

STATE OF ALABAMA
JEFFERSON COUNTY

Proven - Resp. Ex. A
WILL
RECORDED 120 PAGE 78

34551

KNOW ALL MEN BY THESE PRESENTS: That I, Thomas Green Parker, 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 all wills heretofore made by me.

FIRST: I direct that my just debts and funeral expenses be paid by my executrix as soon after my death as may by her be found convenient.

SECOND: I give, devise and bequeath unto my wife, Ada Parker, all the property, real, personal and mixed, of which I shall die seized and possessed, or to which I may be entitled at the time of my decease.

THIRD: I hereby nominate and appoint Ada Parker, as executrix of this my last will and testament, and direct that she be not required to execute any bonds as such executrix or make any report to any court of her proceedings hereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 28th day of July, 1944.

Thomas Green Parker (SEAL)

Signed and published as his last will and testament by the said Thomas Green Parker in our presence, and we, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day and date of said will.

Marie Levine
Harry Adams

20 231

I, Thomas Green Parker, do hereby add unto my last Will and Testament of the 28th day of July, 1944, the following codicil, to-wit:

It is my additional will and desire that my beloved daughter, N. Alberta Parker, shall be by me given and bequeathed all of my personal effects and properties and also shall have in fee simple estate, my real estate known as Lot 22 in Block 43, according to the survey of Central Park Land Company, as recorded in Vol. 1321 Record of Deeds, page 458 on the 19th day of November, 1949, which shall be retained by my wife, Ada Parker, in life estate until her demise in the event she survives my demise.

In like manner all the rest and residue of my property not covered by this codicil shall go to my children to share and share alike, descending to their children under the laws of descent and distribution.

I hereby nominate and appoint N. Alberta Parker as executrix of this my codicil to my last will and testament, and direct that she be not required to execute any bonds as such executrix or make any report to any court of her proceedings hereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 14th day of April, 1951.

Thomas Green Parker
(SEAL.)

Signed and published as his codicil to his last will and testament by the said Thomas Green Parker in our presence, and we, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day and date of said codicil

Earl C. Morgan
201 Clark Bldg, B'ham, Ala.
Paul M. Patrick
921 - 1/2 St. West, B'ham, Ala.

CERTIFICATE TO THE PROBATE OF WILL

WILL
RECORDED 120 PAGE 79

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

I, G. C. BONER, Judge of the Court of Probate, in and for said

State and County, do hereby certify that the foregoing instrument 8 of writing in Vol 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 and Codicil thereto

of Thomas Green Parker, Deceased and that said Will

together with the proof thereof have been recorded in my office in Book of Wills, Vol. 120 Page 79

In witness of all which I have hereto set my hand, and the seal of the said Court, this the 15th day of May, 1956.

G. C. Boner Judge of Probate

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

PROBATE COURT

I, J. Paul Meeks, 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 Thomas Green Parker, Deceased, together with the Certificate to the Probate thereof, and Codicil to Will,

XXXXXX XXXXXX
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 24th day of Nov., 1959

J. Paul Meeks
Judge of Probate.

FILED 1 DECEMBER 1959

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within 19 at o'clock M. and was filed for record the day of Record at page and the Mortgage Tax recorded in Deed Tax has been paid.

Judge of Probate

No. 102-321

H. ALLENE PARKER,

Complainant,

vs.

ADA PARKER, ET AL,

Respondents.

CIRCUIT COURT, TENTH JUDICIAL

CIRCUIT OF ALABAMA

IN EQUITY

DECREE DISMISSING CAUSE FOR WANT OF PROSECUTION

THIS CAUSE, having heretofore been specially set, duly came on to be called for hearing and trial before a jury this 15th day of June, 1959, at 10:00 o'clock a. m., at which time the complainant appeared by her solicitors, the firm of Parsons, Wheeler & Rose, and Malcolm Wheeler, Esq., of that firm. The respondents appearing by their solicitors, the firm of Daramis, Fitts & Johnston, and James C. Barton, Esq. Respondent Ada Parker also appeared in her own proper person.

Upon the calling of the case, respondents announced "ready", and complainant's counsel moved for a continuance, to which motion respondents objected. The case has twice been set upon the calendar for trial with additional veniremen summoned for service in the Equity Division to accommodate the jury demand. Each time it was continued at the complainant's instance, the last continuance having been May 4, 1959, at which time the Court informed counsel that it would not be disposed to again pass the case which has been pending for more than three years.

In the absence of affidavits or other sworn showing of some specific reason why complainant cannot attend the trial, or submit her deposition, or otherwise proceed to offer testimony in support of her

FILED 1 DECEMBER 1959

BOOK 2110 PAGE 213

contest, the Court is of the opinion that the oral motion for a continuance should be, and it hereby is, denied, and complainant excepts.

Complainant filed in open Court a motion to withdraw the jury demand, which was granted by order endorsed at the foot thereof. Thereupon respondents proceeded to open the proof under Smith vs. Bryant, 82 So. (2d), 411, by making proof of the probate of the will, and codicil thereto. Whereupon the Court inquired whether complainant had any evidentiary matter to offer in support of the contest, and being informed that there was no evidence to be offered, the Court is of the opinion that the cause should be, and it hereby is, dismissed for want of prosecution upon complainant's failure to produce any proof in support of the bill of complaint.

It is, therefore, ORDERED and DECREED by the Court that this cause be, and hereby is, dismissed, and the costs thereof taxed against the complainant H. Allene Parker, for which let execution issue.

DONE and ORDERED, in open Court, this the 15th day of June, 1959.

ROBERT C. GILES

Circuit Judge in Equity Sitting

Copies to:

Messrs. Parsons, Wheeler & Rose, (two)
Attention Mr. Malcolm Wheeler
Murray Bldg.

Messrs. Dumas, Fitts, / Johnson, (one)
Attention Mr. James C. Barton
Brown-Mark Building

FILED 1 DECEMBER 1959

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within Copy of Will was filed for record, the 1 day of Dec 19 59 at 2 o'clock P. M. and recorded in Will Record 206 at page 370 and the Mortgage Tax Deed Tax - has been paid.

Conrad M. Fowler
Judge of Probate