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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MMARSH Receipt#661377

This instrument prepared by:
David W. Payne, Esq.
KIRK PINKERTON
720 S. Orange Avenue
P. O. Box 3798
Sarasota, Florida 34230
WITHOUT TITLE EXAMINATION
Property ID #0074-01-0091



Doc Stamp-Deed: 0.70

SPECIAL WARRANTY DEED

THIS DEED made by KIRBY SMITH a/k/a KIRBY SMITH III, as Personal Representative of the Estate of Burmah Smith a/k/a Burmah E. Smith, deceased, whose post office address is P.O. Box 1337, Middlesboro, KY 40965, KRISTEN S. AGRELL, whose address is 32 Laban Pratt Rd Dorchester, MA 01922 and JUSTIN S. AGRELL, whose address is 3001 Bee Ridge Road #124 Sarasota, FL 34239, hereinafter called "Grantor", to KIRBY SMITH a/k/a KIRBY SMITH III, as Trustee of the Testamentary Trust created under the Last Will and Testament of Burmah Smith dated January 16, 1990, whose post office address is P.O. Box 1337, Middlesboro, KY 40965, hereinafter called "Grantee",

(The terms "Grantor" and "Grantee" include all the parties in each capacity to this instrument and their respective heirs, personal representatives, successors and assigns)

WITNESSETH:

WITNESSETH, that Grantor, in consideration of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby conveys to Grantee the following described real property in Sarasota County, Florida:

(Property described in Exhibit "A" attached hereto and made a part hereof)

Subject to restrictions, reservations, easements of record, if any, and real estate taxes for the current and subsequent years

Also subject to Mortgage to Citizens and Southern National Bank of Sarasota dated June 20, 1986, recorded June 23, 1986, in Official Records Book 1864, Page 2802, Notice of Limitation of Future Advances recorded in Official Records Book 2029, Page 1264, Mortgage Modification and Future Advance Agreement recorded in Official Records Book 2318, Page 1338, and Mortgage Modification Agreement recorded in Official Records Book 2655, Page 909, and Assignment of Leases, Rents and Profits recorded in Official Records Book 1864, Page 2814, Public Records of Sarasota County, Florida.

Grantor hereby warrants and represents that the subject property was not the homestead of Burmah Smith at the time of her death.

TOGETHER with all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to that real property.

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TO HAVE AND TO HOLD the said property in fee simple upon the trust and for the uses and purposes herein and in said testamentary trust set forth. Full power and authority is hereby granted to said Trustee to improve, subdivide, protect, conserve, sell, lease, encumber and otherwise manage and dispose of said property or any part thereof, all as set forth in Florida Statutes 689.071.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said property in fee simple; that Grantor has good right and lawful authority to sell and convey said property; and Grantor does hereby covenant with said Grantee that, except as above noted, at the time of the delivery of this deed, the premises were free from all other encumbrances made by Grantor, and that Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed on July 11, 2005.

Signed, sealed and delivered in the presence of:

Rheana Hatfield
* Rheana Hatfield
*(Print Name of Witness)

FRANK JOHNSON
*
*(Print Name of Witness)

