

4632

STATE OF ALABAMA.

JEFFERSON COUNTY.

KNOW all men by these presents:

That I, E.W. Attaway, of Saint Clair County, Alabama, being of sound mind and disposing memory, and desiring while in full possession of all my mental faculties to so order my earthly affairs that there may be no uncertainty after my death as to my wishes concerning the disposition of my earthly estate, do hereby make, publish and declare this to be my last will and testament, expressly revoking and annulling any and all other wills by me previously made.

It is my desire, wish and will that after my death the following things be had and done, to wit:

1.

I desire all my just debts paid with the greatest possible promptness.

2.

That I do name and nominate my beloved son, C. F. Attaway, and my beloved daughter, Dora Attaway, as the executors of this will and of my estate, and do request that they be relieved of the necessity of executing bond in any sum whatever, and of the necessity for making any reports to Court, except their final report as Executors for final settlement of my estate.

3.

That during the pendency of the administration of my estate, I do authorize and charge my said executors to see that my brother, Elijah Attaway, and my son, W. E. Attaway, do not need for any of the necessities and reasonable comforts of life, with no charge against my said son for any amounts expended in his behalf.

4.

That when the administration of my estate has been brought to an end, and I desire this done as speedily as possible, I give and bequeath all of the real and personal property, choses in action and valuable interests of all kinds, of whatever character, to my two children C. F. Attaway and Dora Attaway, as Trustees, for the uses and purposes hereinafter set out. and I do expressly relieve said named Trustees from the necessity of executing bonds in any sum, but I do request that said named Trustees shall prepare and furnish each of my hereinafter named children with an itemized report of their transactions and doing as such trustees at least once every two years after they shall have taken over estate as such trustees.

5.

That I do give and grant unto my said named Trustees full power and control of my estate to handle the same according to their best judgment, and expressly without being required to obtain leave of any Court to make ^{any} sale or disposition of any part of my estate, whether real, personal or mixed property, at such prices or upon such terms as their judgment may dictate.

I direct that my said named Trustees shall devote so much of the income of my estate as may be required to see that my afflicted brother ^{E.W.A.} Elijah Attaway, shall be maintained in reasonable comfort so long as he may live, this to include expenses of clothing, board, maintenance, doctors' bills and expenses of funeral if necessary.

I likewise direct that in the event that my son, ^{W.E.} E. W. Attaway, shall need financial assistance during his lifetime for board, maintenance, doctors' bill, clothing or any other need that appeals to said named Trustees, such shall be furnished to him by said Trustees during the period of his natural life.

My great desire is that neither my afflicted brother nor my son, W. E. Attaway shall come to want or need during their respective lives, and I desire that sufficient of my estate shall always be held in hand or in reserve to insure to these two the help and care above set forth.

6.

That I do give and grant unto my said named Trustees the right to lend any funds belonging to my estate, if their judgment shall so dictate, and upon such terms and such security as they may approve, the income therefrom to be used for estate purposes.

In the event that conditions shall warrant, in the judgment of said Trustees, they shall have the right, without Court order, to sell any real estate and stocks and bonds belonging to my estate, and cash, notes and mortgages from such sales shall be added to the cash finds of my estate.

Whenever in the judgment of said named Trustees there is on hand above the surplus of funds above the amount needed to provide for the needs of Elijah Attaway and W. E. Attaway, that is, an amount above that needed to provide for their needs from the income from such ^{an} amount as the trustees deem sufficient to lend at interest and derive funds needed for the two just named, then the Trustees may make a partial distribution of fund from the moneys on hand not needed to provide for the two just named, such distribution be share and share alike among my surviving children, namely: Ruth A. Bass, Dora A. Attaway, C. F. Attaway, W. N. Attaway, Martha A. Foster, and Irene A. Martin.

In the event of the death of any of my above named children before the closing of the trust herein created, then in the event that such deceased child or children shall leave surviving him or her children of his or her body, then such child or children shall share or have that part of my estate which would have been had by the parent or parents of such children.

This trust shall end upon the death of Elijah Attaway and W. E. Attaway, and upon the death of the last of the two to die the Trustees shall then wind up the trust herein imposed and make distribution to my surviving children, share and share alike, with child or children of deceased child or children of mine to take in place of their deceased parent or parents, of all the remaining parts of my estate not expended or distributed up to that time. If any lands shall not have been sold by my said Trustees before such time of final distribution, then the title thereto shall vest in my legal heirs, share and share alike.

7.

I expressly authorize my said named Trustees to pay all reasonable and proper expenses incurred by them in administering said trust, including the right to employ and pay counsel, if in their judgment needed, and they are not to be held liable for errors of judgment, but only for actual bad faith or malfeasance in handling said trust herein imposed.

8.

That my purpose in executing this instrument is to provide care, support and reasonable comfort to my brother, Elijah Attaway, and my son, W. E. Attaway, during their lives, and that there be an equal division, after such has been accomplished, of my estate among my children; and I trust that all of my children will agree among themselves and assist my said named Trustees in the heavy duties and responsibilities herein imposed upon them.

9.

That in the event of the death or resignation of either of the above named Trustees before said trust has been fully discharged, then I desire that my son, W. N. Attaway, shall assume the duties of such deceased or resigned Trustee, with all the powers, privileges and immunities herein given to the two Trustees named.

In witness whereof, I have hereunto set my hand and seal, on this, the 19th day of June, 1935.

/S/ E. W. Attaway Seal

Witness:

/S/ Chas. B. Aycock .

/S/ Vassar L. Allen .

