

The State of Alabama
Jefferson County

PROBATE COURT

43980

Petition of Ella R. C. Schanbacher for letters of Administration
upon the Estate of Orville W. Schanbacher, deceased
To the HON. J. Paul Meeks Judge of the Probate Court of said County:

The petition of the undersigned Ella R. C. Schanbacher Respectfully
represents that Orville W. Schanbacher departed this life
in Birmingham Alabama on or about the 17 day of September 19 60, leaving
no last will and testament, so far as your petitioner knows or believes, and that his
death was known more than five days before this day, and this petition further shows that the said
Orville W. Schanbacher was at the time of his death an inhabitant
of Jefferson County, Alabama and died seized and possessed of real and personal estate in
Jefferson County, Alabama
consisting chiefly of real and personal property

all of said property and real estate being estimated to be worth Ten Thousand DOLLARS,
and probably not more; that the names, residences, ages and conditions of the heirs and distributees of the
estate of said decedent, so far as your petitioner knows and believes, are as follows, to-wit:
Ella R. C. Schanbacher, over the age of 21, Birmingham, Alabama

the widow, and
Mary Ann Schanbacher Starke, daughter, over the age of 21
Orville W. Schanbacher, Jr., son, Birmingham, Ala., over the age of 21;
Robert V. Schanbacher, son, Birmingham, Ala., over the age of 21; and Jo Ann
Schanbacher, daughter, Birmingham, Ala., a minor age 15;

~~That your petitioner being the widow of said deceased, an inhabitant of this State, above the age of twenty-one years, and in no respect disqualified under the laws from serving as administratrix believing that the said estate should be immediately administered to the end that said property may be collected and preserved for those who shall appear to have a legal right or interest therein, does, therefore by virtue of her right under the statute, pray that Your Honor will grant Letters of Administration on said estate to her upon her entering into bond in such sum as is required by the statute, and with such security or securities as shall be approved by Your Honor.~~

Petitioner further states that post office address is 3124 Pine Ridge Rd., Birmingham, Ala.

Ella R. C. Schanbacher
Ella R. C. Schanbacher

STATE OF ALABAMA—JEFFERSON COUNTY

Ella R. C. Schanbacher

being duly sworn, deposes and says that the facts alleged in the above are true according to the best of her knowledge, information and belief,

Sworn to and subscribed before me this the

30 day of September 19 60

Cora E. Meeks
Notary Public.

Ella R. C. Schanbacher
Ella R. C. Schanbacher

The State of Alabama,
JEFFERSON COUNTY

COURT OF PROBATE

Letters of Administration

on the Estate of Orville W. Schanbacher, deceased
are hereby granted to Ella R. C. Schanbacher

who has duly qualified and given bond as such, and is authorized to administer such Estate.

Witness my hand and dated, this 3rd day of October, 19 60

J. Paul Meeks,

Judge of Probate.

(SEAL)

218 PM 135

IN THE MATTER OF THE ESTATE OF
ORVILLE W. SCHANBACHER, DECEASED.

Case No. 43980

PROBATE COURT, JEFFERSON COUNTY, ALABAMA

D E C R E E

This cause coming on to be heard upon the sworn petition of Ella R. C. Schanbacher for setting aside homestead exemption in favor of the widow and minor child, to be exempt from the administration of the payment of debts, as provided in Code of Alabama 1940, Title 7, Section 662, and for the sale of land for allotment of homestead, as provided in Title 7, Section 687; it appearing that notice of said hearing was duly served upon Orville W. Schanbacher, Jr., Robert V. Schanbacher, Mary Ann Schanbacher Starke, each over the age of 21 years, and Jo Ann Schanbacher, a minor, who is duly represented by Douglas Carmichael, Guardian ad Litem;

The case being submitted upon the written and oral testimony of Ella R. C. Schanbacher, the widow of Orville W. Schanbacher, and it appearing therefrom that Orville W. Schanbacher, the deceased, at the time of his death had no homestead exempt to him from levy and sale under process, and did own real estate situated in Shelby County, Alabama, the description of which is set forth in the petition, and that said real estate was all of the real estate so owned by Orville W. Schanbacher, deceased;

That the estate of Orville W. Schanbacher is presently pending in the Probate Court of Jefferson County, Alabama, and there has been no final distribution of the assets of decedent's estate, and that neither the widow nor minor child of said decedent has obtained the benefit of any exemption under Title 7, Section 654, Code of Alabama 1940;

That said property so located in Shelby County has been duly appraised by appraisers appointed by this Court, who made a report fixing the value of said property at \$10,000.00;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the following described property, located in Shelby County, Alabama, to-wit:

Part of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, Township 18, Range 1 West described as follows: Begin at NE corner of said forty and run West along North line a distance of 260 feet to point of beginning of tract herein described; thence run South 32 deg 40' West 623 feet; thence South 57 deg 20' East 750 feet to East line of said forty; thence South along East line of SE corner of said forty; thence West along South line of said forty to SW corner; thence North to NW corner; thence North 86 deg 30' East 1072 feet to point of beginning.

