

This instrument prepared by:

Craig M. Stephens, Esq.
Sirote & Permutt, P.C.
2311 Highland Avenue South
Birmingham, Alabama 35205



20200302000081570 1/6 \$445.00
Shelby Cnty Judge of Probate, AL
03/02/2020 11:54:31 AM FILED/CERT

**THIS INSTRUMENT IS BEING EXECUTED TO COMPLY WITH THE PROVISIONS OF THE
LAST WILL AND TESTAMENT OF DAVID P. DOWNS, DECEASED,
ADMITTED TO PROBATE IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA,
AS CASE NUMBER PR-2019-000132.**

**THIS DEED WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR SURVEY
AND WITH LEGAL DESCRIPTION PROVIDED BY GRANTORS.
NO REPRESENTATIONS CONCERNING TITLE OR THE ACCURACY OF THE LEGAL
DESCRIPTION ARE MADE BY THE PREPARER OF THIS INSTRUMENT.**

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

Send Tax Notice to:
Dustin Parker Downs
12 Country Club Drive
Calera, Alabama 35040

STATUTORY WARRANTY DEED

THIS DEED is made and entered into effective as of the 25th day of February, 2020, by

**WILLIAM M. SCHROEDER, JR., AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF DAVID P. DOWNS, DECEASED,
PROBATE COURT OF SHELBY COUNTY, ALABAMA, CASE NO. PR-2019-000132,
whose mailing address is 847 Timberline Circle, Calera, Alabama 35040**

and

**WILLIAM M. SCHROEDER, JR. and SHANE D. SCHROEDER, AS TRUSTEES
OF THE DOWNS FAMILY TRUST - 2012 U/A/D NOVEMBER 20, 2012,
whose mailing address is 847 Timberline Circle, Calera, Alabama 35040**

(hereinafter referred to each singularly as a "Grantor" and collectively as "Grantors"), to

**DUSTIN PARKER DOWNS,
whose mailing address is 12 Country Club Drive, Calera, Alabama 35040**

(hereinafter referred to as "Grantee").

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, David P. Downs, being one and the same person as David Parker Downs (the "**Decedent**") died on or about February 3, 2019, and at such time was married to Bonnie Turquitt Downs, formerly known as Bonnie T. Marquess (the "**Decedent's Surviving Spouse**"); and

WHEREAS, at the time of the Decedent's death, the Decedent owned the Property (as hereinafter defined) pursuant to that certain Warranty Deed, Jointly for Life with Remainder to Survivor, from William M. Schroeder and wife, Dorothy D. Schroeder; Clyde Carden and wife, Fannie Mae Carden; and James L. Carden and wife, Sabra F. Carden, to the Decedent, David Parker Downs, and Kay P. Downs, the first wife of the Decedent, executed on or about April 5, 1979, and recorded on April 9, 1979, in Deed Book 318, Page 877, in the Probate Office of Shelby County, Alabama, and the Decedent having been the surviving grantee under said deed, the other grantee, Kay P. Downs, having predeceased the Decedent, her death having occurred on or about June 16, 1986; and

WHEREAS, the Decedent's Last Will and Testament dated November 20, 2012, as amended by First Codicil thereto dated July 10, 2015 (as so amended, the "**Decedent's Will**") was duly admitted to probate in the Probate Court of Shelby County, Alabama, as Case No. PR-2019-000132, and, pursuant to Letters Testamentary issued in said case on February 27, 2019, William M. Schroeder, Jr. was appointed as Personal Representative of the estate of the Decedent (the "**Decedent's Estate**"), and continues to serve in said capacity as of the date of this Deed; and

WHEREAS, pursuant to the terms of the Decedent's Will, all of the residuary estate of the Decedent, which includes the Property, was devised to the Trustee of the Downs Family Trust - 2012 (the "**Downs Family Trust**"), which was established by that certain irrevocable trust agreement dated November 20, 2012, entered into by David P. Downs, as Grantor thereunder, and William M. Schroeder, Jr. and Shane D. Schroeder, as Trustees thereunder (the "**Trust Agreement**"); and

WHEREAS, William M. Schroeder, Jr. and Shane D. Schroeder continue to serve as the Trustees of the Downs Family Trust under the Trust Agreement as of the date of this Deed; and

