

State of South Carolina,  
County of Greenville.

## TRUST AGREEMENT.

WHEREAS, by deed dated May 18, 1929, recorded in Book of Deeds 145, page 306, the tract of land therein described was conveyed to J. E. Means, as Trustee for Harriet M. Cunningham and her surviving children, on the trust and with the powers therein set forth; and

Whereas, Harriet M. Cunningham died in 1940, leaving as her only heirs, her husband, P. F. Cunningham, and her five children, to-wit: Hugh Cunningham, Frank Cunningham, Robert P. Cunningham, Gene Cunningham and Ladd Cunningham, and the said P. F. Cunningham died intestate in 1942, leaving the above named five children as his only heirs; and

Whereas, our brother, Hugh Cunningham, wishes to dispose of his interest and we desire to purchase it, and have the property held by J. E. Means, as our trustee;

NOW, THEREFORE, Know all men by these presents that we, Frank Cunningham, Robert P. Cunningham, Gene Cunningham and Ladd Cunningham, do hereby constitute and appoint J. E. Means as trustee, and direct that he convey the property described in the aforesaid deed to himself, as trustee for us, and that he pay to Hugh Cunningham the sum of \$1370.00, in full payment of his interest in the property, and also in payment of certain sums which he has heretofore advanced for us, or our parents.

We do further authorize the said J. E. Means to hold and manage said property, to collect the rents, pay all expenses necessary to its proper management, maintenance and improvement, and to pay all taxes and insurance premiums out of any sums coming into his hands.

We do further authorize him to borrow money and secure its payment by the execution of a mortgage, for the purpose of obtaining funds with which to pay the said Hugh Cunningham, including all costs and expenses incident to the transfer and to refinance said mortgage if, in his judgment, occasion should arise when it would be necessary, or to the best interest of the trust estate.

We further authorize the said J. E. Means to borrow money and secure its repayment by mortgage for the purpose of repairing or preserving said property.

We further authorize the said J. E. Means to sell, or exchange, said property, or any part thereof, at such price and upon such terms as he deems best, in his absolute discretion.

We do further agree and bind ourselves to pay to J. E. Means, as Trustee, the following sums per month, to be applied by him to the payment of taxes, the mortgage debt and any other expenses:

Frank Cunningham (so long as he occupies the premises)	\$20.00
Robert P. Cunningham	5.00
Gene Cunningham	5.00
Ladd Cunningham	5.00

It is further agreed that should any of us fail to pay this stipulated sum, or should any of us either voluntarily or involuntarily pay more than this sum, any nonpayment shall be charged against our share in the final distribution, and any overpayment shall be charged against our share in the final distribution, and ~~any overpayment shall be charged against the share of the others in the final distribution.~~

We do further agree that the said J. E. Means shall have the right to convey the property to the mortgagee, in lieu of foreclosure, if the occasion should arise.

We do further agree that J. E. Means has well and truly performed all duties under the original aforesaid trust, and it is distinctly understood and agreed that he has no responsibility under this agreement other than for moneys actually coming into his hands, and that he shall not be liable for any misfeasance, or nonfeasance, unless it shall amount to gross or wilful neglect.

IN WITNESS WHEREOF we have hereunto set our hands and seals at Greenville, S. C., this 19th day of April, 1944.

Witnesses:

Ben C. Thornton

Ruby M. Eskew

As to Robert P. Cunningham,  
Frank Cunningham & Gene Cunningham.

Russell M. Nahorniak

First Sergeant

Pasquate Greco S/Sgt.

As to Ladd Cunningham

(Signed) Robert P. Cunningham

" Frank Cunningham

" Gene Cunningham

Ladd Cunningham.

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Personally appeared before me Ruby M. Eskew, and made oath that she saw the within named Robert P. Cunningham, Frank Cunningham, and Gene Cunningham sign, seal, and as their act and deed deliver the within instrument, and that she, with Ben C. Thornton witnessed the execution