Part of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28, Township 18, Range 1 West described as follows: Begin at a point which is 200 feet North of the SW corner of Section 28, Township 18, Range 1 West and run East parallel with South line of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section to a point on East line of said forty which is 200 feet North of SE corner of said forty; thence North along

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East line of said forty 1120 feet to NE corner of said forty; thence continue North along East line of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ a distance of 600 feet to SE corner of Leslie H. Smith property; thence North 67 deg West along SE line of Leslie H. Smith property a distance of 260 feet to the top of a ridge; thence in a Southwesterly direction along top of ridge to South line of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ at a point 806 feet West of SE corner; thence continue South along top of ridge, South 50 deg West 674 feet to a point on West line of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ at a point 684 feet North of point of beginning; thence run South along West line of said forty 684 feet to point of beginning.

Part of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, Township 18, Range 1 West described as follows: Begin at the SW corner of said forty and run North 2 deg 30' West a distance of 653 feet; thence South 61 deg East 1230 feet to South line of said forty; thence South 86 deg 30' West 1072 feet to point of beginning.

Except, however, all oil and gas as well as all coal, iron and gold and other minerals and metals in, under and on, said land with mining rights and privileges; except also, all public road rights of way, if any.

be sold for a sum not less than \$10,000.00, with a cash payment thereof not less than \$6,000.00, and that out of the proceeds of said sale shall be paid all the costs of the same, including costs of court, guardian ad litem's fee, abstract or title insurance, revenue stamps and recording fees. The matter of attorney's fees will be reserved until final settlement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that notice of said sale shall be given by the administrator as provided in Title 61, Section 257, said sale to be held at the Courthouse in Columbiana, Alabama, Shelby County, Alabama, at 12 o'clock Noon on the date as specified in the notice of sale. The administratrix or her designated agent or attorney is authorized to conduct the sale.

This the 11th day of July, 1961.

J. Paul Meeks, Judge of Probate

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IN THE MATTER OF THE ESTATE)
OF ORVILLE W. SCHANBACHER,)
DECEASED.)

IN THE PROBATE COURT,
JEFFERSON COUNTY,
ALABAMA.

#43980

REPORT OF PAYMENT OF PURCHASE PRICE

TO THE HONORABLE J. PAUL MEEKS, JUDGE OF THE PROBATE COURT OF
SAID COUNTY:

Comes Ella R. C. Schanbacher, the Administratrix of the
Estate of Orville W. Schanbacher, deceased, and represents to this
Court that there has been paid to her the balance of the purchase
price of Thirteen Thousand Eight Hundred Fifty and 00/100 dollars
(\$13,850.00) due by Malone Freight Lines, Inc., the purchaser at
that certain sale of lands situated in Shelby County, Alabama,
which said sale was held, pursuant to the former order and decree
of this Court, on the 25th day of August, 1961, and which sale
has been confirmed by order of this Court on the 8th. day of
September , 1961.

This Administratrix represents to this Court that there
has now been paid to her the total purchase price of said land,
the same being the sum of Fourteen Thousand Eight Hundred Fifty
and 00/100 Dollars (\$14,850.00), and that she now holds the same
as the Administratrix of the Estate of Orville W. Schanbacher,
deceased.

PREMISES CONSIDERED, the undersigned respectfully prays
that she, as such Administratrix aforesaid, be authorized and
directed by this Court to convey by proper deed to the said pur-
chaser all right, title and interest which the said Orville W.
Schanbacher, deceased, had in and to the said lands at the time
of his death, which said lands are described in said order of
this Court confirming said sale.

This, the 8th. day of September , 1961.

Ella R. C. Schanbacher

Administratrix of the Estate of
Orville W. Schanbacher, deceased

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IN THE MATTER OF THE ESTATE)

OF ORVILLE W. SCHANBACHER,)

DECEASED.)

IN THE PROBATE COURT

OF JEFFERSON COUNTY,

ALABAMA. #43980

CONFIRMATION OF SALE OF LANDS

More than ten (10) days having elapsed since came Ella R. C. Schanbacher, the Administratrix of the Estate of Orville W. Schanbacher, deceased, and filed her report in writing and under oath setting forth among other things, that on the 25th day of August, 1961, at 12:00 o'clock Noon, in strict accordance with all the terms and requirements of the former order and decree of this Court granted and entered in the premises on the 11th day of July, 1961, she did, acting by and through her duly designated agent, Alfred Swedlaw, sell at public outcry at the entrance of the Court House, Columbiana, Shelby County, Alabama, the lands located in Shelby County, Alabama, set forth in said former order and decree of this Court and more particularly described as follows, to-wit:

Part of NE 1/4 of SW 1/4 of Section 28, Township 18, Range 1 West described as follows: Begin at NE corner of said forty and run West along North line a distance of 260 feet to point of beginning of tract herein described; thence run South 32 deg. 40' West 623 feet; thence South 57 deg. 20' East 750 feet to East line of said forty; thence South along East line to SE corner of said forty; thence West along South line of said forty to SW corner; thence North to NW corner; thence North 86 deg. 30' East 1072 feet to point of beginning.

