

TITLE TO REAL ESTATE

The State of South Carolina,  
COUNTY OF GREENVILLE.

WHEREAS, on or about October 10, 1941, I, J. W. Norwood, conveyed to Ben K. Norwood as Trustee Lot No. 26 of Washington Heights, and thereafter on or about July 1, 1942 conveyed to him as such Trustee Lot No. 35 of Washington Heights, as appears in the Office of R. M. C. for the County and State aforesaid in Deed Book 238 at page 102 and Deed Book 245 at page 370; and whereas on or about December 29, 1942, through error, I undertook to convey said Lots Nos. 26 and 35 to Frances N. Funderburk, as appears in said office in Deed Book 250 at page 112; and thereafter Frances N. Funderburk undertook to convey to herself as Trustee the said two lots on or about March 4, 1943 as appears in said office in Deed Book 251 at page 327; and whereas, this grantor and the said Frances N. Funderburk desire to replace said lots 26 and 35 with two other lots, to-wit: Lots Nos. 45 and 64, hereinbelow referred to, upon a trust, the terms of which are hereinbelow set out:

KNOW ALL MEN BY THESE PRESENTS, That That I, J. W. Norwood, and I, Frances N. Funderburk, individually

in the State aforesaid in consideration of the ~~xxxxx~~ Premises and the sum of Two and no/100 (\$2.00) DOLLARS

to us in hand paid, at and before the sealing of these presents by Frances N. Funderburk, as Trustee

~~xxxxxx~~ the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said Frances N. Funderburk as Trustee.

All those two certa in lots of land in or near the City of Greenville, Greenville County, State of South Carolina, being known as lots Nos. 45 and 64 on a plat thereof recorded in the office of R. M. C. for Greenville County, South Carolina, in Plat Book F at page 54.

In Trust, however, for the following uses and purposes, to-wit:

(1) To rent, manage and care for same, and to collect all income therefrom, the net income (after payment of costs of collection, taxes, insurance and cost of up-keep) to be re-invested until George N. Funderburk becomes twenty-one years of age; after that time the entire net income from the original trust and the accumulations are to be paid to George N. Funderburk as long as he lives.

(2) If George N. Funderburk should die leaving one or more descendants, then the trust shall continue (in Frances N. Funderburk and her heirs) until - and only until - his youngest child that shall become twenty-one years of age shall reach that age, the net income to be used for the maintenance of his children, the children of any deceased child to share in the parent's stead. At the termination of the trust as above provided, the title, in fee simple, to vest equally in his descendants, per stirpes and not per capita, free of all trusts.

(3) If George N. Funderburk should die leaving no descendants surviving him, the trust shall continue in Frances and her heirs for the benefit of the other child or children of Frances, if any, - in that event, to be reinvested until her youngest child that shall reach that age shall become twenty-one years old; the trust to terminate, when such youngest child that shall reach that age shall become twenty-one years of age, and the title in fee simple to vest equally in the descendants of Frances, then living, per stirpes and not per capita.

(4) And if Frances shall die leaving no living descendant then title shall vest in fee simple, equally, in George Norwood, John W. Norwood Jr., Benjamin K. Norwood and Oliver Norwood, free of all trusts; but if any of them be dead, the share of any such deceased person shall go to those who would then answer the description "his heirs", if he had just died, - in the proportions then fixed for "heirs" under the Statute of Distributions of the State of South Carolina.

The Trustee herein shall have full power to sell, and resell, the property as often as she may deem advisable, and made good and sufficient deed or deeds therefor in said Trustee's discretion at any time, and upon each such sale shall promptly reinvest the trust funds in other unencumbered real estate without accountability to any beneficiary beyond the requirements of ordinary prudence, and the said Trustee has full power to make fee simple deed or deeds upon sale or resale, and no purchaser at such sale or resale shall be in any way responsible for the application of the proceeds. The Trustee shall not be accountable for fire loss, if in the exercise of discretion such Trustee shall leave the property uninsured, or if it be insured below its value.