

D E E D

THIS DEED made and entered into this 2nd day of October, 2006, by and between **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, of P.O. Box 1337, Middlesboro, Kentucky 40965, "GRANTOR," and **BURMAH SMITH FLP, Ltd.**, a Kentucky Limited Partnership, whose mailing address is 424 Englewood Drive, Middlesboro, KY 40965, "GRANTEE."



WITNESSETH:

That for purposes of making a capital contribution to **Burmah Smith FLP, Ltd.**, a Kentucky Limited Partnership, Grantor has bargained and sold and does hereby grant and convey unto Grantee, its successors and assigns forever, the following described property situated in Sarasota County, Florida, to-wit:

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.

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

Being the same property conveyed 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, by Kirby Smith a/k/a Kirby Smith III, as

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2006183177 3 PGS
2006 OCT 16 03:18 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
MMARSH Receipt#840063

Personal Representative of the Estate of Burmah Smith a/k/a Burmah E. Smith, Kristen S. Agrell, and Justin S. Agrell, by deed dated July 15, 2005, and recorded in Official Records, Instrument # 2005164392, in the Sarasota County Court Clerk's Office, as recorded in Official Records Book _____, Pages _____, Public Records of Sarasota County, Florida.

Property Identification # 0074-01-0091
Grantee's Identification # 20-3609190

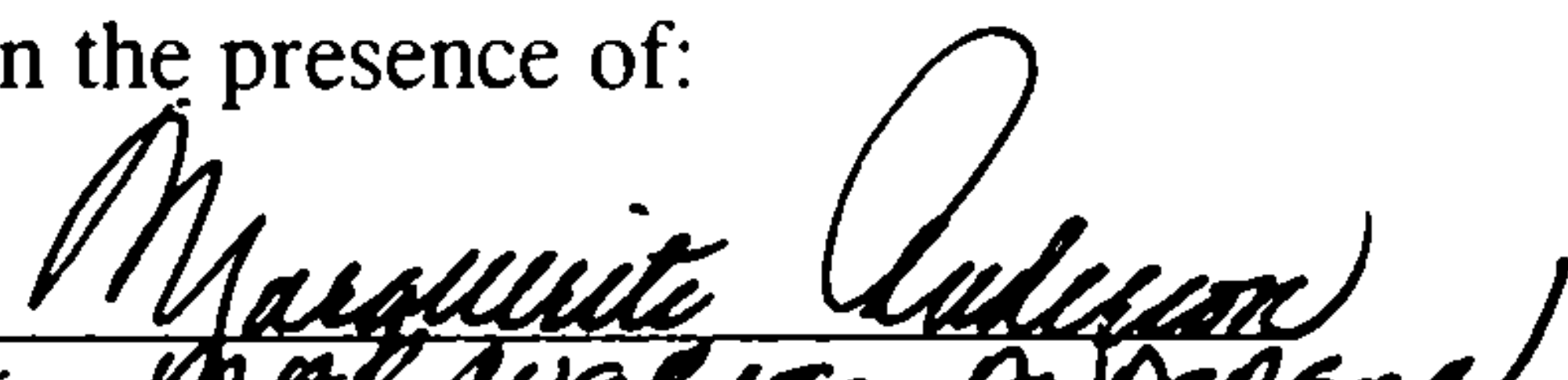
TOGETHER with all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to that real property.

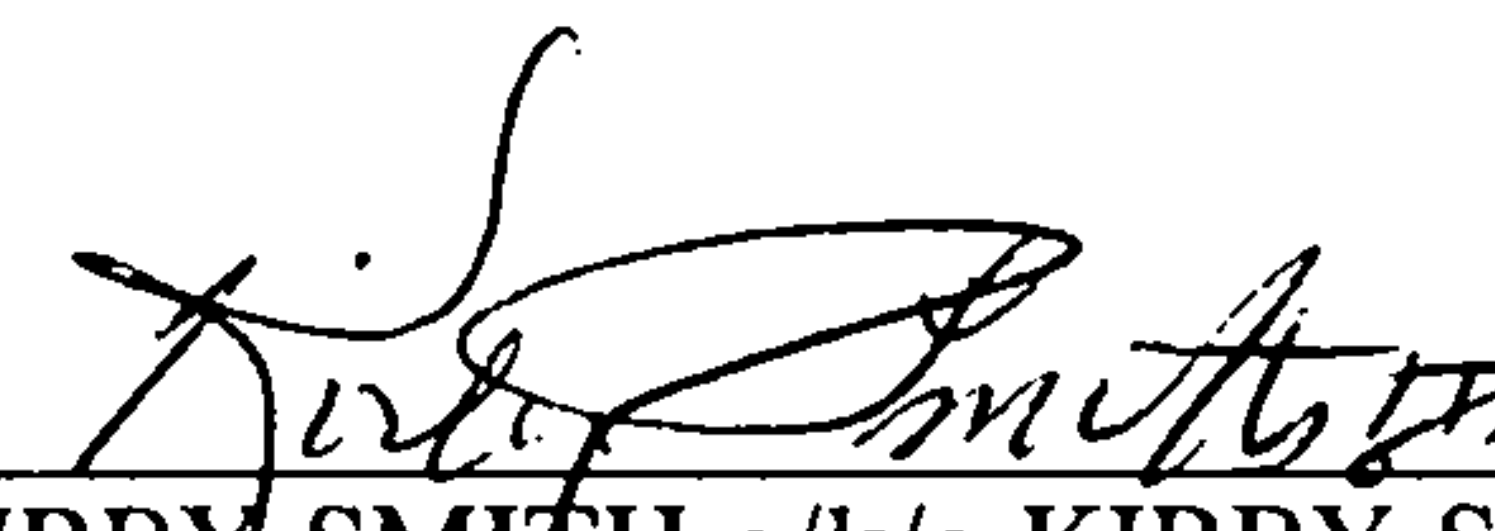
TO HAVE AND TO HOLD the said property in fee simple forever unto the Grantee. Full power and authority is hereby granted to said Grantee to improve, subdivide, protect, conserve, sell, lease, encumber and otherwise manage and dispose of said property or any part thereof.


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 October 2, 2006.

Signed, sealed and delivered
In the presence of:


* MARK EVERITE ANDERSON
*(Print Name Of Witness)

 (SEAL)
KIRBY SMITH a/k/a KIRBY SMITH III
Trustee of the Testamentary Trust of
Burmah Smith


* Becky E. Sumpter-Cheek
*(Print Name Of Witness)
both witnesses as to Kirby Smith

STATE OF Kentucky

COUNTY OF Bell

The foregoing instrument was acknowledged before me on October 2, 2006, by 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, deceased, who is () personally known to me or who () produced _____ as identification and who did not take an oath.

(NOTARIAL SEAL)

Alison Lobb Emmons
* Alison Lobb Emmons
*(Print Name of Notary Public)
Notary Public - State of Kentucky
My commission expires 5/17/2010

IT IS HEREBY CERTIFIED THAT WE HAVE PREPARED THIS INSTRUMENT FROM INFORMATION GIVEN TO US BY THE PARTIES HERETO. WE DO NOT GUARANTEE EITHER MARKETABILITY OF TITLE, ACCURACY OF DESCRIPTION OR QUANTITY OF LAND DESCRIBED, AS WE DID NOT EXAMINE THE TITLE TO THE PROPERTY INVOLVED.

PREPARED BY:

EMMONS, PUCKETT & SHANNON PLLC
Attorneys at Law
114 North Second Street ✓
Richmond, KY 40475
Phone: 859 623 0092

By: *Alison Lobb Emmons*
Alison Lobb Emmons