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Affidavit - Exhibit

Sam W. Caldwell
H. J. W.

BOOK 100 PAGE 000

State of Alabama,

Madison County.

Before me, Walter H. Hagen, a Notary Public, State at Large, in and for said State, personally appeared Edwin V. Caldwell, who being by me first duly sworn deposes and says:

1- That on the 20th day of December, 1935, Willie Wallace Caldwell, a widow, departed this life as a resident of Lee County, Alabama, leaving a last will and testament duly signed and published by her, a certified copy of said will being attached hereto and made a part hereof the same as if set out in hanc verba, and that on the 28th day of December, 1935, a petition for the probating of said will was filed in the Probate Court of Lee County, Alabama, and that Oliver M. Caldwell was duly appointed Executor of said estate under the provisions of the hereinabove mentioned will.

2- That at the time of the death of the said Willie Wallace Caldwell she left surviving her the following children, namely: Thomas Martin Caldwell, Willie Wallace Caldwell, Mary Kyle Caldwell, Hannah Caldwell Jackson, Sam W. Caldwell, Sr., Hancel W. Caldwell, Edwin V. Caldwell and Oliver M. Caldwell.

3- That at the time of the death of the decedent, Willie Wallace Caldwell, she was seized and possessed of the following described lands situated in Shelby County, State of Alabama, to-wit:

The North-west quarter ($NW\frac{1}{4}$); the North-east quarter ($NE\frac{1}{4}$); the South-east quarter ($SE\frac{1}{4}$); the North half ($N\frac{1}{2}$) of the South-west quarter ($SW\frac{1}{4}$), and ten (10) acres taken evenly off the East side of the South half ($S\frac{1}{2}$) of the South-west quarter ($SW\frac{1}{4}$), all lying and being in Section Fifteen (15), Township Twenty (20), Range Two (2) East; and also,

All of Fractional Section Twenty-two (22), Township Twenty (20), Range Two (2) East, lying North and East of Coosa River.

The above lands being in the aggregate of eight hundred and nine (809) acres, more or less.

4- That on the 18th day of August, 1937, the said Sam W. Caldwell, Sr., a son of the decedent and a legatee of the hereinabove mentioned will, departed this life intestate, leaving surviving him the following named children: Sam W. Caldwell, Jr., Harry E. Caldwell, Tom O. Caldwell and Susan Caldwell Madden.

5- That on the 15th day of February, 1945, Oliver M. Caldwell departed this life, having never married, leaving surviving him as his next of kin and heirs at law his brothers and sisters, and the children of his deceased brother, Sam W. Caldwell.

6- That on the 6th day of August, 1945, Hancel W. Caldwell departed this life, leaving surviving him his widow, Annie Sue Caldwell.

7- That on the 7th day of March, 1945, Edwin V. Caldwell was appointed Administrator de bonis non, cum testamento annexo of the hereinabove mentioned estate, following the death of his brother, Oliver M. Caldwell.

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8- That Willie Wallace Caldwell was in possession of the hereinabove described lands at the time of her death and that the same was occupied by her or her tenants, and cultivated as to the greater portion thereof, for more than twenty years prior to her death; that for more than twenty years prior to her death the said Willie Wallace Caldwell was in continuous, notorious, adverse and peaceful possession of said lands and claimed ownership of same during said period, and that the devisees of the last will and testament of Willie Wallace Caldwell, deceased, have been in continuous, notorious, adverse, peaceful possession of said lands and have claimed the same as owners since the death of the said Willie Wallace Caldwell.

Edwin V. Caldwell

Subscribed and sworn to before me,
on this the 18th day of March, 1953,
as witness my hand and official seal.

Arthur J. Beverly
Notary Public, State at Large.

My com. expires: July 14, 1956.

STATE OF ALABAMA,

LEE COUNTY.

WITNESS THIS INSTRUMENT: The undersigned Willie Wallace Caldwell, of Auburn, Lee County, Alabama, being desirous of directing how whatever property or worldly estate I may own or possess at the time of my death shall be disposed of do hereby make declare and publish this instrument as my LAST WILL AND TESTAMENT, that is in the manner and form as follows:

FIRST: It is my wish and will and I so direct that whatever debts may be outstanding or owing at the time of my death be paid by my executor hereinafter named so soon after my death as may be reasonably convenient.