Part of W 1/2 of SW 1/4 of Section 28, Township 18, Range 1 West described as follows: Begin at a point which is 200 feet North of the SW corner of Section 28, Township 18, Range 1 West and run East parallel with South line of SW 1/4 of SW 1/4 of said section to a point on East line of said forty which is 200 feet North of SE corner of said forty; thence North along East line of said forty 1120 feet to NE corner of said forty; thence continue North along East line of NW 1/4 of SW 1/4 a distance of 600 feet to SE corner of Leslie H. Smith property; thence North 67 deg. West along SE line of Leslie H. Smith property a distance of 260 feet to the top of a ridge. Thence in a Southwesterly direction along top of ridge to South line of NW 1/4 of SW 1/4 at a point 806 feet West of SE corner; thence continue South along top of ridge, South 50 deg. West. 674 feet to a point on West line of SW 1/4 of SW 1/4 at a point 684

feet North of point of beginning; thence run South along West line of said forty 684 feet to point of beginning.

Part of the SE 1/4 of NW 1/4 of Section 28, Township 18, Range 1 West described as follows: Begin at SW corner of said forty and run North 2 deg. 30' West a distance of 653 feet; thence South 61 deg. East 1230 feet to South line of said forty; thence South 86 deg. 30' West 1072 feet to point of beginning.

Except, however, all oil and gas as well as all coal, iron and gold and other minerals and metals in, under and on, said land with mining rights and privileges; except, also, all public road rights-of-way, if any.

That said lands were purchased at said sale by Malone Freight Lines, Inc., for the sum of Fourteen Thousand Eight Hundred Fifty and 00/100 dollars (\$14,850.00), and it appearing to the satisfaction of the Court from said report and from the evidence therewith submitted that said amount so bid for said lands by the said Malone Freight Lines, Inc., was the highest and best bid for the same; that said sum so bid was not greatly less or disproportionate to the real value of said lands; that said sale was fairly conducted and that neither the said Administratrix nor her said agent is interested either directly or indirectly in said sale and that there has been paid to said Administratrix as earnest money to apply on said purchase price, the sum of one thousand dollars (\$1,000.00), the balance of said purchase price to be paid upon confirmation of the sale by this Court and the delivery of a deed to the purchaser.

NOW, THEREFORE, it is hereby ORDERED, and DECREED that said sale be, and the same hereby is, confirmed by the Authority of this Court. It is further ordered that said report and all other papers on file relating to this proceeding be recorded. It is further ordered that said Administratrix pay the costs of this proceeding, to be allowed to her against said estate.

This, the 8th day of September, 1961.

J. Paul Melby
JUDGE OF THE PROBATE COURT

IN THE MATTER OF THE ESTATE
OF ORVILLE W. SCHANBACHER,
DECEASED.

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IN THE PROBATE COURT,
JEFFERSON COUNTY,
ALABAMA. #43980

ORDER TO CONVEY LANDS

This day came Ella R. C. Schanbacher, Administratrix of the Estate of Orville W. Schanbacher, deceased, and filed her report in writing showing that there has been paid to her, as Administratrix of the Estate of Orville W. Schanbacher, deceased, by Malone Freight Lines, Inc., the purchaser at the sale held on the 25th day of August, 1961, and confirmed by order of this Court on the 8th day of *September*, 1961, certain lands owned by the said decedent, at the time of his death, in Shelby County, Alabama, the sum of Fourteen Thousand Eight Hundred Fifty and 00/100 dollars (\$14,850.00), which sum represents the purchase price in full for said lands.

And it appearing, therefore, that the said Malone Freight Lines, Inc., has now paid the said Administratrix the entire amount of the purchase money for which the said lands were sold and the Court being now satisfied that the said sale of said lands was in all things regular and fair, and that the said sale was heretofore duly approved and confirmed by the Decree of this Court.

It is ORDERED, ADJUDGED and DECREED that the said Ella R. C. Schanbacher, as such Administratrix as aforesaid, be, and she hereby is, authorized to convey by proper deed to the said Malone Freight Lines, Inc., all right, title and interest which the said Orville W. Schanbacher, deceased, had in and to the said lands at the time of his death.

This, the 8th day of *September*, 1961.

J. Paul Meeks
JUDGE OF THE PROBATE COURT

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 Petition for Letters of Administration, Letters of Administration granted to Ella R. C. Schanbacher, Decree of Sale, Report of Payment of Purchase Price, Confirmation of Sale of Lands, and Order to Convey Lands,

in the matter of the Estate of Orville W. Schanbacher, deceased,

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

Given under my hand and official seal, this

the 12 day of September, 19 61.

J. Paul Meeks
Judge of Probate.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 11-2-61
RECORDED 2 MTG. T. S.
& S. 11-2-61
PD. ON THIS INSTRUMENT.
Conrad M. Fowler
JUDGE OF PROBATE

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