

LAST WILL AND TESTAMENT
OF
ANTHONY E. HOWELLS

60266

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Anthony E. Howells a resident of the City of Birmingham, Jefferson County, Alabama, being aware of the uncertainty of the continuance of life and being of sound mind, do hereby make and publish this my last will and testament, hereby revoking any and all wills and codicils heretofore executed by me.

ITEM ONE

It is my will that all of my lawfully just debts be paid as soon after my death as the prudent and orderly administration of my estate will permit. I include in my just debts the expenses of my last illness, my funeral and burial expenses, the cost of acquiring a suitable place of burial and the cost of erecting such marker or monument, as a majority of my children may select.

ITEM TWO

I hereby give and bequeath unto my eldest daughter, Barbara H. Mc Glynn the sum of \$5,000.00 in cash. If at the time of my death I do not have that much cash in my estate, then my executor hereinafter named shall sell so much of my property as may be necessary in order to deliver said sum to her.

ITEM THREE

If my daughter, Rebecca, commonly known as "Reba", be under the age of 21 years at the time of my death, and she is then unmarried, I hereby give and bequeath unto her the sum of \$150.00 per month, payable to her in equal

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monthly installments until she attains the age of 21 years or marries. The first such installment of \$150.00 shall be due and payable to her, if she meets the conditions herein imposed, upon the first day of the first month following the date of my death, and a similar installment of \$150.00 shall be paid to her upon the first day of each month successively thereafter, until the first occurrence of one of the following events:

A. The attainment of the age of 21 years by her;

B. Her marriage or;

C. Her death; and thereupon her right to receive monthly installments shall cease and any of the fund established hereby remaining on hand shall be distributed as a part of my residuary estate as provided in Item Five hereof.

In order to insure the performance of this provision for the maintenance and support of my said daughter until she attains the age of 21 years, or marries, my executor shall set aside out of my estate a sum equal to the total of such monthly installments which will become payable to my said daughter hereunder if she survives me, is under the age of 21 at the time of my death and should reach the age of 21 years without marrying. Out of the sum thus set aside, my executor shall pay the monthly installments until Reba's right to the same shall terminate as herein provided. The said monthly installments for the benefit of Reba shall be paid to my former wife, Rebecca DeLay Howells, mother of Reba. I have the utmost confidence in the integrity of my former wife and feel sure that she will use and administer said funds to the best interest of my said daughter. The receipt and release of my former wife Rebecca to my personal representative shall serve as a discharge pro tanto for the amounts paid by my personal representative to her hereunder. I hereby constitute and appoint my former wife Rebecca DeLay Howells, as guardian of our daughter Reba if our said daughter be under the age of 21 years at the time of my death. The said guardian shall not be required to give any bond or render any accounting. I want her to see that our daughter receives as good education as her estate will permit and as she may be willing to receive and capable of receiving.

ITEM FOUR

I hereby give and bequeath my 410 gage Winchester Shot Gun to my son Anthony E. Howells, Jr. I hereby give and bequeath my fishing tackle and

other guns to my son Byron DeLay Howells. I give and bequeath my ring and watch to my son William Stanton Howells.

ITEM FIVE

All of the last residue and remainder of my property of every kind and character whatsoever, wheresoever situated, both real, personal and mixed, including anything of value in which I may have an interest, or to which I may be entitled at the time of my death, I hereby give, devise and bequeath share and share alike to my beloved children, Barbara H. Mc Glynn, of Montgomery, Alabama, Anthony E. Howells, Jr., William Stanton Howells, Byron DeLay Howells, and Rebecca (or Reba) Howells; but if any of my said children be dead, I hereby give, devise and bequeath the interest which would have gone to such deceased child but for his or her death, unto the lawful descendants of such deceased child in equal shares per stirpes and not per capita, and if such deceased child leave no lawful descendant of him or her surviving, then I hereby give, devise and bequeath the share of such deceased child unto my said surviving children and unto the lawful descendants of such of my said children as may then be dead in equal shares per stirpes and not per capita. In order to avoid any argument, I hereby authorize my personal representative, hereinafter named, to sell all of my assets not herein before specifically devised and make the division in money, if he deems it to be for the best interest of any children. At present I am in the Tile Business. The business is conducted in the form of a corporation known as Floor Engineers Inc. I empower my executor to sell said business, or liquidate said business as he may think best, for none of my children have shown any signs of being capable of operating the business. For the purpose of winding up the business my executor is authorized to subcontract any unfinished jobs to reputable tile contractors upon such terms as seem best to my executor with the consent of the property owner affected thereby.