SECOND: It is my wish that my farm located in Shelby County, Alabama, near Wilsonville, consisting of about Seven Hundred Eighty-seven acres be allowed to remain in its condition at the time of my death so long as my son Thomas Martin Caldwell shall live, and during this time that it be rented, and that the proceeds therefrom to the amount of Six Hundred Dollars per year, be used by my executor named herein, for the support and maintenance of my said son Thomas Martin, so long as my said son Thomas Martin shall remain unmarried. To this end it is my wish and will and I so direct that my said executor shall have charge of said farm after my death that the same may be used in accordance with the provisions of this paragraph of my will. So long as in the judgment of the executor named herein it is to the best interest of my said son Thomas Martin, that the money or proceeds from my said farm herein provided for his support, be paid to him in monthly payments of Fifty Dollars each, such executor is hereby directed to so pay the same. If in the judgment of my said executor it is to the best interest of my son Thomas Martin that his support and maintenance be furnished to him in some other way or manner then I direct that it be furnished to him in such way and manner as my executor named herein may believe to be for his best interest.

THIRD: Whatever amount of rents or proceeds from the use of said farm there may be over and above the Six Hundred Dollars per year as provided to be used in the paragraph just preceding this one, shall be equally divided between my other seven children other than Thomas Martin Caldwell, to-wit: Hannah Caldwell Jackson, Oliver M. Caldwell, Edwin V. Caldwell, Sam W. Caldwell, Hancel W. Caldwell, Willie Wallace Caldwell and Mary Kyle Caldwell.

FOURTH: In the event that my said son Thomas Martin Caldwell shall live longer than the time that my son Oliver M. Caldwell, herein named as executor, shall serve as such executor, at any time after my said son shall cease to serve as such executor, from any cause, any two of my other children, other than Thomas Martin, may deem it proper and advisable that a guardian be appointed for the purpose of handling the estate and affairs of my said son Thomas Martin, then I direct that any two of my said children assume the duty of filing a proper petition with the proper court having jurisdiction of such matters and have a guardian appointed for this purpose.

FIFTH: It is my wish and will and I so direct that after the death of my said son Thomas Martin the farm hereinabove referred to be sold if in the judgment of my executor such sale will be to the best interest of my estate and the proceeds thereof equally divided among my other children. If in the judgment of the executor named herein it will be to the best interest of my estate that said farm be held by my estate then I direct that the same be held. If in the judgment of my executor it will be to the best interest of my estate and the joint owners of said farm that the same be sold or divided then I direct that it be sold or divided as he may deem best, and if sold the proceeds thereof be divided among my children in equal shares.

SIXTH: All cash on hand or in bank after the payment of any indebtedness existing against my estate shall be equally divided among my seven children hereinabove named not including my son Thomas Martin.

EIGHTH: Whatever other personal property I may own at the time of my death, not herein specifically mentioned or disposed of herein, I hereby give to my executor as named herein for the purpose of being distributed by him in accordance with instructions which I shall leave for him, and such instructions will be in writing.

NINTH: The executor herein named shall have the power and authority to sell and dispose of any property coming into his hands in any way and at any time as the executor of this will or of my estate, except the farm as hereinabove referred to, which he shall not dispose of during the life time of my son Thomas Martin.

TENTH: In the event of the death of any one or more of my children before my death or prior to a settlement of my estate, then the share or shares to which such child or children would be entitled under the provisions of this will shall be and become the property of the children of such child or children so dying.

ELEVENTH: My son Oliver M. Caldwell of Ensley Alabama is hereby named and appointed as the executor of this will and of my estate, and he shall not be required to make or execute bond as such executor but shall serve without bond. He shall not be required to file any inventory of my estate, and shall not be required to make any partial or final settlement of his acts and doings as such executor with any court.

TWELTH: In the event that for any reason my son Oliver M. Caldwell should cease to serve or act in the capacity of executor, prior to the then after the death of my said son Thomas Martin, death of my said son Thomas Martin/ I direct that the farm hereinabove referred to be sold and divided, and that it be no longer held or kept by my estate. But so long as my son Oliver M. shall act in the capacity of executor, then as to when the farm shall be sold or divided after the death of my son Thomas Martin is and shall be left to his discretion and judgment.

IN WITNESS whereof I have hereunto set my hand and seal this the 25 day of April 1927.

Mrs. Willie Wallace Caldwell Seal.

We and each of the undersigned hereby certify that Willie Wallace Caldwell, of Auburn, Lee County, Alabama, subscribed her name to the foregoing instrument, and declared the same to be her last will and testament in our presence and in the presence of each of us, and that we in her presence and in the presence of each other and at her request signed our names hereto as attesting witness.

E. E. Binford

W. H. Eaton

Filed in office this 28 day of Dec., 1935.

John T. Frazer,

Judge of Probate.

STATE OF ALABAMA, LEE COUNTY.

I, John T. Frazer, Judge of Probate in and for said County in said State, do hereby certify that the within instrument of writing has this day in the Probate Court of Lee County, Alabama, been duly proven to be the last will and testament of Mrs. Willie Wallace Caldwell, deceased, and that said will, together with the proof thereof, has been recorded in book of Wills Vol. G at page .