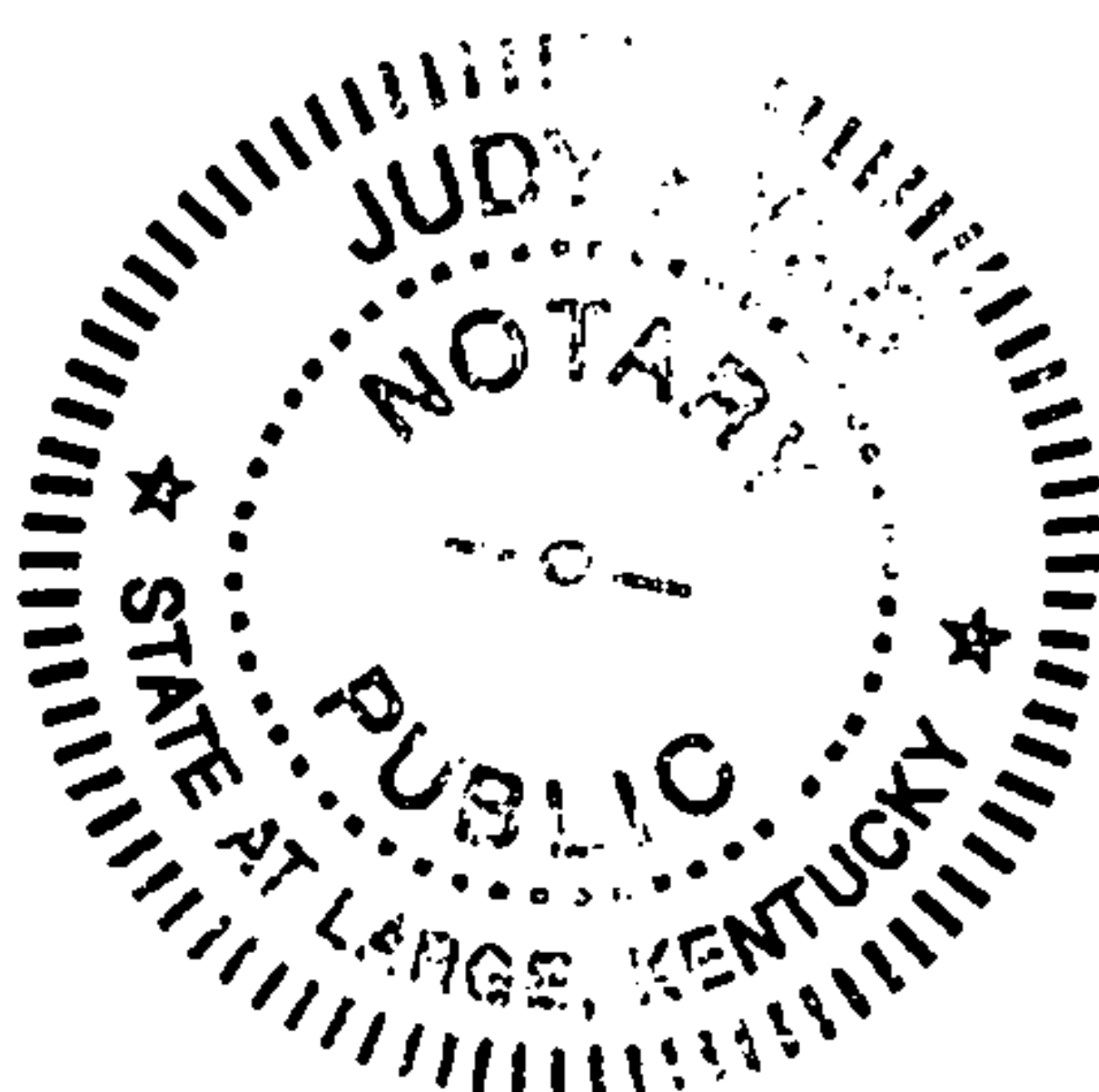
both witnesses as to Kirby Smith

STATE OF Kentucky
COUNTY OF Bell

Kirby Smith III (SEAL)
KIRBY SMITH a/k/a KIRBY SMITH III
as Personal Representative
of the Estate of Burmah Smith a/k/a
Burmah E. Smith

The foregoing instrument was acknowledged before me on July 11th, 2005, by KIRBY SMITH a/k/a KIRBY SMITH III, as Personal Representative of the Estate of Burmah Smith a/k/a Burmah E. Smith, deceased, who is personally known to me or who () produced _____ as identification and who did not take an oath.

(NOTARIAL SEAL)



Judy Byrd
* Judy Byrd
*(Print Name of Notary Public)
Notary Public - State of Kentucky
My commission expires 7/22/07
Commission Number _____

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed on July 15, 2005.

Signed, sealed and delivered in the presence of:

[Signature]
* Edward R Kearsall
*(Print Name of Witness)

[Signature] (SEAL)
KRISTEN S. AGRELL

[Signature]
* Justin Agrell
*(Print Name of Witness)
both witnesses as to Kristen S. Agrell

STATE OF MA
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me on July 15, 2005, by KRISTEN S. AGRELL, who is () personally known to me or who (l) produced MA License as identification and who did not take an oath.

(NOTARIAL SEAL)

[Signature]
*(Print Name of Notary Public)
Notary Public - State of William A. Marsh
My commission expires Notary Public
Commission Number My Commission Expires October 8, 2010

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed on July 15, 2005.

Signed, sealed and delivered in the presence of:

[Signature]
* Edward R Kears
*(Print Name of Witness)

[Signature]
* Justin Agrell
*(Print Name of Witness)

both witnesses as to Justin S. Agrell

[Signature] (SEAL)
JUSTIN S. AGRELL

STATE OF MA
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me on July 15, 2005, by JUSTIN S. AGRELL, who is () personally known to me or who () produced MA License as identification and who did not take an oath.

(NOTARIAL SEAL)

* [Signature]
*(Print Name of Notary Public)
Notary Public - State of MA
My commission expires October 8, 2010
Commission Number [Number]

smithstate5.twd

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Former Lots 18, 19, 20 and 21, Block J, BROOKSIDE, as recorded in Plat Book 1, Page 95, of the Public Records of Sarasota County, Florida.

Together with the vacated alley lying between said former Lots 18 and 19, and together with the North one-half of vacated alley lying between former Lots 21 and 22 of said Block J (alley vacated by Resolution recorded in Official Records Book 1046, Page 1521, Public Records of Sarasota County, Florida) LESS: therefrom the right of way for Bee Ridge Road, lying within 45 feet of the centerline and LESS the additional right of way for Bee Ridge Road and Swift Road, as recorded in Official Records Book 1046, Pages 424 and 425, Public Records of Sarasota County, Florida.

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EXHIBIT "A"