

WARRANTY DEED



20151109000388540 1/5 \$76.00
Shelby Cnty Judge of Probate, AL
11/09/2015 11:40:05 AM FILED/CERT

THIS WARRANTY DEED made on September 16, 2015 by:

GRANTOR(S):
WALTER WAGNER
(also known as MILTON WALTER WAGNER)
and
JUDY M. WAGNER
(also known as JUDY MANCHE WAGNER)
HUSBAND AND WIFE

Whose physical address is:
2240 ISLAND ROAD
MOBILE, ALABAMA 36605
(hereinafter referred to as Grantors);

AND

GRANTEES:
WALTER WAGNER and JUDY M. WAGNER, Trustees or their successors in trust under the
WAGNER LIVING TRUST dated September 16, 2015

Whose physical address is:
2240 ISLAND ROAD
MOBILE, ALABAMA 36605
(hereinafter referred to as Grantees).

WITNESSETH: That the Grantors, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantees, the following described land situated and lying and being in the County of SHELBY, State of ALABAMA, to wit:

Lots 4 and 5 in Block 2, according to the W.J. Maxwell Survey of Alabaster, as recorded in Map Book 3, page 71, in the Probate Office of Shelby County, Alabama, lying and being in the N1/2 of the NE1/4 of Section 2, Township 21, Range 3W, Shelby County, Alabama.

Also Lots 11 in Block 1, as per W.J. Maxwell Survey of Alabaster. Lying in and being the North 1/2 of NE1/4 of Section 2, Township 21, Range 3 West, except 5 feet of East side of lot.

Also Lot 12, in Block 1, as per W.J. Maxwell Survey of Alabaster. The said lot fronting 50 feet on the South side of Maxwell Street and running back South 100 feet. Section 2, Township 21, Range 3 West.

THIS CONVEYANCE IS MADE SUBJECT TO all easements, setback line requirements, reservations, liens, encumbrances and restrictions, including but not limited to any Vendors

Shelby County, AL 11/09/2015
State of Alabama
Deed Tax: \$50.00

Lien(s), which are of public record in the Office of the Judge of Probate of county in which said property is located.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

**INFORMATION RELATED TO THE WAGNER LIVING TRUST THAT IS THE
GRANTEE UNDER THE TERMS OF THIS DEED**

The undersigned WALTER WAGNER and JUDY M. WAGNER, as the Trustors and Trustees of the subject Trust which is the Grantee under the terms of this Deed, hereby certify:

We shall serve as the Initial Trustees. If for any reason either of us is unwilling or unable to serve as Trustee, then the other of us shall serve as the sole Trustee. If, for any reason, neither of us is able and willing to serve as Trustee, then the following Successor Trustee(s) shall serve, in the order listed:

AMY IRENE BLACK
AND, IF SHE IS UNABLE OR UNWILLING TO SERVE, THEN
JO ANN MILLER

Unless otherwise specified, if Co-Trustees are serving as Successor Trustee, the next following Successor Trustee shall serve only after all the Co-Trustees are unwilling or unable to serve as Successor Trustee.

Our Trust is a grantor trust under the provisions of Sections 673-677 of the United States Internal Revenue Code. Either WALTER WAGNER's Social Security Number or JUDY M. WAGNER's Social Security Number may be used as the tax identification number for said Trust.

When either one of us is serving as Trustee under the terms of this trust, either one of us may conduct business and act on behalf of our trust without the consent, approval, or co-signature of any other Trustee or beneficiary. Either one of us may: Buy or sell assets for or on behalf of us and/or our trust; make investments for or on behalf of us and/or our trust; conduct any and all banking activities on behalf of us and/or our trust; participate in any and all business activities on behalf of us and/or our trust; manage securities (including but not limited to buying, selling and/or trading securities) on behalf of us and/or our trust; sell, purchase, rent, lease or otherwise deal with real estate on behalf of us and/or our trust; to borrow, mortgage and/or take loans on behalf of us and/or our trust; and to exercise any and all other powers accorded to a Trustee of a Trust under applicable state law.

Our Trustees under our Trust Agreement are authorized to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property in our Trust name. Our Trustees shall have full banking powers, including the power to open, close, or modify accounts or other banking arrangements, including, but not limited to, safe deposit boxes, savings, checking, and CD accounts. Further and separately, our Trustees are empowered to exercise any and all other powers accorded to a Trustee of a Trust under applicable state law.

No person or entity paying money to or delivering property to our Trustees shall be required to see to its application. All persons relying on this document regarding our Trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.



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THE GRANTORS herein grant full power and authority by this deed to the Trustees, and any and all Trustees, and all successor Trustees of such Grantee Trust to protect, conserve, sell, lease, pledge, mortgage, borrow against, encumber, convey, transfer or otherwise manage and dispose of all or any portion of the property herein described, or any interest therein, without the consent or approval of any other party and without further proof of such authority.

