

COPY OF WILL

WILL RECORD 75 PAGE 130 #5261

STATE OF ALABAMA

22674

JEFFERSON COUNTY

I, Frank A. McElroy, of Birmingham, Jefferson County, Alabama, being of sound and disposing mind and memory, do make and publish this my last will and testament hereby revoking and counting for naught any and all former wills, codicils, and testamentary dispositions at any time heretofore by me made.

FIRST

I do hereby direct that my hereinafter named executors shall pay all the just and legal debts that may be owing by me at the time of my decease and that they shall pay the same at such time or times and in such manner as in their judgment is for the best interests of my estate.

SECOND

I do hereby give, devise, and bequeath all the rest and residue of my estate of every kind and nature whether personal, real or mixed properties and wherever located to my beloved wife Lily Pearl McElroy to be held by her absolutely and in fee simple forever.

THIRD

However, if my beloved wife, Killy Pearl McElroy, should pre-decease me, or, if our deaths should occur simultaneously, in either of said events I do give, devise, and bequeath my estate as follows:

A

After all my just and legal debts are paid the rest and residue of the personal properties of every kind and nature of which I die seized and possessed shall be used to pay for the college education of Olive Inez McElroy, Guy Alexander McElroy, and Dale Elizabeth McElroy in either Wheaton College at Wheaton, Illinois Bob Jones College, at Cleveland, Tennessee, or Dean Emerson College at Los Angeles, California.

In the event all of said fund is not used for the education of said children as above set forth the rest and residue of said fund shall be paid to said children, share and share alike, as such arrives at the age of twenty one years.

B

All the real estate of which I die seized and possessed wherever located except the three parcels of land located in Pontatoc County, Oklahoma, which are hereinafter otherwise provided for, shall be sold at a fair and reasonable market value as soon after my decease as possible and the proceeds remaining therefrom after one-tenth thereof has been paid to the Foreign Mission Board of the Southern Presbyterian Church U.S. through the South Highland Presbyterian Church of Birmingham, Alabama, shall be paid over to Robert A. McElroy and his sister, Mrs. Hazel McElroy Lloyd, in equal parts, share and share alike.

C

The three parcels of real estate located in Pontatoc County, Oklahoma, comprising sixteen and one-half acres, ten acres, and twenty acres, which are more particularly described in deed in safety deposit box in First National Bank of Birmingham, Alabama, shall be held in trust by Mrs. Hazel McElroy Lloyd without being sold for fifteen years after my decease. She may execute and deliver oil leases on any of said property but shall not sell the land in fee simple until the expiration of said period of fifteen years.

In the event of the lease of any of said acreage during the period of fifteen years or thereafter by the said trustee, or in the event of the sale of any or all of said properties after the expiration of the period of fifteen years, the proceeds therefrom, after the trustee has been reimbursed for all necessary monies paid out by her personally in administering the properties, shall be paid by the said trustee as follows: One-sixth to Foreign Mission Board of the Southern Presbyterian Church U.S. through

the South Highland Presbyterian Church of Birmingham, Alabama; one -sixth to Hazel McElroy Lloyd; one-sixth to Robert A. McElroy, if living, or to the heirs of his body, if deceased; one-sixth to George M. Graham, if living, or to the heirs of his body, if deceased; one sixth to Gathern Bletsche, if living, or to the heirs of her body, if deceased; one sixth to used for the education of Olive Inez McElroy, Guy Alexander McElroy, and Dale Elizabeth McElroy, or to be paid over to them in equal parts as each arrives at the age of twenty-one as is provided in section A hereof.

FOURTH

I do hereby fully clothe my hereinafter named executors with power to sell and to execute and deliver conveyances to any or all of the real estate of which I may die seized and possessed as effectively as I could do if then living, provided such sale or sales are not inconsistent with the provisions hereof. The trustee herein is hereby clothed with the same authority to sell real estate consistent with the terms hereof.

FIFTH

I do hereby constitute and appoint George M. Graham of Fairfield and H.L. Anderton of Birmingham, as executors of this my last will and testament who shall so act without making bond and without the necessity of making reports to Courts except as is required by law in probating of wills.

WITNESS MY HAND AND SEAL ON THIS THE 27 DAY OF AUGUST, 1945.

Frank A. McElroy

We, the undersigned do hereby certify that Frank A. McElroy, signed the above as his last will and testament while in sound and disposing mind and memory, in our presence, and we signed the same as witnesses at his request and in his presence and in the presence of each other on the day the same bears date.

W.E. Harris, Jr.
(Witness)

Mrs. N.B. Young
(Witness)

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 Frank A. McElroy, deceased and that said Will together with the proof thereof have been recorded in my office in Book of Wills, Vol 75 page 130-132.

In witness of all which I have hereto set my hand, and the seal of the said Court, this the 28th day of Sept. 1948.

COURT SEAL

Tom C. Garner, Judge of Probate

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 Frank A. McElroy, deceased, together with the Certificate to the Probate thereof, as the same appears on file and of record, in this office.

Given under my hand and official seal, this the 9th day of August, 1950.

(SEAL)

Tom C. Garner

Judge of Probate

Filed in the office of the Probate Judge the 12th day of August, 1950 at 11 o'clock A.M. and recorded in Deed Record 142 on page 373 on this the 14th day of August, 1950.

L. C. Walker,

NO TAX DUE ON THIS INSTRUMENT

Judge of Probate