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Shelby Cnty Judge of Probate, AL
11/03/1976 12:00:00 AM FILED/CERT

LAST WILL AND TESTAMENT
OF

FLORENCE GASKIN COLE

J-21942
\$22.00

65469

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Florence Gaskin Cole, a resident of Jefferson County, Alabama, being of sound mind and disposing memory, and above the age of twenty-one years, do hereby make and publish this my Last Will and Testament, hereby revoking any and all wills heretofore made by me.

ITEM I

I direct that all of my just debts, including the expenses of my last illness and funeral, be paid by my Executor, hereinafter named, as soon after my death as he shall deem advisable.

ITEM II

I give, devise and bequeath unto my husband, William Long Cole all the rest, residue and remainder of my property of any kind, nature and character whatsoever and wheresoever situated, all to be his absolutely, knowing full well that he will provide for our children and any child or children hereafter born to me.

ITEM III

In the event my husband, William Cole Long, shall die before I die, or if he and I should die at the same time, or under circumstances creating doubt as to which of us survived the other, I give and bequeath unto Martha Lou Riddle, whom I have hereinafter nominated legal guardian for such of my children as may not have attained the age of 21 years at the time of my death, all my household goods, household effects, furniture, appliances, china ware, silver ware, jewelry, clothes and personal effects of any kind or character, all to be hers absolutely, and all the rest, residue and remainder of my property of any kind or character whatsoever and wheresoever situated(hereinafter sometimes called "trust estate"), I give, devise and bequeath unto my father, Thomas Allen Gaskin, Sr and my trusted friend, said Martha Lou Riddle, Rome, Georgia, in trust nevertheless, for the uses and purposes, upon the terms and conditions and with the powers and duties hereinafter stated, viz:

(1) The Trustees shall hold the entire trust estate coming into their hands hereunder in one trust until the twenty-fifth(25) anniversary of my youngest child, during which time the Trustees shall use and apply, such part of the net income from the trust estate and the principal thereof, for the health, welfare, education and support of my children, or any one or more of them exclus-

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BOOK

Filed in office this the 17th day of January, 1976
for Probate and Records
Paul M. Jones
Judge of Probate

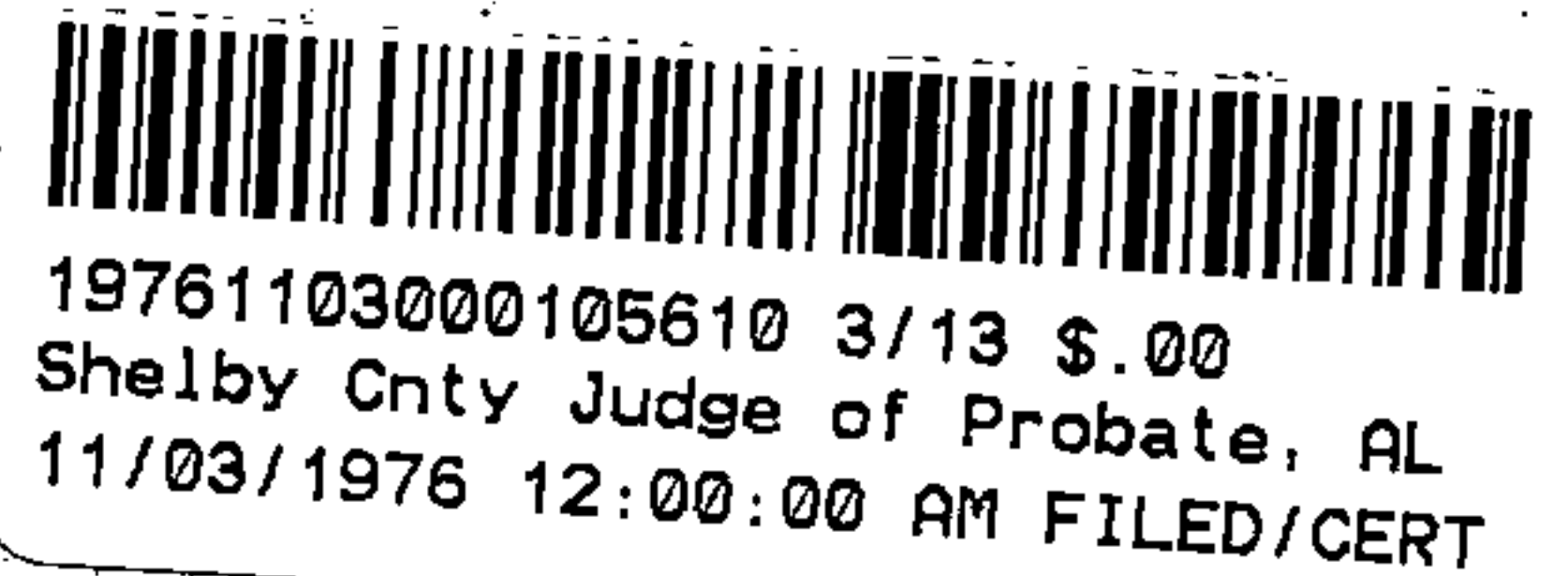
ively of the others or other of my children in such proportions, in such manner, at such time and in such amount as my Trustees shall in their sole discretion deem necessary or desirable for such purposes. Any part of the net income not so used shall be accumulated and added to the trust estate. And I do hereby direct that on final division and distribution of my estate, as herein-after directed, that any sum or sums of money expended for my children, or either of them, as hereinabove directed, shall not be charged against any child's distributive share in the trust estate.

