

STATE OF ALABAMA

LAST WILL AND TESTAMENT OF FRED GILLEM, SR.

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That I, Fred Gillem, Sr., residing in the City of Birmingham, Jefferson County, Alabama, being of sound mind and disposing memory, do hereby make and publish this my last will and testament, hereby revoking any and all former wills by me at any time heretofore made.

I.

It is my will, and I hereby so declare it to be, that all of my just debts and funeral expenses shall be paid within the time and in the manner as is hereinafter prescribed.

II.

It is my will, and I hereby so declare it to be, that all of my worldly estate, all of the real, personal and mixed property, of which I shall die seized and possessed or to which I shall be entitled at the time of my demise, shall be disposed of as is hereinafter willed to be by me done

III.

It is my will, and I hereby so declare it to be, that if my daughter, Gladys Marie Gillem, continues to pay, and does pay, the remaining indebtedness due on a tract of land, consisting of eighty (80) acres, more or less, and known as "Paradise Ridge," being and situated along or near the highway commonly known and referred to as the "Florida Short Route " that I have heretofore contracted to buy, but due to my financial circumstances I have been unable to continue the payments due thereon, as provided to be paid in accordance with the mortgage and notes executed for the remaining purchase price due therefor, it is my will, and I do hereby give, devise and bequeath unto my said daughter, Gladys Marie Gillem, said tract of land in its entirety, with absolute title to vest in her against any claim, lawful or otherwise, that any other heir or heirs may have by right of inheritance, in and to my estate. It is my will, however, and I hereby so declare it to be, that in the event my beloved wife, Clara Sillman Gillem, should survive me, and she should dissent, or undertake to dissent from this my last will, and the courts, under the law, should sustain her right to dissent from this my last will, it is my will, and I so declare it to be, that she shall then only be entitled to a life interest in and to the equitable interest the courts may find was vested in me from the investment made by me prior to the date my said daughter, Gladys Marie Gillem, begun paying on the remaining indebtedness due by me on said tract of land as aforesaid. However, in the event my said daughter, Gladys Marie Gillem, should agree with my said wife, Clara Sillman Gillem, to sell said lands, then in such event, it is my will, and I so declare it to be, that my wife shall only be entitled to participate in the distribution of my equitable interest therein as aforesaid. In the event my said wife should not survive me, then it is my will, and I so declare it to be, that my said daughter, Gladys Marie Gillem, shall inherit all of my equitable right, title, interest and claim in and to said tract of land as aforesaid.

IV.

It is my will, and I hereby so declare it to be, I give, devise and bequeath unto my beloved son, Fred Gillem, Jr., and my beloved daughter, Clara Virginia Hayes, One (\$1.00) Dollar each, which shall be paid to them by the executrix of my estate at any time within six months after the date of my death.

V.

It is my will, and I hereby so declare it to be, that I hereby give, devise and bequeath unto my beloved wife, Clara Sillman Gillem, all of the residue of any personal property which I shall die seized and possessed.

VI.

It is my will, and I so hereby declare it to be, that if any of the parties named

herein as beneficiaries, under this my last will and testament, or any other person or persons, who might, under the law, be entitled to participate in the distribution of my estate, shall file, or cause to be filed, any action at law, either in the Probate or Chancery Court, or other court of this State, in an endeavor to contest this my will, in order that they may share in the distribution of my estate, other than as I have herein willed to them, then it is my will, and I so hereby declare it to be, that he, she or they shall be barred from in any wise participating in or receiving any part of my estate that I shall die seized and possessed of whatsoever.

VII.

I do hereby nominate and appoint my beloved daughter, Gladys Marie Gillem, as Executrix of my estate, under this, my will, and it is my will, and I so hereby declare it to be, that she be not required to give any bond as such executrix, nor shall she be required to make any report to any court or courts of her actions inregard to any property or pproperties coming into her possession as such executrix except as that which may be required of her by law so to do.

IN TESTIMONY WHEREOF, I, the said Fred Gillem, Sr., have, to this my last will and testament subscribed my name and affixed my seal this 3rd day of August, 1944.

Fred Gillem Sr. (L.S.)