No person or entity paying money to or delivering property to any Trustee or successor trustee shall be required to see to its application; all persons or entities relying in good faith on this deed and the powers contained herein regarding the Trustees (or successor trustees) of the Grantee Trust and their powers over the property herein conveyed shall be held harmless from any resulting loss or liability from such good faith reliance.

The GRANTORS, individually and on behalf of the Grantors and the heirs, executors, personal representatives, assigns, legatees, and successors in interest of said Grantors, covenant with the said GRANTEES (including said Grantees' Trustees, beneficiaries, heirs, executors, personal representatives, assigns, legatees, and successors in interest) that said GRANTORS are lawfully seized in fee simple of said premises; that said real property (as set forth above) is free from all encumbrances, unless otherwise noted above; that said GRANTORS have a good right to sell and convey the above described real property; that said GRANTORS do and will, on behalf of said GRANTORS heirs, executors, personal representatives, assigns, legatees, and successors in interest of said Grantors warrant and defend the same to the said GRANTEES, (including said Grantees' Trustees, beneficiaries, heirs, executors, personal representatives, assigns, legatees, and successors in interest) now and forever, against the lawful claims of all persons.

The GRANTEE TRUST contains the following language which addresses homestead exemption requirements of Alabama law:

Each Trustor reserves the right of the possession, use and occupancy during each Trustor's life, for Homestead Tax Exemption purposes, of any real property used by each Trustor as a principal residence, whether or not title to such realty has been transferred to this Trust. Each Trustor and any member of a Trustor's family to whom a Trustor has granted the use of the residence for personal occupancy after a Trustor's death, shall have the power in all events to instruct the Trustee to sell the residence then currently held and reinvest the proceeds, increased by available Trust assets, in a replacement residence to be used by a Trustor or a Trustor's designated family member or members. The current residence and any replacement shall remain a part of our Trust Estate.


Furthermore, the Trustors reserve the right to reside upon any real property placed in this trust as the Trustors' permanent residence during the Trustors' life, it being the intent of this provision to retain for the Trustors the requisite beneficial interest and possessory right in and to such real property to comply with the common law and all applicable statutes such that said beneficiary interest and possessory right constitute in all respects, "equitable title to real estate". Notwithstanding anything contained in this Trust inconsistent with this provision, the Trustor's interest in any real property in which the Trustors reside pursuant to the provisions of this trust shall be deemed to be an interest in real property and not personally (or personalty) and shall be homestead of the Trustors.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this date, and such deed was executed in the presence of two witnesses identified below and the Grantors and the witnesses executed this deed in the presence of one another and in the presence of the undersigned Notary Public.

THE PREPARER OF THIS INSTRUMENT HAS NOT REVIEWED THE STATUS OF THE TITLE TO THIS PROPERTY AND HAS ACTED SOLELY AS THE DRAFTER OF THIS INSTRUMENT.

Walter Wagner
WALTER WAGNER
Grantor

Judy M. Wagner
JUDY M. WAGNER
Grantor


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Walter Wagner
WALTER WAGNER
Trustee of the WAGNER LIVING TRUST dated September 16, 2015

Judy M. Wagner
JUDY M. WAGNER
Trustee of the WAGNER LIVING TRUST dated September 16, 2015

Michael L. Cumpton
MICHAEL L. CUMPTON
WITNESS
3523 Montlimar Plaza Drive
Mobile, Alabama 36609

C. Gary Hicks
C. GARY HICKS
WITNESS
3523 Montlimar Plaza Drive
Mobile, Alabama 36609

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, the undersigned NOTARY PUBLIC, in and for said County and State, HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared WALTER WAGNER and JUDY M. WAGNER, Grantors, who are personally known to me, and, WALTER WAGNER and JUDY M. WAGNER, who are personally known to me, and, MICHAEL L. CUMPTON and C. GARY HICKS, acting as witnesses (both of whom are personally known to me), and each of them executed the foregoing instrument, and acknowledged before me that he/she/they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this on September 16, 2015.

Erin Williams
NOTARY PUBLIC,
STATE OF ALABAMA
My Commission Expires: 4-2-17

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Walter & Judy Wagner
Mailing Address 2240 Island Rd.
Mobile, AL 36605

Grantee's Name Walter & Judy Wagner
Mailing Address Wagner Living Trust
2240 Island Rd.
Mobile, AL 36605

Property Address 221 2nd Ave. SW.
Alabaster, AL 35007
Maxwell Subdivision
Lots 4, 5, 11 & 12

Date of Sale 09-16-2015
Total Purchase Price \$ _____
or
Actual Value \$ _____
or
Assessor's Market Value \$ 50,000.00

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale
☐ Sales Contract
☐ Closing Statement

☒ Appraisal
☐ Other Shelby County tax assessor form

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 11/4/15

Print Judy M. and Walter Wagner

Unattested Billie J. Manche
(verified by)
witness

Sign Judy M. Wagner
(Grantor/Grantee/Owner/Agent) circle one
Walter Wagner

Form RT-1



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