

at page 290, and a tract of land containing 2.8 acres conveyed to James B. Duncan by a deed dated May 26, 1961, and recorded in the R. M. C. Office for Greenville County, South Carolina, on May 30, 1961, in Deed Book 675 at Page 7 and by deed dated June 2, 1961, and recorded in the R. M. C. Office for Greenville County, South Carolina, on June 12, 1961, in Deed Book 675 at Page 438.

IT IS understood and agreed as follows:

1. That the purpose of this agreement is to provide for the sale of the described property so that funds from such sale may first be used to pay for any and all reasonable expenses incurred for the care and treatment of Susie Duncan from this date and any reasonable and necessary expenses incurred in winding up her affairs after her death, with the balance of the proceeds of said sale being distributed to the heirs as their interest may appear.

2. The undersigned heirs agree to transfer the described property to J. B. Duncan and Edgar Duncan as trustees subject to the following powers and conditions:

(a) The trustees are authorized to sell the property and to incur such expenses as are necessary in order to bring about same. That, however, the real property or no part of it, is to be sold for less than Four Hundred and No/100 (\$400.00) Dollars per acre.

(b) The trustees are authorized to retain the proceeds of such sale in trust and are to pay out of such a fund any reasonable expenses incurred by Susie Duncan or on her behalf or for her benefit subsequent to the date of this agreement. Such payment may be made whether payment be to reimburse one of the heirs for money advanced Susie Duncan by paying her expenses or whether it be to pay her bills direct. This is conditioned only on the agreement of both the trustees as to the legitimacy of the bills and their keeping a written record of such payment with a copy of the bills for all heirs inspection.

(c) The trustees are also empowered to pay out of the fund from the sale of the described property any expenses incurred to carry out said sale including real estate commission and attorney's fees whether the payment be by way of reimbursement to one of the heirs who advanced the costs or to the person claiming the payment direct. The trustees are also required to keep a written record of such transaction.

(d) The trustees are to hold the funds from the sale of the described property or such portion as is deemed sufficient by them until the close of the estate of Susie Duncan following her death. Then they are to disburse the remainder of the funds to the heirs or their heirs as their interest may appear.

3. The trustees shall not be personally liable for any assessments, charges, damages or negligent acts, or for any obligations in carrying out or effectuating the purpose of this trust agreement; provided, however, that nothing shall relieve the trustees from liabilities arising out of willful misconduct.

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