ITEM SIX

I hereby constitute and appoint my friend, William Howard Borland, who for many years has made my tax returns and has audited my books, as executor of this my last will and testament. If he fails to survive me or

having survived me refuses to serve then, I hereby constitute and appoint his son, William Howard Borland, Jr., who is at present in partnership with him, as executor of this my last will and testament. If the said William Howard Borland, undertakes the administration of my estate, and resigns or dies, before completing the administration or becomes disqualified or unable to act before completing the administration then I hereby constitute and appoint his son William Howard Borland, Jr. as his successor executor. Neither of them shall be required to give any bond to insure the faithful performance of their duties. I hereby empower either executor herein named: to sell, exchange, transfer, or convey, either before or after option granted, all or any part of my estate upon such terms and conditions as he sees fit; to improve, repair, lease, rent for improvement, or otherwise, for a term beyond the possible termination of the administration of my estate, or for any less term, either with or without option to purchase, and to lease, exchange, release, partition, vacate, dedicate, or adjust the boundaries of any real estate constituting a part of my estate; to hold any property or securities originally received by him as a part of my estate so long as he shall consider the retention thereof to be for the best interests of my estate irrespective of whether such property or securities are so-called "legal" investments of trust funds, without liability for depreciation or loss through error of judgment, and in disposing of any property constituting a part of my estate to acquire other property which is not a so-called "legal" investment of the estate funds, where such course is in his opinion for the best interests of my estate; to set up reserves to meet such items of depreciation obsolescence, repairs or amortisation of indebtedness deemed by my executor to be a proper charge against my estate; to keep any property constituting a part of my estate properly insured against fire and other hazards, to pay all taxes or assessments, mortgages or other liens resting upon said property at my death and to pay all of the expenses of administration incurred in the exercise of the power herein vested in my executor, as he shall in his judgment deem to be or as may be proper or necessary; to make division and distributions hereunder either in cash or in kind, or partly in cash and partly in kind, and for that purpose to determine the values thereof and to determine the persons entitled to take hereunder; to liquidate and dissolve any business or

partnership in which I may be interested at such time and upon such terms and conditions as in the judgment of my executor will serve the best interests of the estate; to use the funds of my estate to protect my interests in any contract, business, or partnership in which I may be interested at the time of my death, or to protect any interest which I may have in the stock and securities of any corporation; to vote in person or by proxy all stocks held in my estate and to unite with other owners of similar property in carrying out any plan for the reorganization of any corporation or company the securities of which form a portion of my estate; to exchange the securities or stocks of any corporation for other securities or stocks upon such terms as he shall deem proper, to assent to the consolidation, merger, dissolution or reorganization of any partnership, to institute and defend any and all suits, actions, or legal proceedings relating to my estate, or any part thereof, in any court and to employ counsel and to compromise or submit to arbitration all matters of dispute in which my estate may be involved as in the judgment of my executor may be necessary or proper; to execute and deliver any and all contracts, conveyances, transfers, or the other instruments, and to do any acts necessary or desirable in the execution of the powers herein vested in him; to employ counsel and pay the fees of such counsel and the expenses incurred by such counsel and to rely upon and act upon the advice of counsel.

ITEM SEVEN

If there be any estate or inheritance tax or other taxes payable by reason of my death, the same shall be paid out of that portion of my estate disposed of by Item Five of this my last will and such taxes shall not be chargeable against any other property, insurance on my life or other thing of value passing by reason of my death.

IN WITNESS WHEREOF, I, the said Anthony E. Howells, have hereunto set my signature and seal on this the 9 day of Oct. , 1952 hereby declaring the instrument contained on this and the four preceding pages to be my last will and testament.

Anthony E. Howells (SEAL)
ANTHONY E. HOWELLS

The foregoing was signed, sealed, published and declared by Anthony E. Howalls to be his last will and testament and in our presence and we at his request and in his presence and in the presence of each other, have hereunto set our signatures, attesting witnesses, on the day the said instrument bears date.

JD
RECORD

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Ruth Quinn Christian

1615 7th ave. W. Birmingham, Ala.

Will A. Smith

9036 - Behrman Drive Bham Ala

John E. Gillon

1260 1/2 3rd St, Birmingham, Ala.

Filed in office this the 23rd
day of February, 1967
for Probate and Record.

J. Paul Meeks
Judge of Probate

CERTIFICATE TO THE PROBATE OF WILL

**THE STATE OF ALABAMA,
JEFFERSON COUNTY.**

I, J. PAUL MEEKS, Judge of the Court of Probate, in and for said State

and County, do hereby certify that the foregoing instrument_____ of writing ha^s 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 Anthony E. Howells, Deceased and that said Will_____

together with the proof thereof have been recorded in my office in Judicial Record, Vol. 118 Page 354 360

In witness of all which I have hereto set my hand, and the seal of the said Court, this date February 23, 19

Form No. 98

J. Paul Meeks, Judge of Probate

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILE
1570 SEP 30 PM 9:42
U.C.C. FILE NUMBER 13
REC. BK. & PAGE AS SHOWN ABOVE
Carroll M. G.
JUDGE OF PROBATE