

1546

30232

LAST WILL AND TESTAMENT

OF

AARON ASH.

STATE OF ALABAMA)

JEFFERSON COUNTY)

WILL
RECORDED 104 PAGE 167

I, AARON ASH, of Birmingham, Jefferson County, Alabama, being of sound mind and disposing memory, make this my last will and testament, hereby revoking all other wills heretofore made by me.

ITEM ONE.

I hereby direct that all my just debts, including expenses of my last illness, funeral and burial expense, be paid by my Executor herein named out of the funds of my estate, as soon after my death as the condition of my estate will permit.

ITEM TWO.

I hereby give, devise and bequeath to my wife, LeEarl Cooke Ash, the homeplace in which we are now living, in the event she survives me. Should she predecease me, then said property shall be divided equally between my children, Margaret Ash Brown, Kathryn Ash Sawls, Josephine Ash Packard and Benjamin Aaron Ash. Should either of said children predecease me, leaving a child or children, such child or children of such deceased child of mine shall take the place and receive the part the parent would have taken if living. Should my daughter, Kathryn Ash Sawls, predecease me, then the portion of said property hereby devised to her is hereby given and devised and bequeathed to her husband, Dewitt Sawls, in the event he be living at the time of my death.

ITEM THREE.

I hereby give, devise and bequeath the stock owned by me, and standing in my name at the time of my death in A & A Ash, Incorporated, also known as A & A Ash Jewelry Company, a corporation, to my said wife, LeEarl Cooke Ash, and my four children, in equal parts, share and share alike. That is, to the said LeEarl Cooke Ash, Margaret Ash Brown, Kathryn Ash Sawls, Josephine Ash Packard and Benjamin Aaron Ash, each one-fifth of the said stock.

ITEM FOUR.

I hereby give, devise and bequeath Five Hundred Dollars (\$500.00) in cash unto each of my grandchildren who survive me. In the event any of said grandchildren be minors at the time of my death, then in such event, my Executor may pay over said sum to the parent of such minor child. The receipt of such parent acknowledging that said sum has been received for the sole use and benefit of said child shall be a satisfactory acquittance of my Executor under this item of my will. I make this provision solely to save the cost and expense incident to qualifying a guardian for such of my grandchildren as may be minors at the time of my death.

ITEM FIVE.

I hereby give, devise and bequeath unto my wife, LeEarl Cooke Ash, all household furniture and effects which may be at the place of our residence at the time of my death, such residence at the date of execution of this will being 211 LaPrado Place, Homewood, Birmingham, Alabama.

ITEM SIX.

I hereby give, devise and bequeath unto my said wife, LeEarl Cooke Ash, in the event she survive me, the proceeds of all policies of insurance on my life which may be payable to my estate or to my

Aaron Ash

Signature

WILL
RECORD 104 PAGE 168

personal representative. In the event my said wife predecease me, then the proceeds of said insurance policies shall be divided equally between my said four children above named. The lineal descendants of any child who may predecease me shall take the place of and receive the portion of such funds that the deceased would have taken if living at the time of my death.

ITEM SEVEN.

In the event my said wife, LeEarl Cooke Ash survive me, then and in that event, I hereby bequeath to the said LeEarl Cooke Ash and my said children, Margaret Ash Brown, Kathryn Ash Sawls, Josephine Ash Packard and Benjamin Aaron Ash, all the rest and residue of my property, real, personal or mixed, not hereinbefore specifically disposed of, to hold the same jointly and equally; that is, one-fifth each. In the event, however, that my said wife should predecease me, then all of said property herein devised, being the residue of my estate, is hereby given, devised and bequeathed to my said four children above named. I further direct that as to any property devised to my said children above named, that in the event any of such children should predecease me, leaving a child or children, then such child or children shall take the place of and receive the portion of said property devised by this item that the parent would have taken, if living, at the time of my death. Provided further that in the event my said daughter, Kathryn Ash Sawls, predecease me and her said husband, Dewitt Sawls survive her, then the portion of the said property which would have gone to the said Kathryn Ash Sawls, if living, is hereby devised and bequeathed to her said husband, Dewitt Sawls, and should both the said Kathryn Ash Sawls and her said husband, Dewitt Sawls, predecease me, then the portion of said property so devised to said Kathryn Ash Sawls is hereby given, devised and bequeathed to my remaining children, it being my purpose and will and intention, and I hereby direct, that in such event, the issue of any deceased child shall take the place of the deceased parent.

ITEM EIGHT.

I hereby constitute and appoint my son, Benjamin Aaron Ash, as Executor of this my last will and testament, hereby relieving him from making any bond or of any report to any court insofar as in keeping with law. In the event of the inability for any cause of my said son to serve as such Executor, then I constitute and appoint my son-in-law, Bradley G. Brown, Sr., as such Executor, hereby relieving him from making any bond or of any report to any court insofar as is in keeping with law. Further, I hereby expressly empower either of my Executors as may qualify hereunder, with full power to sell and dispose of any property of any nature or character whatsoever of which I die seized and possessed, without the order of any court or any court proceeding whatsoever. However, I direct that in the event of any such sale or sales, the proceeds of such sales shall stand in lieu of the property so sold and be applied in the same manner that the property itself is devised.

In Testimony Whereof, I have hereunto set my hand and seal at Birmingham, Alabama on this the 20th day of May, 1953.

Aaron Ash (SEAL)

Signed, sealed, published and declared by the above named Testator, AARON ASH, as and for his last will and testament, in our presence, and we in his presence and in the presence of each other, and at his request have hereunto set our hands and seals as witnesses thereto on the day the same bears date.

V. J. H. Smith (SEAL)

LeEarl A. Cooke (SEAL)

Peggy B. Bowers (SEAL)

Signature

CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

I, Tom C. Garner

WILL
RECORDED

104

PAGE 169

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 Aaron Ash,

Deceased and that said Will

together with the proof thereof have been recorded in my office in Book of Wills, Vol. 104 Page 167-169

In witness of all which I have hereto set my hand, and the seal of the said Court, this the 20th day of October 1953

8-45-5M

Tom C. Garner, Judge of Probate

5-50-5M-15

The State of Alabama,
JEFFERSON COUNTY

Probate Court October Term, 19 53

October 20th, 19 53

The will of Aaron Ash of the said

County having been duly admitted to record, in said County, LETTERS TESTAMENTARY, are hereby

granted to Benjamin Aaron Ash, the Execut or named

in said will, who has complied with the requisitions of the law and is

authorized to take upon himself the execution of such will.

Dated, this 20th day of October, 19 53.

(Seal) Tom C. Garner

Judge of Probate.

Filed in the office of the Probate Judge on the 9 day of Feb 1954 at 8 o'clock PM.
and recorded in Deed Book 164 Page 170 this 9 day of Feb 1954.
Deed Tax Mortgage Tax has been paid. L.C. Walker, Judge of Probate