20080306000092900 1/2 \$15.00 Shelby Cnty Judge of Probate, AL 03/06/2008 02:14:52PM FILED/CERT

Send Notice to:

Cecil G. Erwin 744 Parker Drive Gardendale, AL 35071

This instrument prepared by Wallace, Ellis, Fowler & Head, Attorneys Columbiana, AL 35051

## DEED OF PERSONAL REPRESENTATIVE

STATE OF ALABAMA SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, Duane W. Smith died on or about January 8, 2004, and was the owner of certain hereinafter described real property situated in Shelby County, Alabama, and

WHEREAS, the Probate Court of Shelby County, Alabama entered a Decree Admitting Will to Probate and Granting Letters Testamentary on March 9, 2004, and issued Letters Testamentary on said date, in the Matter of the Estate of Duane W. Smith, deceased, Case No. PR-2004-000066, and

WHEREAS, the undersigned Cecile G. Erwin was duly and properly appointed as Executrix and Personal Representative of the Estate of Duane W. Smith, deceased, by the Probate Court of Shelby County, and is still serving in such capacity, and

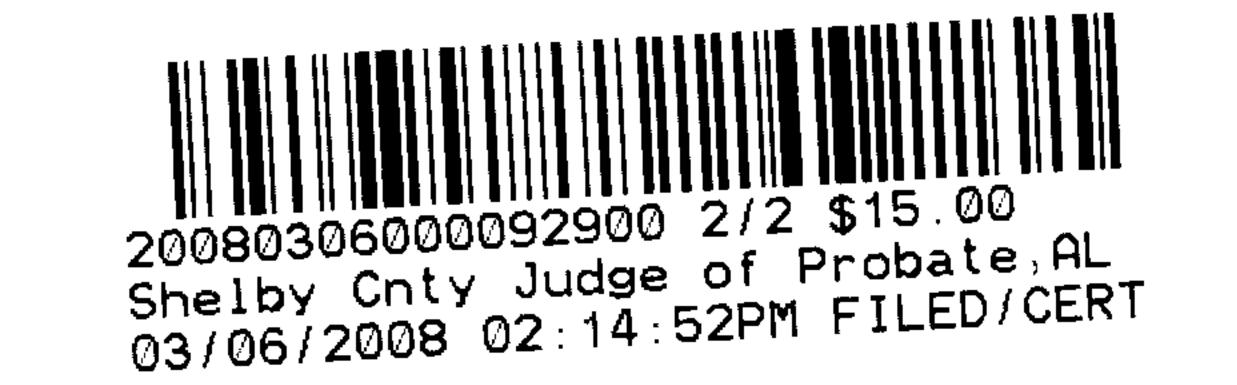
WHEREAS, pursuant to the FOURTH paragraph in the Last Will and Testament of Duane W. Smith, deceased, the grantee herein, Cecile G. Erwin, was devised any and all interest of Duane W. Smith in the land and real property located at or near Highway 280 and Highway 51 in Shelby County, Alabama, and

WHEREAS, the Last Will and Testament of Duane W. Smith, deceased, grants the personal representative the power of sale and conveyance.

NOW, THEREFORE, in consideration of the premises, the devise in the Last Will and Testament of Duane W. Smith, deceased, and One Dollar & other good and valuable consideration, in hand paid to the undersigned grantor, by the grantee, the receipt whereof is hereby acknowledged, I, the undersigned, Cecile G. Erwin, as Executrix and personal representative of the Estate of Duane W. Smith, deceased (herein referred to as grantor), do grant, bargain, sell and convey unto Cecile G. Erwin., (herein referred to as grantee), any and all interest of Duane W. Smith, deceased, and the Estate of Duane W. Smith, deceased, in and to the land and real property located at or near Highway 280 and Highway 51, in Shelby County, Alabama, including the following real estate, situated in Shelby County, Alabama, which is more particularly described as follows, to-wit:

The SE 1/4 of NW 1/4 of Section 29, Township 19, Range 1 East; also about 11 acres in the SW corner of the SW 1/4 of NE 1/4 of Section 29, Township 19, Range 1 East, beginning at the SW corner of said SW 1/4 of NE 1/4 and run East along the South line of said forty acres 609 feet to the old Pumpkin Swamp Road, thence N 44 deg. 6' east in a Northeasterly direction along said road 104 feet, thence N 7 deg. 55' West 528 feet, thence South 89 deg. 25' West 213 feet, thence North 44 deg.35' west 134.2 feet, thence south 86 deg. 35' west 226.8 feet to the west line of said SW 1/4 of NE 1/4 of said Section, thence south along the west line of said forty to the SW corner of said forty. Also that part of the following described tract lying Northwest of the Pumpkin Swamp road: Begin at the NW corner of said NW 1/4 of SE 1/4 of Section 29, Township 19, Range 1 East, thence run east along the North line of said forty 1320 feet to the NE corner of said forty, thence south along the east line of said forty 990 feet, thence in a northwesterly direction in a straight line about 1654 feet to the NW corner of the NW 1/4 of SE 1/4 of Section 29, Township 19, Range 1 East. Containing in all 53 acres, more or less.

A part of the NW 1/4 of the SE 1/4 of Section 29, Township 19, Range 1 East described as follows: Beginning at the NE corner of said forty acres and running South along the east line of said forty 338 feet, thence a little north of west a distance of 925 feet more or less to a point on the east line of Pumpkin Swamp Road 332 feet Southwest of the north line of the said forty, measured along said road. Thence North east along the east line of said road 332 feet to the north line of said forty acres, thence east along the north line of said forty acres 711 feet to the point of beginning, containing 6 1/4 acres more or less. Less and except any property in the U.S. Highway 280 right of way; and less and except any portion of the aforementioned described property previously deeded to the State of Alabama and as shown on the right-of-way map of Project No. F-214(20) as recorded in



the Office of the Judge of Probate of Shelby County, Alabama.

Duane W. Smith, deceased, inherited a one-half (1/2) interest in the larger parcel of 53 acres, more or less, from his father, LaRue Smith a/k/a LaRue W. Smith, who died on or about October 13, 1959. His widow, and the mother of Duane W. Smith, was Lula Mae Smith a/k/a Leila Mae Smith, who died on or about June 9, 1966. LaRue W. Smith, had three children, Duane W. Smith, Charlie Walter Smith a/k/a Charles W. Smith, and Mary Sam McFarland a/k/a Mary Sam Burger, who were also the only children of Lula Mae Smith. The said Mary Sam McFarland a/k/a Mary Sam Burger, was not married, and had no children, at the time of her death, on or about April 27, 1991. The Circuit Court of Shelby County, Alabama, determined that Duane W. Smith, deceased, and Charles W. Smith, deceased, were the heirs of LaRue Smith a/k/a LaRue W. Smith, and entitled to a one-half (1/2) interest each in this said property, in Civil Action No. CV-04-129. Cecile G. Erwin obtained all right, title and interest of Duane W. Smith, deceased, pursuant to his Last Will and Testament admitted to probate by the Probate Court of Shelby County, Alabama, as heretofore stated.

Duane W. Smith acquired a one-half (1/2) interest in the smaller parcel, as described herein, by deed on or about March 31, 1947, and recorded in Deed Book 132, Page 79, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD to the said grantee, Cecile G. Erwin, her heirs and assigns forever.

And I do, as Executrix and Personal Representative of the Estate of Duane W. Smith, deceased, covenant with the said GRANTEE, her heirs and assigns, that as Executrix and Personal Representative of said Estate, I have authority and right to sell and convey the same as aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of march, 2008.

Cecile G. Erwin, as Executrix and Personal Representative of the Estate of Duane W. Smith, deceased

STATE OF ALABAMA SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Cecile G. Erwin, whose name as Executrix and Personal Representative of the Estate of Duane W. Smith, 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 Executrix and Personal Representative, and with full authority, executed the same voluntarily on the day the same bears date

Given under my hand and official seal this 6th day of March

Notary Public
My Commission Expires: 10/10/2010