Witness my hand this 20 day of Jany., 1936.

John T. Frazer,

Judge of Probate.

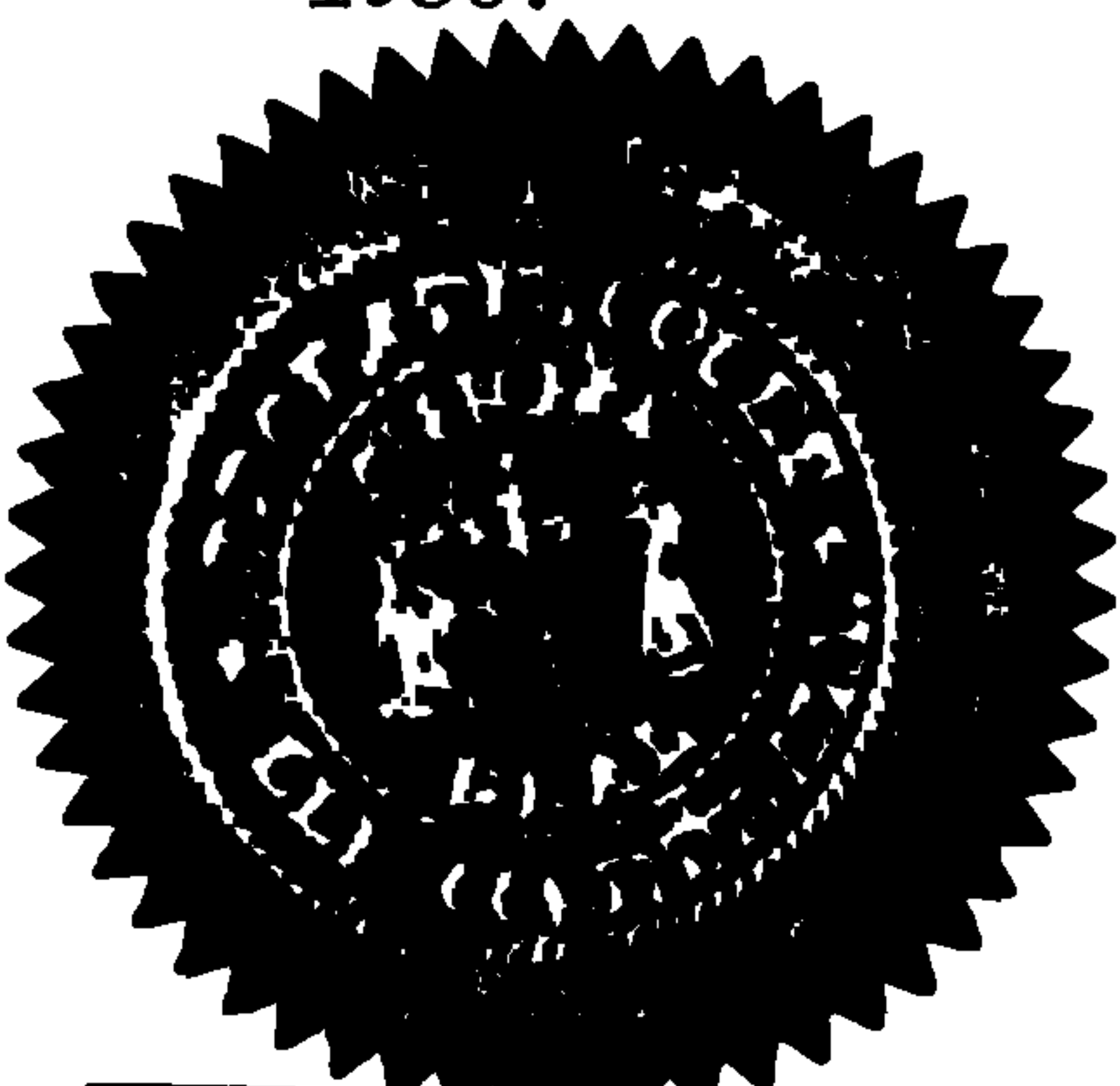
STATE OF ALABAMA,

LEE COUNTY.

I, John T. Frazer, Judge of Probate of Lee County, Alabama, hereby certify that the foregoing is a true and correct copy of the last will and testament of Mrs. Willie Wallace Caldwell, deceased, as the same appears of record in my office.

Given under my hand and seal of office this 20 day of January, 1936.

John T. Frazer
Judge of Probate.



Filed in the office of the Probate Judge on the 27 day of Mar 19 33 at 8 o'clock A M.
and recorded in Deed Book 158 Page 281 this 2 day of Apr 1933.
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate