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WILL

State of Alabama,
Chilton County.

I, T. C. McSwain, a resident citizen of Clanton, Chilton County, State of Alabama, and being over the age of 81 years, and being of sound mind and disposing memory, do hereby make and publish this my last will and testament, revoking all former wills which may have been made heretofore by me.

First. I will that all of my debts, funeral expenses, and expenses of last sickness shall be paid by my executrix as soon after my decease as practicable out of any money that I may have on hand at the time of my death, and if there is not sufficient money on hand with which to pay my debts I will that my executrix dispose of so much of my property by sale as may be necessary in order to obtain money with which to pay my debts. It is my will that my property not be sacrificed, but that it be disposed of or a necessary amount of it be disposed of as may be necessary to settle or pay any and all indebtedness, which may be due by me at the time of my death.

Second. I will, devise and bequeath unto my beloved wife, Sidney McSwain, all personal property that I may die seized and possessed of, this shall include all household and kitchen furniture, all notes and mortgages held by me and payable to me at my death, all money that I may have in banks or at home and all other personal property that I may die seized and possessed of, and which is not here enumerated.

Third. I will, devise and bequeath unto my beloved wife, Sidney McSwain, all the real estate that I may die seized and possessed of, which real estate shall include our

THE STATE OF ALABAMA,
Chilton County.

PROBATE COURT.

In the Matter of the Probate of the Last Will and Testament of.....

T. C. McSwain.....deceased.

Before me,.....J. Lee Smith.....Judge of the said Court,

personally appeared in open Court.....E. C. Parrish and G. O. Jones.....

who having been by me first duly sworn and examined, did and does depose and say on oath that
they are a subscribing witness to the instrument of writing now shown to them and which
purports to be the Last Will and Testament of.....T. C. McSwain.....deceased, late
an inhabitant of this County, that said.....T. C. McSwain.....

since deceased, signed and executed said instrument on the day that same bears date, and declared
the same to be.....his.....Last Will and Testament, and that affiant set.....their.....signature thereto,
on the day the same bears date, as a subscribing witness to the same in the presence and at the
request of said.....T. C. McSwain.....and in the presence of the other
subscribing witness, and that such other witness subscribed his.....name as a witness in his.....
presence and in the presence and at the request of said.....T. C. McSwain.....

That said.....T. C. McSwain.....was of sound mind and disposing
memory, and in the opinion of deponent fully capable of making.....his.....will, at the time the
same was so made as aforesaid. Affiant further states that said.....

T. C. McSwain.....was on the day of the said date of said
Will, of the full age of twenty-one years and upwards.

E. C. Parrish

G. O. Jones

Subscribed and sworn to before me this 22nd day of July, 1937.

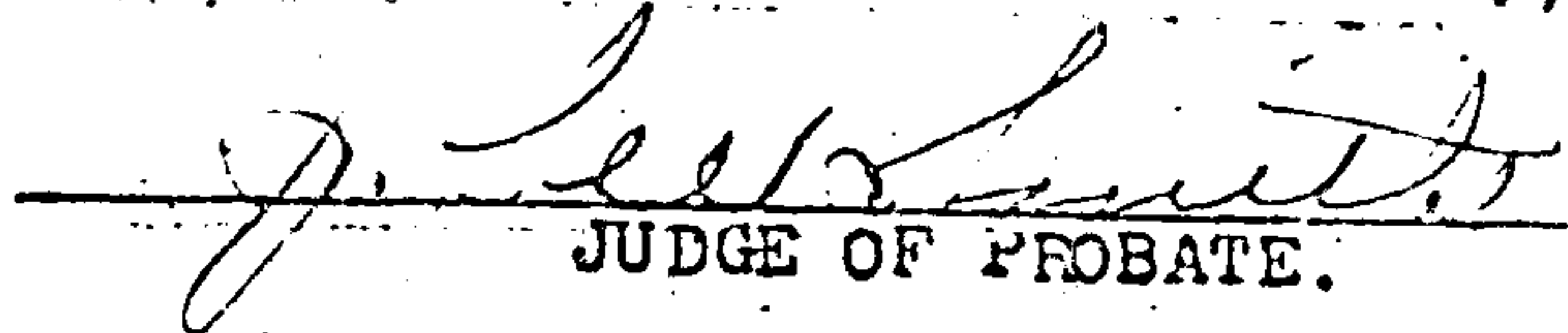
J. Lee Smith

Judge of Probate.

THE STATE OF ALABAMA,
CHILTON COUNTY.

I, J. Lee Smith, Judge of the Court of Probate, in and for said State and County, do hereby certify that the within 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 T. C. McSwain, deceased; and that said Will together with the proof thereof, has been recorded in my office in Book of Wills, Vol. 3, Page 226.

In Witness of all of which I have hereto
set my hand, and the seal of the said
Court, this the _____ day of July, 1937.


JUDGE OF PROBATE.

home and any and all other real estate which I may die seized and possessed of, this real estate to be hers absolutely. It is my will, and I do so will, devise and bequeath unto my beloved wife, Sidney McSwain, all personal property, real estate and all other property by what other name called, which is not here specifically enumerated. This to be hers absolutely.

I nominate and appoint my beloved wife, Sidney McSwain, as executrix of this my last will and testament, and declare that she shall not be required or requested to give any bond for the performance of her duties arising hereunder; nor shall she be required to make any inventory of the property coming into her hands as such executrix, nor make any report to any court of her proceedings hereunder.

Witness my hand this 20 day of April, 1932.

T C McSwain

Signed and declared to be his last will and testament, by T. C. McSwain in our presence, and we in his presence, and in the presence of each other, and at his request, have hereunto set our names as witnesses on the day the same bears date.

[Signature]
[Signature]

THE STATE OF ALABAMA,)

PROBATE COURT

Chilton County)

July 22nd.

1937.

The Will of T. C. McSwain

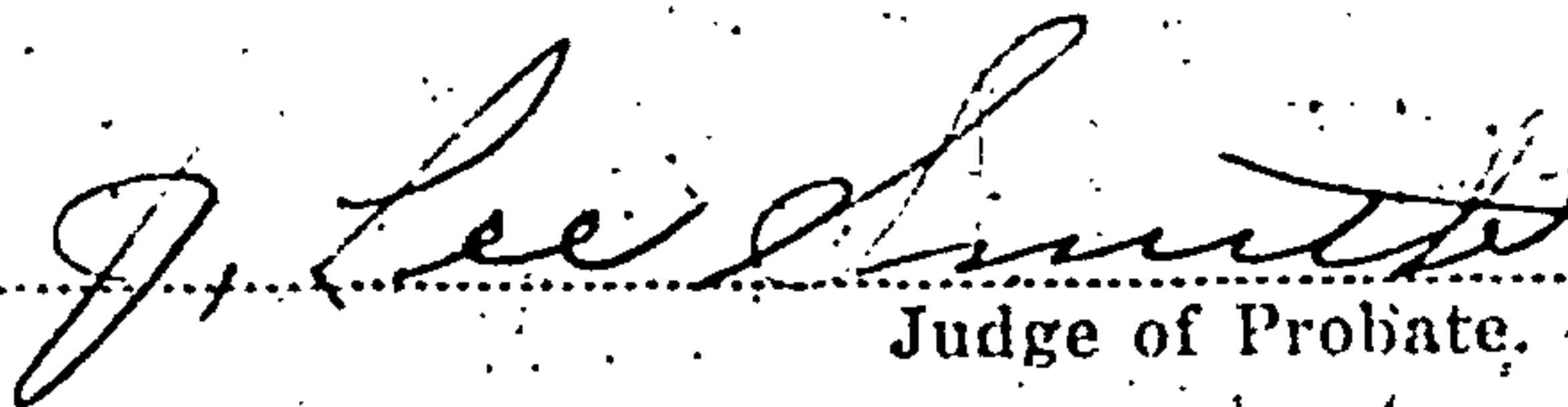
of the said County, having been duly admitted to record, in said County, Letters Testamentary are

hereby granted to Sidney McSwain

the Executrix, named in said Will, who has complied with the requisitions of the law

and is authorized to take upon herself the execution of such Will.