WHEREAS, pursuant to the terms of the Trust Agreement, upon the death of the Decedent, the assets comprising the Downs Family Trust were to be apportioned into equal parts to provide one share for each of the Decedent's living children and one share for the living descendants of each of the Decedent's deceased children; and

WHEREAS, upon the death of the Decedent, the Decedent had two living children, namely Roy Dallas Downs and Dustin Parker Downs (each singularly a "**Decedent's Child**" and collectively the "**Decedent's Children**"), and had no deceased children, and, accordingly the assets comprising the Downs Family Trust were allocated into separate equal shares for each of the Decedent's Children, with the Property having been allocated to the share set apart for the Decedent's Child, Dustin Parker Downs, being the Grantee herein; and

WHEREAS, the Trust Agreement provides, among other distributions, for the distribution of one-third (1/3) of the share allocated to a Decedent's Child, free of trust, when such child reaches thirty (30) years of age; and

WHEREAS, the Decedent's Child, Dustin Parker Downs, being the Grantee herein, has reached thirty (30) years of age, and the Trustees have deemed it desirable and appropriate, and in the best interest of the said Decedent's Child, to distribute to him the Property, free of trust, as a part of the distribution to be made to him upon reaching said thirty (30) years of age; and

WHEREAS, the Grantors have agreed to jointly enter into this conveyance and, in lieu of making a distribution of the Property first to the Trustees of the Downs Family Trust and then the subsequent distribution thereof by such Trustees to the Grantee herein, to distribute the Property directly to the Grantee, free of trust, as herein provided.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the Grantors, in hand paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, the said Grantors do by these presents **GRANT, BARGAIN, SELL and CONVEY** unto the said Grantee the following described real property situated in Shelby County, Alabama (herein referred to as the "**Property**"; the Property having a **property address of 12 Country Club Drive, Calera, Alabama 35040**, and an **Assessor's Market Value of \$405,000.00**, as can be verified by the records of the Shelby County, Alabama Property Tax Commissioner, the Property being identified as Parcel No. 28 5 22 0 000 034.002), to-wit:

Commence at the Northwest corner of the S 1/2 of the E 1/2 of the SE 1/4 of Section 22, Township 22 South, Range 2 West; thence proceed North 88 degrees 40 minutes East (magnetic bearing) for a distance of 115.00 feet to a point; thence turn an angle of 90 degrees 36 minutes 45 seconds to the left and proceed for a distance of 1025.00 feet to a point being the point of beginning of the parcel of land herein described; thence continue in the same direction for a distance of 205.00 feet to a point; thence turn an angle of 90 degrees 36 minutes 45 seconds to the right and run for a distance of 223.89 feet to a point; thence turn an angle of 89 degrees 41 minutes 37 seconds to the right and proceed for a distance of 205.00 feet to a point; thence turn an angle of 90 degrees 18 minutes 23 seconds to the right and proceed for a distance of 222.78 feet to the point of beginning. Said parcel of land is lying in Section 22, Township 22 South, Range 2 West, Shelby County, Alabama.

NOTE: The above metes and bounds description is also known as Lot 10, Country Club Estates, Phase I, as recorded in Map Book 10, Page 36, in the Probate Office of Shelby County, Alabama.

TOGETHER WITH ALL AND SINGULAR the rights, members, privileges, improvements, hereditaments, tenements and appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantors in and to any and all roads, alleys and ways bounding said premises.

This conveyance is made subject to the following:

1. Ad valorem taxes for the current year and subsequent years which are not yet due and payable.
2. Any and all previous reservations or conveyances, together with release of damages, of minerals of every kind and character, including, but not limited to, oil, gas, sand and gravel, in, on and under the Property, together with all rights in connection therewith (however, minerals are conveyed as a part of the Property to the extent, if any, owned by Grantor); all recorded encumbrances, if any; recorded or unrecorded easements, liens, dedications, restrictions, covenants, declarations, reservations, limitations, conditions, uses, agreements, set-back lines, rights-of-way, subdivision and other regulations, utilities, flood easements, flood zones, and other matters of record in the Probate Office of Shelby County, Alabama, and to all applicable zoning ordinances and/or restrictions, prohibitions and/or other requirements imposed by governmental authorities, if any; any rights of parties in possession; all recorded or unrecorded leases affecting the Property, if

any; and any encroachments, overhangs, deficiencies in quantity of land, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the Property.

