

Terri Lynne Forister Ogletree Niece † 1186 Lake Colony Drive
 Marietta, Georgia 30068


Sharon Joyce Forister Poole Niece 8566 Liberty Hall Drive
 Midland, Georgia 31820


David Bertran Forister Nephew 57 Goldfinch Way
 Crawfordville, Florida 32327

All of the above are over the age of 19 years and of sound mind.

WHEREFORE, the petitioner prays that this Court will take jurisdiction of this petition, will cause all such notice or citations to issue to the said surviving next of kin, and attesting witnesses as may be proper in the premises; and will cause such proceedings to occur, and such proof to be taken, and render such orders and decrees as will duly and legally affect the probate and record of this Court of said will (and all codicils thereto) as the last will and testament of the decedent. The petition is deemed to be verified pursuant to Ala. Code §43-8-22.

Attorney for Petitioner:



 Derrell McBrayer, Esq.
 956 Montclair Road, Ste 110
 Birmingham, Alabama 35213
 (205) 595-9551


 Signature of Petitioner
 R. Bertran Smith
 124 Shades Crest Road
 Birmingham, Alabama 35226

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama on the _____ day of _____, 2004, and set for hearing the _____ day of _____, 20____, at _____ a.m./p.m.

JUDGE OF PROBATE

FILED IN OFFICE THIS 10th DAY OF
May, 2004, PRAYER
 GRANTED AND PETTRON ORDERED RECORDED.

 JUDGE OF PROBATE

Last Will and Testament

185449

OF

JR 2306 PG 797

DAISY DEAN SCHROEDER O'REAR

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, DAISY DEAN SCHROEDER O'REAR, a resident of the State of Alabama, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament, hereby revoking any former Will and Codicil thereto.

ARTICLE ONE

I direct that all my debts, including the expenses of my last illness and funeral, shall first be paid out of my estate by my Executor hereinafter named as soon as possible after my death; provided, however, if any real estate which I may own at the time of my death is encumbered by specific mortgage or lien, it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the beneficiary receiving such property shall take it subject to all mortgages and encumbrances existing at such time.

ARTICLE TWO

(A) I hereby give, devise, and bequeath to my beloved

FILED IN OFFICE THIS THE
10th DAY OF May, 2004
FOR PROBATE AND RECORD.
Michael J. Baker
JUDGE OF PROBATE

Daisy Dean Schroeder O'Rear
Daisy Dean Schroeder O'Rear

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husband, CLARENCE LESLIE O'REAR, in the event he survives me by at least six (6) months, the jointly owned automobiles which we should own at the time of my death, and the sum of One Hundred Thousand (\$100,000.00) Dollars, less any money he receives from Alabama Power Company Credit Union Account Number [REDACTED] or, from any proceeds of life insurance on my life.

(B) I grant to my beloved husband, CLARENCE LESLIE O'REAR, the right to reside in any separate residence which I own solely in my name, for one (1) year after the date of my death, rent free. However, during said time, my husband shall be responsible for all maintenance and upkeep relative to said residence. Thereafter, the house shall pass per the residuary clause in my Last Will and Testament.

(C) All the rest, residue, and remainder of my estate, I give, devise, and bequeath one-half (1/2) to my brother, R. BERTRAN SMITH, if he so survives me, and the remaining one-half to my sister's (my sister being BETTY HOLLIS FORISTER) surviving children, in equal shares. In the event my brother, R. BERTRAN SMITH, should predecease me, then the residuary portion of my estate shall be divided equally among my six (6) nieces and nephews; who consist of two (2) of my brother's children, and four (4) of my sister's children. In the event one or more of my nieces or nephews who would have inherited under this provision of my Last Will and Testament predecease me, then the deceased niece or nephew's share of my estate shall be divided equally among their surviving issue. If the deceased niece or nephew dies leaving no


Daisy Dean Schroeder O'Rear

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surviving issue, then the share of my estate which they would have inherited if they had survived me shall be divided equally among my surviving nieces and nephews.