Dated this 22nd day of July, 1937.


Judge of Probate.

State of Alabama)

IN THE PROBATE COURT OF SAID COUNTY.

Chilton County)

IN THE MATTER OF THE FINAL SETTLEMENT OF SIDNEY MCSWAIN, AS EXECUTRIX, OF THE LAST WILL AND TESTAMENT OF T. C. MCSWAIN, DECEASED.

This cause coming on to be heard on this, the 23rd of September, 1940, this being the day for which the hearing of this matter had heretofore been set, by order of this Court on the petition of Sidney McSwain, as executrix of the estate of T. C. McSwain, deceased, for final settlement of said estate.

And it appearing to the Court that each of the heirs of said estate of T. C. McSwain, deceased, having filed their written assent in this cause, do and have hereby waived publication in a newspaper published in Chilton County, Alabama, as provided for in Section 5904 of the Code of Alabama, 1923, providing that notice of the final settlement be given in a newspaper published in Chilton County, Alabama, that is, the publication in the newspaper as provided for in the above mentioned section of the Code, has been waived by the heirs of the said T. C. McSwain, deceased, notice of the hearing having been posted at the Court House door as provided in Section 5906 of Code, 1923. It does further appear that all of the heirs of T. C. McSwain, deceased, are of sound mind and over the age of 21 years, except Thad McSwain, Jr., a son, and Frances McSwain, a daughter, who are each under the age of 21 years, and that all of the heirs of the said T. C. McSwain, deceased are residents of the State of Alabama.

It appearing from said petition that Thad McSwain, Jr. and Frances McSwain are minors, under the age of 21 years, and that by proper order this Court has appointed A. B. Foshee as guardian ad litem to represent the interest of said minors.

It appears to the Court from the petition filed by Sidney McSwain, as executrix of the estate of T. C. McSwain, deceased, heretofore filed and from the will of the said T. C. McSwain, deceased heretofore filed for Probate in this Court, that the said

executrix, the said Sidney McSwain was relieved and released from filing any vouchers or checks or evidence of her distribution, payment or handling of the estate of the said T. C. McSwain, deceased, and that in said will the said T. C. McSwain, deceased, did give, will, devise and bequeathed unto his wife, the said executrix the said Sidney McSwain, all of his property, both real and personal and requested in said will that she be relieved of giving any bond for the performance of her duties arising under said will, and that she be relieved from making any report to any Court of her actions in regard to the property coming into her hands as said executrix of said will.

