
TRUSTEE'S DEED

STATE OF ALABAMA)
:
COUNTY OF SHELBY)

Send Tax Notice To:
Henry B. Horton, Jr.
Horton Ventures, LLC
425 Ves Club Way
Birmingham, AL 35216

Henry B. Horton, (the "Decedent") died testate in Jefferson County, Alabama on or about the 16th day of December, 1997. The Last Will and Testament (the "Will") of the Decedent was duly probated and admitted to record in the Probate Court of Jefferson County, Alabama in Case Number 161944. Letters Testamentary were granted to the Decedent's spouse, Mary Evelyn Horton ("Mrs. Horton"), as Personal Representative of the Decedent's estate.

Paragraph B of ARTICLE THREE of the Will established the Henry B. Horton Family Trust (the "Family Trust"). ARTICLE SIX of the Will designated Mary Evelyn Horton as Trustee of the Family Trust. In ARTICLE SEVEN of the Will, the Decedent's granddaughter, Mary Evelyn McWhorter, now Mary Evelyn McKinley, is named as Successor Trustee of the Family Trust.

The Decedent owned the real property as set forth below (the "Property") located in Shelby County, Alabama. Following the Decedent's death, the Property was conveyed by Mary Evelyn Horton as Personal Representative of the Decedent's estate to Mary Evelyn Horton as Trustee of the Family Trust by deeds recorded in the Probate Court of Shelby County, Alabama as Instrument Numbers 1998-44108 and 1998-44109.

While serving as Personal Representative of the Decedent's estate and Trustee of the Family Trust, James M. Tingle was appointed as Conservator for Mrs. Horton's estate. By Order of the Probate Court of Jefferson County, Alabama dated December 15, 2000, in the Matter of the Estate of Henry B. Horton, deceased, Case Number 161944, filed in JR 1987, Pg 168, Mrs. Horton was discharged as Personal Representative of the Estate of Henry B. Horton, deceased and as Trustee of the Family Trust. Mary Evelyn McKinley was appointed as Successor Trustee of the Family Trust and was vested with title to the Property pursuant to the Order of the Jefferson County Probate Court dated December 15, 2000,

During the pendency of Mrs. Horton's conservatorship, an extensive Settlement Agreement was reached between Henry B. Horton, Jr., Mary Evelyn McWhorter and Mary Evelyn McKinley. The Settlement Agreement was approved by the Judge of Probate of Jefferson County, Alabama by Order dated March 19, 2003 in the Matter of the Estate of Mary Evelyn Horton, a protected person, Case Number 169178. Pursuant to the Order of the Jefferson County Probate Court dated March 19, 2003, Mary Evelyn McKinley was removed as the Successor Trustee of the Family Trust and James M. Tingle was appointed as Successor Trustee of the Family Trust.

By deed recorded August 27, 2003 in the Office of the Judge of Probate of Shelby County, Alabama, James M. Tingle, as Conservator of the Estate of Mary Evelyn Horton again transferred the Property to James M. Tingle, as Successor Trustee of the Henry B. Horton Family Trust.

Pursuant to the Decree on Final Settlement issued by the Judge of Probate of Jefferson County, Alabama, in the Matter of the Estate of Henry B. Horton, deceased, dated January 12, 2005, the Court acknowledges that Mary Evelyn McKinley was removed as Trustee of the Family Trust under the March 19, 2003 Order and was to be replaced by James M. Tingle as Successor Trustee of the Family Trust. The Court's January 12, 2005 Order also sets forth that I. Ripon Britton has assumed James M. Tingle's responsibilities but that the assets of the Family Trust had not yet been transferred to him as Successor Trustee. The January 12, 2005 Order discharges James M. Tingle and I. Ripon Britton, Jr. as Successor Trustees of the Family Trust and appoints Henry B. Horton, Jr. as Successor Trustee of the Family Trust.

The Property, being transferred to the Family Trust first by Mrs. Horton in 1998 and later by James M. Tingle in 2003, currently is in the Family Trust. Pursuant to the terms of the Settlement Agreement, Henry B. Horton, as Successor Trustee of the Family Trust is directed to transfer the Property to a manager-managed limited liability company upon Mrs. Horton's death. Mrs. Horton died January 10, 2009.

As Successor Trustee of the Family Trust, Henry B. Horton, Jr. is authorized to transfer the Property to the limited liability company.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of **Ten and No/100 Dollars (\$10.00)** and other good and valuable consideration, paid to the undersigned, **HENRY B. HORTON, JR.**, as Successor Trustee of the Henry B. Horton Family Trust ("Grantor"), by **HORTON VENTURES, LLC**, an Alabama limited liability company ("Grantee"), the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor does hereby **GRANT, BARGAIN, SELL and CONVEY** unto Grantee the following described property situated in Shelby County, Alabama to-wit:

Parcel I:

5 acres on the East side of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 20, Range 1 East all in Shelby County, Alabama.

Parcel II:

The West one-half of the Southeast $\frac{1}{4}$ of Section 7; West one-half ($\frac{1}{2}$) of the Northeast $\frac{1}{4}$ of Section 18; and West thirty-five (35) acres of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, all in Township 20, Range 1 East, containing 195 acres more or less, situated in Shelby County, Alabama.

The Property is described in the Shelby County Tax Assessor records as Parcel Identification Numbers: 16418000001101; 16418000001100; 164180000002000 and 163070000014000.

This conveyance is expressly subject to the following:

1. Ad valorem taxes for the year 2009 and subsequent years which are not yet due and payable; and
2. Any and all easements, encumbrances, restrictions and other matters appearing of record in the office of the Judge of Probate of Shelby County.

TO HAVE AND TO HOLD unto Grantee, its successors and assigns, in fee simple, forever.

IN WITNESS WHEREOF, Grantor has caused the due execution of this instrument on this the 28th day of August, 2009.

GRANTOR:


HENRY B. HORTON, JR., as Successor
Trustee of the Henry B. Horton Family Trust

STATE OF ALABAMA)
:
JEFFERSON COUNTY)


20090915000351770 4/4 \$21.00
Shelby Cnty Judge of Probate, AL
09/15/2009 10:47:17 AM FILED/CERT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **HENRY B. HORTON, JR.**, whose name as Successor Trustee of the Henry B. Horton Family Trust, 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 instrument he, in his capacity as such Successor Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand this the 28th day of August, 2009.



Notary Public

[SEAL]

My Commission Expires: 8/22/2011

This instrument prepared without examination of title by:
Anna Funderburk Buckner, Esq.
Cabaniss, Johnston, Gardner,
Dumas & O'Neal LLP
Post Office Box 830612
Birmingham, AL 35283-0612