We, Chas. B. Aycock and Vassar L. Allen, whose names are signed to the foregoing instrument as attesting witnesses thereto, do hereby certify that the same was signed by E. W. Attaway in our presence on the day the same bears date, he declaring the same to be his last will and testament, and that we signed our names thereto as such witnesses at the same time, at his request, in his presence and in the presence of each other.

Witness our hands and seals, on this, the 19th day of June, 1935.

Chas. B. Aycock

Vassar L. Allen

STATE OF ALABAMA

ST. CLAIR COUNTY.

I, M. W. Forman, Judge of Probate Court in and for said County, do hereby that the within instrument of writing has this day, in said Court, and before me as the Judge thereof, been duly proven as the genuine last Will and Testament of E. W. Attaway, deceased, as provided under the law for the probaton of wills in the State of Alabama, and that said will together with the proof thereof is recorded in Book 1 of Wills, page 235, et seq.

In witness whereof, I hereunto set my hand and seal of said Court, this July 22, 1938.

/S/ M. W. Forman
Judge of Probate

Filed 9/1/38 3 PM

no fee due

CERTIFICATE TO COPIES

FORM NO. 1

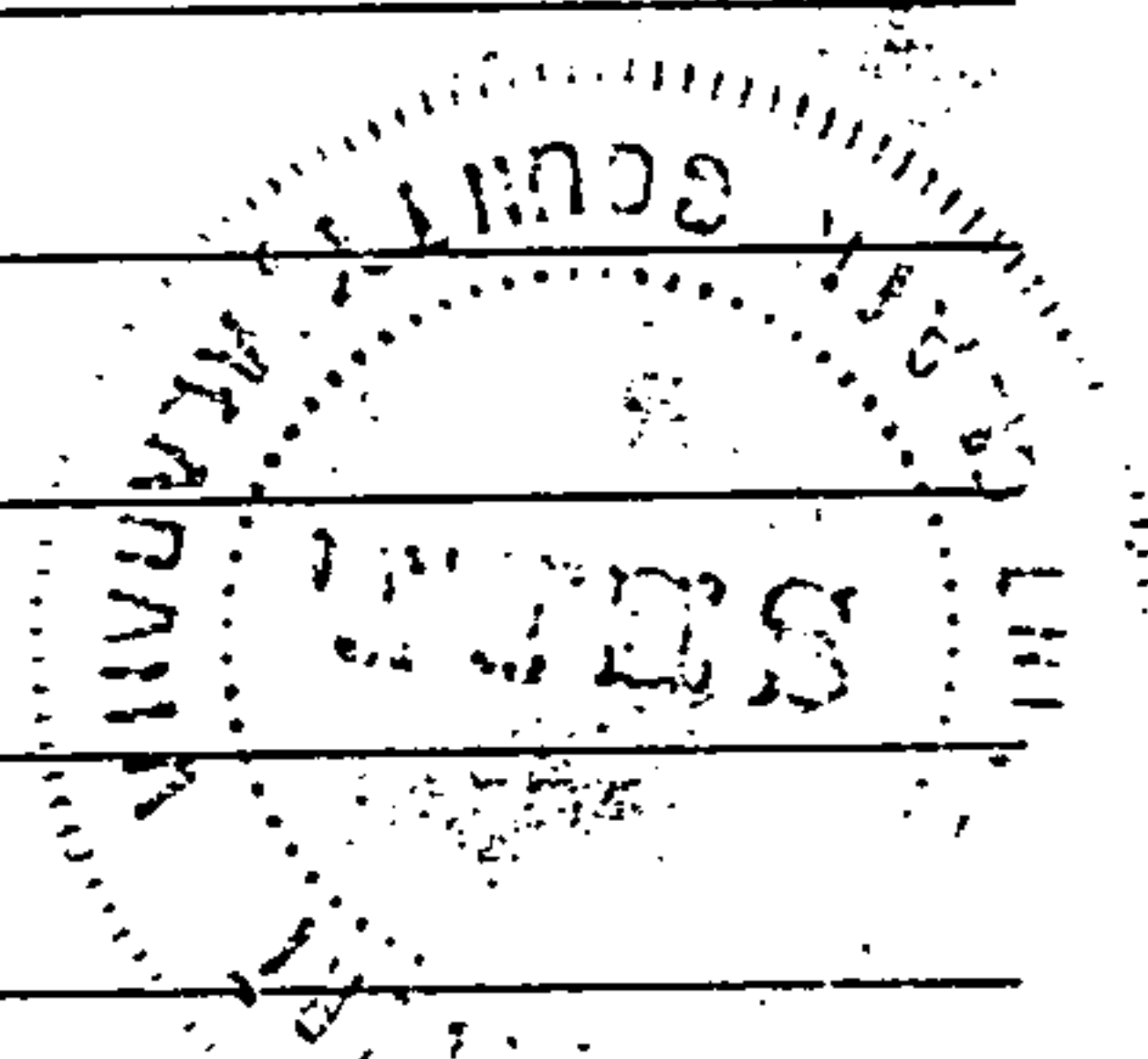
THE STATE OF ALABAMA }
ST. CLAIR COUNTY }

PROBATE COURT

I, M. W. Forman, 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 E. W. Attaway, deceased

in the matter of



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

Given under my hand and official seal, this the 11th

day of April 19 55

M. W. Forman

Judge of Probate

STATE OF ALABAMA, SHELBY COUNTY

I, L.C. Walker, Judge of Probate, hereby certify that the within copy was filed for record the 11 day of Apr 19 55 at 9 o'clock P. and recorded in Recd record 125 Page 31, and the Mortgage Tax of

Deed Tax of — has been paid.

L.C. Walker Judge of Probate