a. The Trustees shall, as of the twenty-fifth anniversary of my youngest child, apportion the trust estate, then remaining in their hands, into equal parts so that there will then be set aside one equal share thereof for each of my children who shall then be living or, having died prior to the twenty-fifth (25) anniversary of my youngest child leaving lineal descendants who are then living. And my Trustees shall thereupon deliver over to my children, then living, his or her share in the trust estate, free from trust, and the trustees shall stand discharged pro tanto

b. The Trustees shall hold the share of any lineal descendants of any deceased child of me, entitled to share in said trust estate under the terms of this Item of my will, for the use and benefit of such lineal descendants in equal shares per stirpes, until he or she shall attain the age of twenty-one (21) years, at which time his or her share of said trust estate shall be delivered and paid over to him or her free from this trust.

c. The Trustees shall, during the minority of any lineal descendant of any deceased child of me entitled to share in the trust estate, use and apply for his or her support, health, welfare, education and comfort such part of the net income from his or her share of said trust estate, and of the principal thereof, as the Trustees deem necessary or desirable for said purposes.

d. Where I have herein directed that funds shall be used and applied by the Trustees for the benefit of, or paid to any beneficiary, the Trustees may in their discretion pay over such



funds to the person having custody of such beneficiary, or to such other person as they may select, including the beneficiary, to be used and applied for the purposes herein directed, and the receipt of such person shall be full discharge to the Trustees for any sum or sums so paid.

e. In making any apportionment or distribution of principal as herein contemplated, directed or authorized, my Trustees are authorized to determine the total value of my estate and to make selection of the items of property to be paid over and distributed to the party or parties entitled thereto with reference to the share of the trust estate to which such party or parties may be entitled, and without securing any valuation or determination of valuation or direction as to specific items of property to be paid over and distributed from any court; it being my intention that my Trustees shall use their sole judgment and discretion in making such apportionments and determination as to the total value of my estate and as to the selection of item of property going to make up the shares into which my estate is to be divided, without liability to anyone.

