executor



Debra Smith Hicks, Individually



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 29 day of March, 2006.

Robert C. Boyce III
Notary Public
My Commission Expires: 10-7-06

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 29 day of March, 2006.

Robert C. Boyce III
Notary Public
My Commission Expires: 10-7-06

State of Maryland)
Baltimore 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 30 day of March, 2006.

Kimberly Hundt
Notary Public
My Commission Expires: 9/22/09

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

LETTERS TESTAMENTARY

THE STATE OF ALABAMA
COURT OF PROBATE

SHELBY COUNTY
CASE # 42-279

The will of **Sarah Smith**, having been duly admitted to record in said county, **LETTERS TESTAMENTARY** are hereby granted to **Debra Smith Hicks** the Personal Representative named in said Will, who has duly qualified in compliance with the requisite of the law, and is authorized to administer such estate. Subject to the priorities stated in *Ala. Code, §43-8-76 (1975, as amended)*, the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers, without limitation, authorized in transactions under *Ala. Code, §43-2-843 (1975, as amended)*, unless expressly modified in the Will.

Witness my hand, and dated this 28th day of May, 2002.

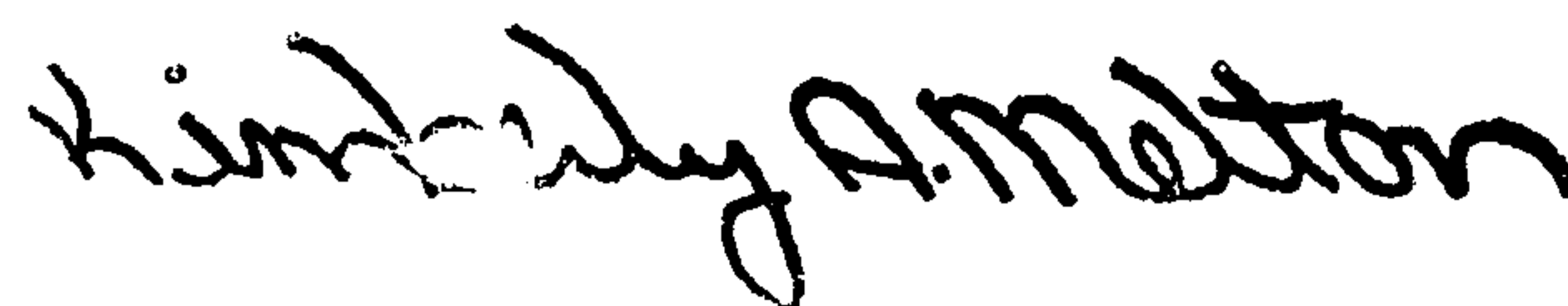


PATRICIA YEAGER FUHRMEISTER
Judge of Probate

THE STATE OF ALABAMA
SHELBY COUNTY

I, KIMBERLY A. MELTON, CHIEF CLERK of the Probate Court of Shelby County, Alabama hereby certify that the foregoing is a true, correct and full copy of the **LETTERS TESTAMENTARY** issued to **Debra Smith Hicks**, as Personal Representative of the Will of **Sarah Smith**, deceased, as the same appears of record in said court. I further certify that said Letters are still in full force and effect.

Given under my hand, and seal of office, this 28th day of May, 2002.



CHIEF CLERK

HOLLIMAN & SHOCKLEY
ATTORNEYS AT LAW
2491 PELHAM PARKWAY
PELHAM, ALABAMA 35124