

NO TITLE EXAMINATION

THIS INSTRUMENT PREPARED BY:

Kelly Thrasher Fox, Esq.
Hand Arendall LLC
1200 Park Place Tower
2001 Park Place North
Birmingham, Alabama 35203
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SEND TAX NOTICE TO:

Ann M. Heitz
5001 Shandwick Circle
Birmingham, AL 35242

TRUSTEE'S DEED

STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, James R. Heitz and Ann M. Heitz were designated as Co-Trustees of that certain Heitz Revocable Trust, dated October 5, 2001, as amended by the First Amendment thereto dated October 3, 2006 (collectively, the "Trust"); and

WHEREAS, James R. Heitz passed away on August 1, 2008 and the Trust designated Merrill Lynch Bank & Trust Co., FSB as Successor Trustee in the event of the vacancy of a Co-Trustee; and

WHEREAS, Merrill Lynch Bank & Trust Co., FSB declined to serve as Successor Co-Trustee on January 5, 2009; and

WHEREAS, the Trust did not name a Successor Co-Trustee to Merrill Lynch Bank & Trust Co., FSB; and

WHEREAS, pursuant to Alabama Code sections 19-3B-703 and 19-3B-704, which provide that in the event there is a vacancy in trusteeship but one co-trustee remains in office, the remaining co-trustee may act for the trust, Ann M. Heitz may act as the sole Trustee of the Trust; and

WHEREAS, the Trust provided that upon the death of James R. Heitz, certain assets, including the Property (as hereinafter defined), should be allocated to fund the survivor's trust created thereunder (the "Survivor's Trust"), of which Ann M. Heitz was designated as the sole Trustee.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, the undersigned, Ann M. Heitz, as Trustee of the Trust and as Trustee of the Survivor's Trust (collectively, the "Grantor"), does hereby grant, bargain, sell and convey unto Ann M. Heitz, as Trustee of that certain Ann M. Heitz Revocable Trust, dated October 3, 2006, as amended (the "Grantee"), the following described real property situated in Shelby County, Alabama, to-wit (the "Property"):

Lot 80, according to the Survey of Greystone 1st Sector Phase II, as recorded in Map Book 15, Page 58, 59, 60 and 61, in the Probate Office of Shelby County, Alabama.

Being all and the same property conveyed by James R. Heitz and Ann M. Heitz by Quitclaim Deed to James R. Heitz and Ann M. Heitz, as Trustees of the Heitz Revocable Trust on October 5, 2001 and recorded on October 8, 2001 as Instrument No. 2001-43646 in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD unto the GRANTEE, and its legal representatives, successors and assigns, forever.

This conveyance is subject to (i) that certain Mortgage, dated May 23, 2003, by James R. Heitz and Ann M. Heitz, as Trustees of the Heitz Revocable Trust, in favor of Chase Manhattan Mortgage Corporation, and recorded on June 25, 2003 as Instrument No. 20030625000398430 in the Probate Office of Shelby County, Alabama, and (ii) covenants, easements, rights-of-way, restrictions and reservations, if any, heretofore imposed and appearing of record and affecting title to the Property, municipal zoning ordinances, now or hereafter becoming applicable, and taxes or assessments hereafter becoming debts against the Property.

This instrument is executed without warranty or representation of any kind on the part of the undersigned, express or implied, except that there are no liens or encumbrances outstanding against the Property conveyed which were created or suffered by the undersigned and not specifically excepted herein.

Ann M. Heitz executes this deed solely in her capacity as Trustee aforesaid and not in her individual capacity, and her liability under any covenant or warranty, whether expressed herein or implied as a matter of law from the execution of this instrument, is limited to the assets now or hereafter held by her in her said fiduciary capacity, if any.

After this conveyance, the undersigned hereby revokes the Survivor's Trust, including, but not limited to, all of the provisions of the Trust relating thereto.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 20th day of JANUARY, 2009.

Ann M. Heitz
ANN M. HEITZ, as Trustee of the Heitz Revocable Trust, dated October 5, 2001, as amended by the First Amendment thereto dated October 3, 2006, and as Trustee of the survivor's trust created thereunder

STATE OF ALABAMA)

Jefferson COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that ANN M. HEITZ, whose name as Trustee of the Heitz Revocable Trust, dated October 5, 2001, as amended by the First Amendment thereto dated October 3, 2006, and as Trustee of the survivor's trust created thereunder, is signed to the foregoing Trustee's Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Trustee's Deed, she, in her capacity as such Trustee executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 20 day of January, 2009.

Stem E Brook

NOTARY PUBLIC

My Commission Expires: _____

{SEAL}

MY COMMISSION EXPIRES JUNE 18, 2012