ITEM IV

If the happening of any future event may cause the ultimate vesting of any trust estate herein created or of any share therein to be extended under the provisions hereof to a time beyond that within which the same is required by law to become vested, then and in such event the trust as to said trust estate or as to such share therein shall continue only for as long a period of time as is allowed by law, at the end of which period the said trust as to said trust estate or as to such share therein shall terminate. In such case said trust or such share therein shall thereupon be vested in and distributed to those persons at the expiration of such period enjoying the use and benefit of said trust estate or of such share therein, in the proportion in which they are so enjoying the same, irrespective of their attained ages.



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ITEM V

1. The Trustees shall hold and manage said property and such other property as they may subsequently acquire pursuant to the power and authority given to them (all of which for convenience will hereinafter be referred to as "trust estate"), with full power to compromise, adjust and settle in their discretion any claim in favor of or against said trust estate, with full power to collect the income therefrom and from time to time to sell, convey, exchange, lease for a period beyond the possible termination of this trust, or for a less period, improve, encumber, borrow on the security of, or otherwise dispose of, all or any portion of said trust estate, in such manner and upon such terms and conditions as said Trustees may approve, and with full power to invest and reinvest said trust estate and the proceeds of sale or disposal of any portion thereof, in such loans, stocks, bonds or other securities, mortgages, common trust funds, or other property, real or personal, as to said Trustees may seem suitable, and to change investments and to make new investments from time to time as to said Trustees may seem necessary or desirable. The Trustees may continue to hold any property or securities originally received by them as a part of said trust estate, so long as they shall consider the retention thereof for the best interests of said trust estate, regardless of whether such property or securities are a so-called "legal" investment of trust funds. In the disposition of any property constituting a part of said trust estate the Trustees may acquire other property which is not a so-called "legal" investment of trust funds where such course is in their opinion for the best interests of said trust estate. The Trustees shall have power to determine whether any money or property coming into their hands shall be treated as a part of the principal of said trust estate or a part of the income therefrom, and to apportion between such principal and income any loss or expenditure in connection with said trust estate as to them may seem just and equitable.

2. The Trustees hereunder shall be entitled to receive reasonable compensation for their services hereunder, to be paid out of the income from the trust estate.

3. The Trustees shall pay from and out of the income of the trust estate any and all expenses reasonably necessary for the administration of the trust, including interest, taxes, insurance, public liability insurance and compensation to the Trustees, as well as any other expenses incurred for the benefit of the trust estate, and in the event the income from the trust estate is insufficient for the purpose of paying such expenses, the same may be paid from the corpus of the trust estate.

4. As to the net income which by any of the provisions of this will may be payable to any child of me, or to any descendant of a deceased child of me, he or she shall have no right or power either directly or indirectly to anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell or otherwise dispose of same, or of any part thereof, until same shall have been actually paid in hand to him or her by the Trustees. Nor shall such income nor the principal or corpus of said trust estate, nor any part of, or interest in said trust estate be liable for or to any extent subject to any debts, claims or obligations of any kind or nature whatsoever, or to any legal process in aid thereof, contracted or incurred by or for any such child, before or after my death.

ITEM VI

In the event either said Thomas Allen Gaskin, Sr., or Martha Lou Riddle shall predecease me, or in the event of the death of either of them during the continuance of said trust, the survivor of them shall thereafter act as Trustee hereunder, with all of the rights, powers, duties and descretion herein vested in them as Trustees.

ITEM VII

In the event my husband shall die before I die, or as afore-said, and in the event my children, or either of them, shall not have attained the age of twenty-one (21) years at the time of my

death, I nominate and request the Court to appoint my said trusted friend, Martha Lou Riddle, guardian of such of my children as have not attained his or her majority at the time of my death and I do exempt, and request the court to exempt, my said testamentary guardian from giving bond as such guardian.

ITEM VIII

I hereby nominate, constitute and appoint my husband, Willia Long Cole, as the Executor of this my Last Will and Testament and I hereby specifically exempt him from giving any bond or bonds whatsoever in connection with his appointment as Executor of my estate and in connection with the administration of my estate by him. And I do hereby further specifically exempt my said Executor from filing any inventory and from making any report whatsoever to any court or person of his acts and doings as the Executor of my estate. And I do hereby vest in my said Executor full power and authority to sell and convey all or any part of my property, real, personal or mixed, upon such terms and conditions as he may approve at public or private sale without securing authority therefor from any court or person whatsoever.

