

Per terms of Will
#1 no tax
12 1st page
9 3 pages
#22

Send tax notice to:
Denise D. Wiggins
8585 Highway 51
Sterrett, AL 35147

This Instrument Prepared By:
William J. Bryant, Esq.
Dominick Feld Hyde, P.C.
2000 SouthBridge Parkway, Suite 500
Birmingham, Alabama 35209

THIS INSTRUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE INFORMATION SUPPLIED BY THE PARTIES HERETO. NO TITLE EXAMINATION AND/OR OPINION WAS REQUESTED OF DOMINICK FELD HYDE, P.C. BY EITHER GRANTOR OR GRANTEE, AND NONE WAS CONDUCTED AND/OR RENDERED.

TRUSTEE'S DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, pursuant to the terms of the Family Trust created under the Last Will and Testament of Wilmer Joe Downs, deceased, ("Wilmer's Trust"), Harriett S. Downs ("Harriett") and Denise D. Wiggins ("Denise") were appointed to serve as Trustees of said trust; and

WHEREAS, the hereinafter property, sometimes referred to as the "Westover Road Property", was purchased by Harriett in her capacity as Trustee of Wilmer's Trust, on or about October 7, 2003; and

WHEREAS, Harriett died February 9, 2010 and her Last Will and Testament dated June 5, 2000 ("Harriett's Will"), was admitted to record in the Probate Court of Shelby County, Alabama, Case No. PR-2010-0000101 and Letters Testamentary were issued to Denise as Personal Representative on February 24, 2010; and

WHEREAS, pursuant to the terms of Wilmer's Trust, upon Harriett's death, Denise continued to serve as sole Trustee of Wilmer's Trust; and


WHEREAS, pursuant to the terms of Wilmer's Trust, upon Harriett's death, an undivided sixty percent (60%) of Wilmer's Trust passes to the GST Exempt Share ("Wilmer's GST Exempt Share") of Wilmer's Trust and an undivided forty percent (40%) of Wilmer's Trust passes to Denise, outright and in fee; and

WHEREAS, pursuant to the terms of Harriett's Will, her residuary estate passed to a Family Trust created under her Will ("Harriett's Trust"), of which Denise was the sole Trustee; and

WHEREAS, pursuant to the terms of the Harriett's Trust, upon Harriett's death an undivided sixty percent (60%) of Harriett's Trust passes to the GST Exempt Share ("Harriett's GST Exempt Share") of Harriett's Trust and an undivided forty percent (40%) of Harriett's Trust passes to Denise, outright and in fee; and

WHEREAS, the terms of Harriett's Trust and Wilmer's Trust, as aforesaid, reflect an intent for Denise to receive a forty percent (40%) share of the combined value of the two trusts; and

WHEREAS, pursuant to that certain Trust Merger Agreement dated December 22, 2010, filed of record in the Probate Office of Shelby County, Alabama immediately prior to this conveyance, Harriett's Trust was merged into Wilmer's Trust, with Wilmer's Trust thereafter being known as the "GST Exempt Share of the Family Trust u/w/o Wilmer Joe Downs" ("Merged Trust"); and


20111116000347050 1/4 \$23.00
Shelby Cnty Judge of Probate, AL
11/16/2011 12:45:32 PM FILED/CERT

WHEREAS, as a result of the merger forty percent (40%) of the Merged Trust will pass to Denise, outright and in fee;

WHEREAS, it has been determined that a conveyance to Denise of the hereinafter described property sometimes referred to as "Joe and Harriet Down's Residence Property", together with an undivided sixty-two percent (62%) interest in the Westover Road Property, will satisfy Denise's right to receive forty percent (40%) of the total combined current value of the assets of Wilmer's Trust and Harriett's Trust, as intended.

NOW THEREFORE, in consideration of the above recitals and in satisfaction of the aforesaid required distribution from the GST Exempt Share of the Family Trust u/w/o Wilmer Joe Downs, the undersigned Grantor, Denise D. Wiggins, in her capacity as Trustee of said Trust, with the general authority to execute conveyances conferred upon the Trustee, does grant, bargain, sell and convey unto Denise D. Wiggins in her individual capacity (hereinafter referred to as "Grantee"), the following described real estate situated in Shelby County, Alabama, to-wit:

PARCEL I

An undivided sixty-two percent (62%) interest in the following described real estate sometimes referred to as the **Westover Road Property**:

Begin at the SW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 23, and run thence East along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 58.75 feet to a point; thence run a distance of 733.74 feet in a Northerly direction to a point on the Southerly right of way of U. S. Highway No. 280 which of (sic) [is] 67.00 feet, measured Northeasterly along said Southerly right of way of U. S. Highway No. 280 from the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence run Southwesterly along said Southerly right of way line of U. S. Highway No. 280 a distance of 67.00 feet to the intersection thereof with the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence continue in a Southwesterly direction along the Southerly right of way line of U. S. Highway 280 a distance of 85.00 feet to a point; thence turn an angle of 90 degrees to the left and run 125.00 feet; thence run an angle of 90 degrees to the right and run a distance of 348.00 feet; thence turn an angle of 90 degrees to the right and run a distance of 125.00 feet to a point on the Southerly right of way line of said U. S. Highway 280; thence turn an angle of 90 degrees 00 minutes to the left and run Southwesterly along the right of way of said Highway a distance of 14.45 feet to a point; thence turn an angle of 90 degrees 11 minutes to the left and run a distance of 210.00 feet to a point; thence turn to the right an angle of 90 degrees 11 minutes and run 180.00 feet to a point; thence turn an angle of 90 degrees 11 minutes to the left and run Southeasterly a distance of 256.90 feet to a point on the Southern Section line of said Section 22; thence run Easterly along the Southern boundary of said Section 22 a distance of 326.70 feet to the point of beginning; being situated in Shelby County, Alabama.

LESS AND EXCEPT:

Beginning at the SW corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23; thence run E along the Southerly line of said $\frac{1}{4}$ $\frac{1}{4}$ a distance of 58.75 feet; thence run N a distance of 733.74 feet to a point on the southerly right of way of U. S. Highway 280; thence run SW along S right of way of U. S. Highway 280 a distance of 67 feet to the intersection of the W line of $\frac{1}{4}$ $\frac{1}{4}$ Section; thence S a distance of 685 feet to the point of beginning. Containing 1.28 acres more or less.

SOURCE OF TITLE: Instrument No. 20031013000684920

NOTE: U. S. Highway 280 referred to in the above legal description is now known as "Old U. S. Highway 280" or "Westover Road".

PARCEL II

The following described real estate sometimes referred to as “**Joe and Harriet Down’s Residence Property**”:

Commence at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 21, Township 19 South, Range 1 East, Shelby County, Alabama; thence run South along the West boundary line of said quarter-quarter section for a distance of 1350.86 feet to the point of beginning; thence turn an angle of 121 degrees 53 minutes 28 seconds left for a distance of 255.19 feet; thence turn an angle of 69 degrees 19 minutes 28 seconds right for a distance of 77.44 feet; thence turn an angle of 07 degrees 22 minutes 00 seconds right for a distance of 90.10 feet; thence turn an angle of 34 degrees 31 minutes 00 seconds left for a distance of 102.80 feet; thence turn an angle of 69 degrees 24 minutes 00 seconds right for a distance of 117.40 feet; thence turn an angle of 29 degrees 56 minutes 00 seconds right for a distance of 65.50 feet; thence turn an angle of 72 degrees 28 minutes 00 seconds left for a distance of 160.50 feet; thence turn an angle of 05 degrees 44 minutes 00 seconds right for a distance of 151.96 feet to the Northerly right of way line of Shelby County Road No. 51; thence turn an angle of 83 degrees 40 minutes 00 seconds right and run Southwesterly along said road right of way line for a distance of 412.63 feet; thence turn an angle of 86 degrees 08 minutes 58 seconds right for a distance of 513.35 feet; thence turn an angle of 16 degrees 02 minutes 37 seconds right for a distance of 368.80 feet; thence turn an angle of 99 degrees 24 minutes 57 seconds right for a distance of 282.23 feet; to the point of beginning. Containing 8.99 acres more or less.

SOURCE OF TITLE: Deed Book 318, Page 335

Parcels I and II are conveyed subject to the following:


1. The lien for ad valorem taxes due in the current year or any subsequent year but not yet payable.
2. All easements, liens, encumbrances, restrictions, rights-of-way, any reservations of mineral rights, and other matters of record in the Probate Office of Shelby County, Alabama, together with any deficiencies in quantity of land, easements, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the property conveyed herein.

TO HAVE AND TO HOLD to said Grantee, her heirs and assigns forever.

This instrument is executed by the Grantor solely in her representative capacity named herein, and neither this instrument nor anything contained herein shall be construed as creating any indebtedness or obligation on the part of the Grantor in her individual capacity, and the liability of the Grantor is expressly limited to her representative capacity named herein.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal on _____, 2011.

Denise D. Wiggins as Trustee of the GST
Denise D. Wiggins, as Trustee of the GST
Exempt Share of the Family Trust u/w/o Wilmer
Joe Downs


20111116000347050 3/4 \$23.00
Shelby Cnty Judge of Probate, AL
11/16/2011 12:45:32 PM FILED/CERT

I, the undersigned authority, a Notary Public in and for the State of Alabama at Large, hereby certify that Denise D. Wiggins, whose name as Trustee of the GST Exempt Share of the Family Trust u/w/o Wilmer Joe Downs, 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 Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand on November 9, 2011.

Bryan Kendall Morrow
Notary Public

Bryan Kendall Morrow
Printed Name

(NOTARY SEAL)

My Commission Expires: 12-28-13

