

Last Will and Testament

OF

WILLIAM PATRICK RICKS

101703

STATE OF ALABAMA §

JEFFERSON COUNTY §

677 845

I, WILLIAM PATRICK RICKS, a resident of Jefferson County, State of Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all former Wills and Codicils thereto heretofore made by me.

ITEM ONE

I desire and direct that all of my just debts, including my funeral and burial expenses and the expenses of my last illness, be paid out of my estate by my executrix, or executor, hereinafter named, as soon as convenient and practicable after my death.

ITEM TWO

I am the sole owner of a certain business enterprise which I operate in Birmingham, Jefferson County, Alabama, under the name and style of Bill Ricks Flooring.

If I own said business or any part thereof, or any interest in any successor thereto at the time of my death, I bequeath and devise the same to my beloved wife, Ella Ruth Ricks, in fee. This gift shall include the name and good will and all property, real and personal, used in connection therewith, as shown by the books of account of said business, including, but not by way of limitation, all real estate, buildings, machinery, equipment, inventory, merchandise, furniture and

28637 Reager Circle
25216

fixtures, supplies, trucks and automobiles, accounts receivable, leases, patents, licenses, royalties, contracts, insurance policies and all bank accounts and deposits owned by said business or used in connection therewith at the time of my death; provided, however, that this gift of said business shall be subject to all outstanding debts, accounts payable and other claims of every sort against said business at the time of my death.

If my said wife, Ella Ruth Ricks, shall not survive me, then the gift contained in this ITEM TWO shall be void and said property shall become part of my residuary estate, hereinafter disposed of.

ITEM THREE

I hereby give, devise and bequeath all of the rest, residue and remainder of my estate, real, personal or mixed, of whatever kind and character and wheresoever situated, of which I may die seized, or to which I may be entitled at the time of my death, to my beloved wife, Ella Ruth Ricks, should she survive me.

ITEM FOUR

In the event that my said wife, Ella Ruth Ricks, should predecease me, or die simultaneously with me, then I hereby give, devise and bequeath all items of property referred to in ITEM THREE, above, to my children, Patricia Ricks Mayo, Sue Ricks Junkins, Janet Ricks Stevens and William P. Ricks, Jr., share and share alike, per stirpes.

ITEM FIVE

I hereby direct that my executrix, or executor, shall have and exercise control over my property prior to the granting of Letters Testamentary, and shall administer my estate in the

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of my estate during administration thereof, and to make deposits in a bank or trust company pending investment, or as an investment;

4. To register and take title to securities, in her or his discretion, either in her or his own name or in the name of a nominee, without disclosing the fiduciary relationship and without diminishing or increasing her or his liability as executrix or executor;

5. To file a joint income tax return for my said wife and myself, for any period or periods for which such a return may be permitted following my death, and to pay from my estate the full amount of the tax due on such return or any adjustment thereof, and to pay out of my estate any additional assessment that may be made on account of any joint return which she and I have filed, and to join in an election with spouse to split gifts;

6. To do every other act and thing reasonably necessary and appropriate to the complete administration of my estate as provided by the terms of this Last Will and Testament, and by the law as it exists at the time of my death;

7. To continue or dispose of any business enterprise without liability therefor, whether such enterprise be in the form of a sole proprietorship, partnership, corporation or otherwise, and to develop, add capital to, expand or alter the business of such enterprise, to liquidate, incorporate, reorganize, manage or consolidate the same, or change its charter, or name, to appoint directors and employ officers, managers, employees or agents (including any trustee or directors, officers or employees thereof) and to compensate and offer stock options and other employee or fringe benefits to them, and in exercising her or his powers in relation to

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such business enterprise, to receive extra or extraordinary compensation therefor.

ITEM SIX

I hereby constitute and appoint my wife, Ella Ruth Ricks, as executrix of this my Last Will and Testament. In the event that my said wife should, for any reason, fail to qualify or cease to act as executrix hereunder, then I constitute and appoint my son, William P. Ricks, Jr., as executor, with the same powers, rights and duties as vested in my wife as executrix.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 27th day of June, 1973, hereby declaring the instrument contained on this and the preceding four (4) pages to be my Last Will and Testament.