ITEM IX

In the event of the death of my said husband during the administration of my estate, or if my said husband should predecease me, or in the event of his incapacity or inability to act as Executor of my estate from any reason whatever, I nominate and appoint said Thomas Allen Gaskin, Sr., and Martha Lou Riddle, or the survivor of them Executors of this my Last Will and Testament, and I direct that as such Executors they shall not be required to give bond or to file an inventory or appraisement of my estate in any court. And I hereby vest in my said Executors or the survivor of them all of the powers and authority granted my said husband under ITEM VIII of this will.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 31st day of October, 1961.

Florence Gaskin Cole - (SEAL)
(Florence Gaskin Cole)



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Signed, sealed, published and declared by the above named
Florence Gaskin Cole as and for her Last Will and Testament in o
presence and we, at her request and in her presence and in the
presence of each other, have hereunto set our hands as witnesses
thereto on the day the same bears date.

Wade H. Norton
Name

Blount Ala
Address

Mary Elizabeth Norton
Name

Birmingham, Ala.
Address



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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 Florence Gaskin Cole Deceased and that said Will

together with the proof thereof have been recorded in my office in Judicial Record, Vol. 141 Page 132-131

In witness of all which I have hereto set my hand, and the seal of the said Court, this date February 28, 1961

Form No. 98

J. Paul Meeks Judge of Probate



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IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY
ALABAMA

Florence Gaskin Cole

February TERM 1969

Deceased

CASE NO. 65469

LETTERS TESTAMENTARY

BE IT REMEMBERED AND MADE KNOWN TO ALL WHOM IT MAY CONCERN:

That the will of the above-named deceased having been duly admitted to record in said County,
Letters Testamentary are hereby granted to William Long Cole

Execut or named in said will, who ha s complied with the requisitions of law and who
is authorized to take upon himself the execution of such will.

Witness my hand this date, February 28, 1969

J. Paul Meeks
J. PAUL MEEKS
Judge of Probate

I, _____, Assistant Probate Judge - Deputy Clerk Register
of the Court of Probate of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct
and full copy of the Letters Testamentary issued in the above-styled cause as appears of record in said
Court. I further certify that said Letters are _____ in full force and effect.

Witness my hand and seal of said Court this date, _____

Assistant Probate Judge
Deputy Clerk Register

IN THE MATTER OF THE ESTATE OF

FLORENCE GASKIN COLE,

Deceased

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

FEBRUARY TERM 1969

CASE NO. 65469

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day comes William Long Cole and files in
this court his petition in writing, under oath, praying that Letters
Testamentary upon the will of Florence Gaskin Cole,
deceased, be issued to him.

It is therefore ordered and decreed by the court that Letters Testa-
mentary upon said will be granted to William Long Cole,
and that said letters issue without bond or security being required, in ac-
cordance with the terms of said will. It is further ordered that the pe-
tition filed in this behalf be recorded.

Done this date, February 28, 1969.

J. Paul Nichols

Judge of Probate.



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PETITION FOR PROBATE OF WILL

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

Comes your petitioner, William Long Cole, and respectfully shows unto your Honor the following facts:

1. Florence Gaskin Cole died at Birmingham, Alabama on or about the 14 day of December, 1968, and, at the time of such death, was an inhabitant of Jefferson County, Alabama.