(D) To be found with this my Last Will and Testament shall be a handwritten list directing my Executor to deliver certain specific items of personalty to specific relatives. I direct the Executor to honor this list and to follow it as closely as possible.

ARTICLE THREE

I hereby nominate, constitute, and appoint my brother, R. BERTRAN SMITH, as Executor of my estate under this my Last Will and Testament. If R. BERTRAN SMITH does not act as Executor, or once appointed resigns, then I hereby nominate, constitute, and appoint my niece, SIDNEY SMITH BRAND, as an Alternate or Successor Executrix.

I direct and request that my Executor shall not be required to give any bond or other security to any Court for the faithful performance of any duties, nor shall said Executor be required to file an inventory or make an accounting or settlement in any Court. I hereby authorize my Executor to sell and convey any and all property in my estate at public or private sale without order of Court.

ARTICLE FOUR

The following provision shall govern for all purposes of this Will, wherever it may be applicable:


Daisy Dean Schroeder O'Rear



(A) As used herein, the term Executor shall be interchangeable with the term Alternate or Successor Executrix and vice-versa.

I, **DAISY DEAN SCHROEDER O'REAR**, the Testatrix, sign my name to this instrument this the 23rd day of Feb., 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, and that I sign it willingly; that I execute it as my free and voluntary act for the purposes therein expressed; and, that I am nineteen years of age or older, of sound mind, and under no constraint or undue influence.


DAISY DEAN SCHROEDER O'REAR

We, W. John Rudd, Jr., and Bruce A. Burtman, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and Testament, and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will and witnesses to


Daisy Dean Schroeder O'Rear



her signing, and that to the best of our knowledge, the Testatrix is nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

[Signature]
WITNESS

Bruce A. Burtram
WITNESS

STATE OF ALABAMA)

JEFFERSON COUNTY)

Subscribed, sworn to and acknowledge before me by the Testatrix, DAISY DEAN SCHROEDER O'REAR, and subscribed and sworn to before me by *N. John Rudd, Jr.*, and *Bruce A. Burtram*, the witnesses, this the *23rd* day of *Feb.*, 1999.

Jacqueline S. Clark
NOTARY PUBLIC
May 7, 1999

DDO'
Daisy Dean Schroeder O'Rear

185449

LETTERS TESTAMENTARY

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

DAISY DEAN SCHROEDER O'REAR

Deceased

CASE NO. 185449

LETTERS TESTAMENTARY

TO ALL WHOM IT MAY CONCERN:

The Will of the above-named deceased having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to

R. BERTRAN SMITH

the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in §43-8-76, Code of Alabama (1975, as amended), the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions under §43-2-843, Code of Alabama (1975, as amended).

WITNESS my hand this date, MAY 10, 2004

(SEAL)

ALAN L. KING

Judge of Probate

I, S. J. Rhodes, Chief Clerk of the Probate Court of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the **Letters Testamentary** issued in the above styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

WITNESS my hand and seal of said Court this date, MARCH 14, 2012



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S. J. Rhodes
Chief Clerk

CERTIFICATE TO COPIES

PROBATE - 67

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT
185449


I, S. Jacquelyn Rhodes, 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 _____

PETITION FOR PROBATE OF WILL, LAST WILL AND TESTAMENT OF DAISY DEAN SCHROEDER O'REAR, LETTERS TESTAMENTARY

in the matter of **DAISY DEAN SCHROEDER O'REAR**

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

Given under my hand and seal of said Court, this
the **14TH** day of **MARCH**, 20**12**


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Shelby Cnty Judge of Probate, AL
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S. Rhodes

Chief Clerk

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT
185449

I, S. Jacquelyn Rhodes, 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 _____

PETITION FOR PROBATE OF WILL, LAST WILL AND TESTAMENT OF DAISY DEAN
SCHROEDER O'REAR, LETTERS TESTAMENTARY

in the matter of DAISY DEAN SCHROEDER O'REAR

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

Given under my hand and seal of said Court, this

the 14TH day of MARCH, 2012



Chief Clerk



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