TO HAVE AND TO HOLD to the said Grantee, and to the Grantee's heirs and assigns, in fee simple forever.


NOTES:

1. The Property was NOT the homestead of the Decedent and is NOT the homestead of the Decedent's Surviving Spouse.

2. This instrument is being executed by the undersigned solely in the representative capacities named herein, and neither this instrument nor anything herein contained shall be construed as creating any indebtedness or obligation on the part of the undersigned in their individual capacities, and the undersigned expressly limit their liability hereunder solely to the property now or hereafter held by them as the Personal Representative of the Decedent's Estate and/or as the Trustees of the Downs Family Trust, or any share thereof, under the Trust Agreement.

3. **REAL ESTATE SALES VALIDATION INFORMATION:** In lieu of the submission of a separate Real Estate Sales Validation Form (the "Validation Form"), the Grantors hereby attest that, to the best of the Grantors' knowledge, this conveyance document contains all of the information which would otherwise be included on such Validation Form and that such information so contained in this document is true and accurate. The Grantors further understand that any false statements claimed may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1-(h).

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Signature Pages Follow]**


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IN WITNESS WHEREOF, the said Grantors have hereunto set Grantors' hands and seals effective as of the date first above written.

GRANTORS:

William M. Schroder, Jr.

William M. Schroder, Jr., as Personal Representative of the Estate of David P. Downs, Deceased

William M. Schroder, Jr.

William M. Schroder, Jr., as a Trustee of the Downs Family Trust - 2012 u/a/d November 20, 2012

Date of Execution: February 25, 2020

STATE OF ALABAMA)
COUNTY OF Shelby)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that William M. Schroder, Jr., whose name as Personal Representative of the Estate of David P. Downs, Deceased, and as a Trustee of the Downs Family Trust - 2012 u/a/d November 20, 2012, 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 such conveyance, he, in his respective capacities as such Personal Representative and Trustee, and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of February, 2020.



Lauren Blair Hood

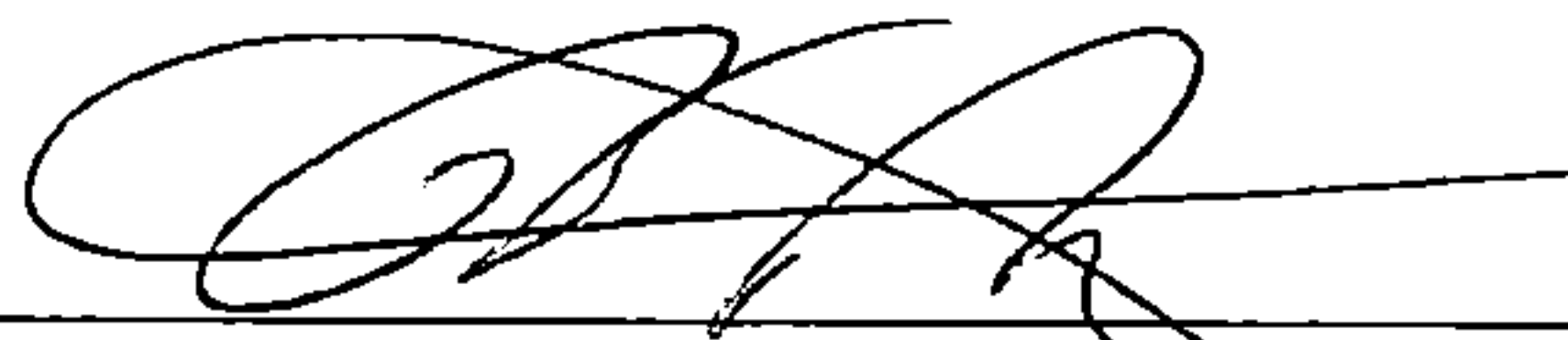
Notary Public

My Commission Expires: 8/11/2020

MY COMMISSION EXPIRES AUGUST 11, 2020

20200302000081570 5/6 \$445.00
Shelby Cnty Judge of Probate, AL
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GRANTOR:



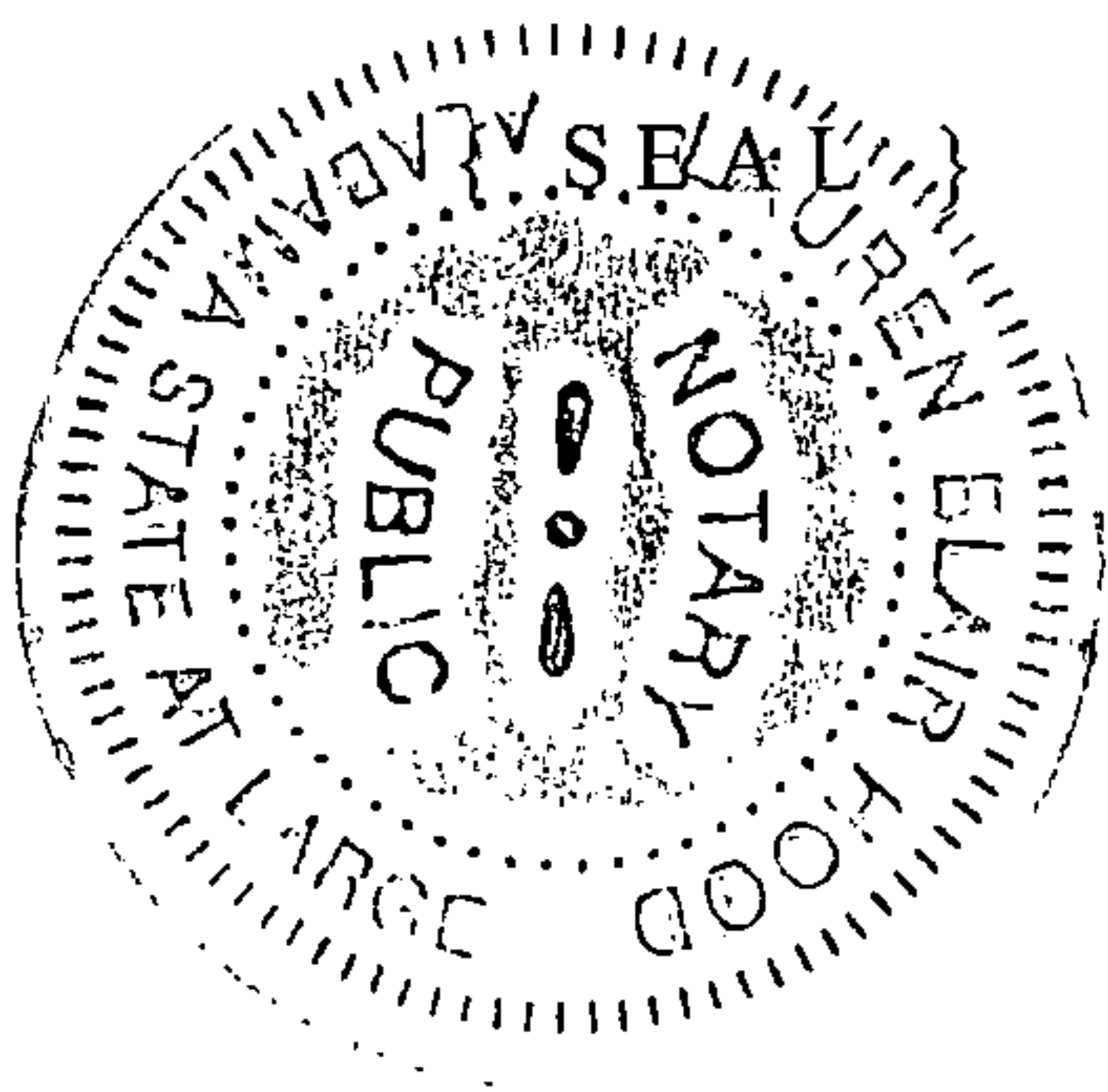
Shane D. Schroder, as a Trustee of the Downs Family Trust - 2012 u/a/d November 20, 2012

Date of Execution: February 25, 2020

STATE OF ALABAMA)
COUNTY OF Shelby)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Shane D. Schroeder, whose name as a Trustee of the Downs Family Trust - 2012 u/a/d November 20, 2012, 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 such conveyance, he, as such Trustee, and with full authority, executed the same voluntarily on the day the same bears date.


Given under my hand and official seal this 25th day of February, 2020.



Notary Public

My Commission Expires: 8/11/2020

MY COMMISSION EXPIRES AUGUST 11, 2020



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Shelby County, AL 03/02/2020
State of Alabama
Deed Tax: \$405.00