2. Surrendered herewith is an instrument, naming petitioner as Executor, which petitioner verily believes and avers to be said decedent's last will and testament, which was duly signed by said decedent when over twenty-one years of age and was attested by the following witnesses: namely,

Name	Present Address
Wade H. Morton	Birmingham, Alabama
Mary Elizabeth Morton	Birmingham, Alabama

3. The following is a true, correct and complete list of the names, ages, conditions, relationships, and addresses of said decedent's widow(er), heirs and next-of-kin; namely,

Name, age, condition, relationship	Address
<u>William Long Cole</u> , Widower, over 21 years of age, sound mind, Petitioner.	16 Winthrop Avenue Mt. Brook, Birmingham, Alabama
<u>William Long Cole, Jr.</u> , a minor 9 years of age, Son, who resides with Petitioner, his Father.	16 Winthrop Avenue Mt. Brook, Birmingham, Alabama
<u>Julia Gaskin Cole</u> , a minor 6 years of age, Daughter, who resides with Petitioner, her Father.	16 Winthrop Avenue Mt. Brook, Birmingham, Alabama

Wherefore, your petitioner prays that your Honor will take jurisdiction of this petition; will cause all such notices or citations to issue to the said widow(er), heirs, next-of-kin and attesting witnesses as may be proper in the premises; and will cause such proceedings to be had and done and such proof to be taken and render such orders and decrees as will duly and legally effect the probate and record in this Court of said will as the last will and testament of said deceased.

Petitioner's attorney
Wade H. Morton
Whitmire, Morton & Coleman
(name)
903 City Federal Building
(address)
Birmingham, Alabama

William Long Cole
Petitioner
William Long Cole

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, Charlotte K. Pitts, a Notary Public for said County in said State, personally appeared William Long Cole, who, being first duly sworn, makes oath that he has read the foregoing petition and is informed and believes, and upon such information and belief avers, that the facts alleged therein are true and correct.

Subscribed and sworn to before me, this)
the 30th day of January, 1969.)
Charlotte K. Pitts)
Notary Public)

William Long Cole
Affiant-Petitioner
William Long Cole

Filed in the office of the Judge of Probate of Jefferson County, Alabama, this 30th day of January, 1969, and set for hearing February 28, 1969.

J. Paul Meeks
Judge of Probate

IN THE MATTER OF:)
THE ESTATE OF:)
FLORENCE GASKIN COLE,)
DECEASED)

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA
FEBRUARY TERM 1969
CASE NO. 65469

ORDER PROBATING LAST WILL AND TESTAMENT

This matter coming on to be heard upon the petition of William Long Cole which was heretofore filed in this court for the probate of an instrument of writing purporting to be the last will and testament of Florence Gaskin Cole, deceased;

Comes now the said petitioner and moves the court to grant said petition; and also comes Carlos Heaps who was heretofore duly appointed by the order of this court and who now consents to act as guardian ad litem for William Long Cole, Jr. and Julia Gaskin Cole, minors, who are children and heirs of said deceased; and it appearing to the satisfaction of the court that notice of the filing of said petition and of the time appointed for hearing the same has been given in pursuance of law and in strict accordance with the former order of this court made and entered in this cause; now, on motion of said petitioner, the court proceeds to hear said petition; and, after due proof and hearing had according to the laws of this state, the court is satisfied and is of the opinion that said instrument is the genuine last will and testament of said deceased, and that such instrument should be probated as the last will and testament of said deceased. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the court that said instrument be duly admitted to probate as the last will and testament of Florence Gaskin Cole, deceased, and ordered to be recorded together with the proof thereof and all other papers on file relating to this proceeding. It is further ordered that petitioner pay the costs of this proceeding.

DONE this date February 28, 1969.

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J. Paul Nichols
Judge of Probate

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CERTIFICATE TO COPIES

PROBATE-67

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, James F. Cheatwood, Chief Clerk 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, Letters Testamentary, Petition for Probate
of Will and Order Probating Last Will and Testament

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1976 NOV -3 AM 8:16

Carroll H. Smith
JUDGE OF PROBATE

in the matter of Estate of FLORENCE GASKIN COLE, deceased

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

Given under my hand and seal of said Court, this
the 29 day of October, 19 76

James F. Cheatwood
Chief Clerk