Signed, sealed and declared by the said Fred Gillem, Sr., as his last will and testament in the presence of us, who, at his request, and in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

Horace C. Alford
Witness

Foy M. Thompson
Witness

The above and foregoing will prepared by Horace C. Alford ,Attorney at Law, 1020-21 Massey Building Birmingham, Alabama)

CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA,
JEFFERSON COUNTY,

I, Tom C. Garner, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument of writing has 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 Fred Gillem, Sr., Deceased and that said Will, together with the proof thereof have been recorded in my office in Book of Wills, Vol. 67 page 541-544.

In witness of all which I have hereto set my hand and the seal of the said Court, this the 18 day of March, 1947.

Tom C. Garner, Judge of Probate

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF:	)	
	)	
THE ESTATE OF FRED GILLEM, SR.,	)	CASE NO. 20619
Deceased.	)	

WIDOW'S DISSENT FROM HUSBAND'S WILL

TO THE HONORABLE TOM C. GARNER, JUDGE OF SAID COURT:

Now comes Clara S. Gillem, and respectfully showsunto the Court as follows:

1. That she is a resident citizen of Jefferson County, Alabama, and over the age of 21 years; and is the widow of Fred Gillem, Sr., deceased.
2. That said Fred Gillem, Sr., departed this life on the 15th day of March, 1947, while a resident of Jefferson County, Alabama, leaving a Last Will and Testament which was propounded for probate and admitted to record in the Probate Court of said County on the 18th day of March, 1947.
3. That said testator made the following provision for your petitioner herein:

"It is my will, and I hereby so declare it to be, that I hereby give, devise and bequeath unto my beloved wife, Clara Sillman Gillem, all of the residue of any personal property of which I shall die seized and possessed."

Your petitioner, the widow of said decedent, being dissatisfied with the provision made for her in said Will, hereby dissents in writing from the Will of her deceased husband, and hereby claims in lieu of the provision made for her by such Will her dower and such portion of the personal estate as she would have been entitled to in case of intestacy.

Your petitioner prays that all such orders and decrees be made and entered by the Court as may be meet and proper in the premises.

Your petitioner further prays for all such other and further, special or general relief as to which she may be entitled in the premises.

Mrs. Clara S. Gillem

Sworn to and subscribed before me,
this the 25 day of June, 1947.

Wade H. Morton,
Notary Public

Notarial Seal

FRED GILLEM, SR., DECEASED, ESTATE OF)
DECREE ON FINAL SETTLEMENT.)

PROBATE COURT
December 6th, 1948
Case # 20619

And now on this day comes Gladys Marie Gillem, as Executrix of the estate of Fred Gillem, Sr., deceased, and presents to the Court under oath her petition for a final settlement of said estate; together with acceptances of service and/ or waivers of notice by Gladys Marie Gillem, Mrs. Clara S. Gillem, Clara Virginia Haynes and Fred Gillem, Jr., the legatees of said estate, executed and acknowledged by each of them as required by law, and moves the court to proceed with the hearing of said petition.

And it appearing to the Court that more than six months have elapsed since the appointment of said executrix, and that all claims filed in this Court against the estate of the said Fred Gillem, Sr., deceased, within the time required by law have been paid and satisfied in full.

And it further appearing to the Court that Gladys Marie Gillem, Mrs. Clara S. Gillem Clara Virginia Haynes and Fred Gillem, Jr., are all the beneficiaries named in the last will and testament of Fred Gillem, Sr., deceased, and that Gladys Marie Gillem, as Executrix has complied with the terms of said will by paying over and delivering to said beneficiaries, all the property and assets in her hands belonging to said estate, as shown by their receipt and release attached to said petition for final settlement and made a part thereof.

It is therefore ordered, adjudged and decreed by the Court that said petition be and the same is hereby granted and ordered recorded, and it is further ordered that the said Gladys Marie Gillem, as such Executrix, be and she is hereby discharged from all other or further liability.

CERTIFICATE TO COPIES

THE STATE OF ALABAMA,)
JEFFERSON COUNTY.)

PROBATE COURT

I, Tom C. Garner, Judge 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 Last Will and Testament of Fred Gillem, Sr., deceased, together with the Certificate to the Probate thereof, Widows dissent from said Will, and Decree on final settlement of said estate, as the same appears on file and of record in this office.

Given under my hand and official seal, this the 7th day of December, 1948.

Filed in the office of the Probate Judge the 10th day of December, 1948 at 1 o'clock P.M. and recorded in
Will Record 136 on page 171 on this the 14th day of December, 1948.

L.C. Walker,
Judge of Probate

NO TAX DUE ON THIS INSTRUMENT

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