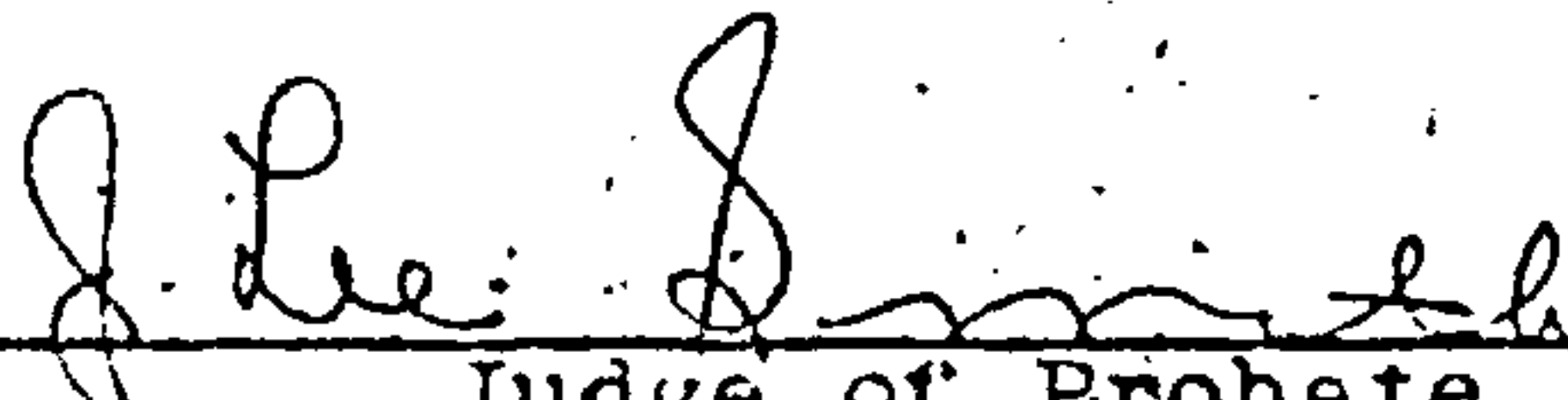
In and as a part of said will, the said T. C. McSwain, deceased, directed, and requested that his real estate be sold by his said executrix in order to pay the debts owing by him at the time of his death, but that his land not be sacrificed and sold at a price less than its reasonable fair market value. It appears from the petition for final settlement heretofore filed by said executrix, that at the time of the death of T. C. McSwain that he owed debts to various and different people in the aggregate amount of \$23,000.00 or more, and that since his death the said executrix has paid all of these debts, except the debt due to the Protective Life Insurance, Birmingham, Alabama, and the Federal Land Bank, New Orleans, Louisiana. That the aggregate amount of these two debts is not more than \$5,000.00. That the debt owing and due to the Protective Life Insurance Company is being liquidated by rents on real estate mortgaged to it and owned by the said T. C. McSwain, deceased, at the time of his death; and that the debt owing to the Federal Land Bank is being paid according to the stipulation or payments mentioned in said mortgage to said bank by T. C. McSwain, deceased.

It appearing to the Court from the petition filed and from the reading of the will and from other evidence furnished to the Court that it will not be necessary, and this Court should not require the said executrix to file written evidence of her expenditures of the assets of said estate, and that said executrix is hereby relieved of said duty.

And it further appearing to the Court that all of the heirs over the age of 21 years having filed in this Court an acceptance of service of notice of the final settlement, and that the minors were represented by a guardian ad litem.

And it further appearing to the Court that all matters in this estate have been completed, it is therefore, ordered, adjudged and decreed by the Court, that the same is hereby settled and closed, and that the said Sidney MoSwain, as such executrix, not being required under the terms of the will to make or give any bond for the performance of her duties arising thereunder, and it is therefore ordered, adjudged and decreed that the said Sidney MoSwain, as such executrix of said will is hereby discharged, and things pertaining to said will is hereby closed and that all papers in this matter be recorded, as required by law.

Decreed in open Court, this the 23rd day of September, 1940.



Judge of Probate

CERTIFICATE TO COPIES

THE STATE OF ALABAMA
CHILTON COUNTY

PROBATE COURT

I, Thomas A. Hayes, 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

Decree in Final Settlement Recorded Probate Record 30 Page 419-20

Will and Certificate Recorded in Will Record 3 Page 226

Proof of Will Recorded in Probate Record 29 Page 91

Letters Testamentary Recorded Probate Record 29 Page 93

in the matter of T. C. McSwain, deceased

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

Given under my hand and official seal this the 9th

day of April, 1968

Thomas A. Hayes
Judge of Probate

STATE OF ALA. SHERIFF
JURY THIS
INSTRUMENT WAS FILED
APR 20 1968
UCC FILING
REC. BK. & FILE AS SHOWN
CHANCE PROBATE

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