William P. Ricks (SEAL)
William Patrick Ricks

We, the undersigned, hereby certify that the above named testator subscribed his name to the foregoing instrument in our presence, and published and declared the same to be his Last Will and Testament, and we, at the same time, at his request, in his presence and in the presence of each other, have hereunto signed our names as attesting witnesses.

Beverly McArthur ADDRESS Birmingham, Ala.

Lucy McCray ADDRESS B'ham, Ala.

Elli A. McArthur ADDRESS B'ham, Ala.

Tested and sworn to this the 29th
day of Dec, 1980
for filing and record.

O. H. Florence
Judge of Probate

NO. 677 PAGE 843

677 PAGE 850

CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, O. H. Florence, Judge of the Court of Probate, in and for said State and

County, do hereby certify that the foregoing instrument _____ of writing ha S _____ this day, in said Court, and before me as
the Judge thereof, been duly proven by the proper testimony to be the genuine last Will and Testament _____
of William Patrick Ricks _____ Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 677, Page 844-849.

In witness of all which I have hereeto set my hand, and the seal of the said Court, this date Dec. 29, 1980.

O. H. Florence, Judge of Probate.

IN THE MATTER OF THE ESTATE OF

WILLIAM PATRICK RICKS,
Deceased

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

DECEMBER TERM 1980

CASE NO. 101703

NO. 677 PAGE 851
RECORDED

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Ella Ruth Ricks and filed
a petition in writing, under oath, therewith producing and filing in this court an instrument of writing pur-
porting to be the last will and testament of William Patrick Ricks,
deceased, bearing date the 27th day of June, 1973,
and attested by Anne McCrary, Edwin A. Strickland and Beverly McArthur;
and praying that the same be probated as provided by law; that petitioner
is the widow of said deceased, and is
named in said will as executrix thereof; and that the next of kin of said deceased are as follows,
to-wit: Patricia Ruth Mayo, daughter, Birmingham, AL; Rebecca Sue
Junkins, daughter, Birmingham, AL; Janet Leigh Stevens, daughter,
Pleasant Grove, AL and William P. Ricks, Jr., son, Gardendale, AL,
each of whom is over ~~twenty~~ ^{nineteen} years of age.

And thereupon comes each of the above named next of kin expressly waiving all notice of the
petition to probate said will and consenting that the same be probated at once, and the court having as-
certained by sufficient evidence that the signatures affixed to said waivers of notice and
acceptance S of service are the genuine signatures S of said next of kin;
now, on motion of said petitioner, the court proceeds to hear said petition; and, after due
proof and hearing had according to the laws of this state, the court is satisfied and is of the opinion that
said instrument is the genuine last will and testament of said deceased, and that such instrument should
be probated as the last will and testament of said deceased. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the court that said instrument be duly admitted to
probate as the last will and testament of said William Patrick Ricks,
deceased, and ordered to be recorded together with the proof thereof and all other papers on file relating
to this proceeding. It is further ordered that petitioner pay the costs of this proceeding.

DONE this date, December 29, 1980

O. H. Florence
Judge of Probate

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, Peggy A. Proctor, Chief Clerk of the Court of Probate,

in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the

Inst # 1992-14623

LAST WILL AND TESTAMENT

07/21/1992-14623

ORDER ADMITTING WILL TO PROBATE

SHELBY COUNTY JUDGE OF PROBATE

008 MCD 25.00

10:05 PM CERTIFIED

in the matter of THE ESTATE OF : WILLIAM PATRICK RICKS

PROBATE CASE # 101703

as the same appears on file and of record, in this office.

Given under my hand and seal of said Court, this

the 21st day of July, 19 92

Peggy A. Proctor

Chief Clerk

Inst # 1992-14623