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IN THE MATTER OF THE ESTATE OF



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Shelby Cnty Judge of Probate, AL
06/13/1977 12:00:00 AM FILED/CERT

IN THE PROBATE COURT OF
JEFFERSON COUNTY,
ALABAMA

AUGUST TERM 1976

WILLIAM LANNAN POOLE

Deceased

CASE NO. 87998

LETTERS TESTAMENTARY

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

SELF SEAL MARCH 17
I CERTIFY THIS
INSTRUMENT WAS FILED
1977 FEB -7 PM 8:58
JUDGE OF PROBATE

That the will of the above-named deceased having been duly admitted to record in said County, Letters Testa-
mentary are hereby granted to The First National Bank of Birmingham

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

BOOK

Witness my hand this date, August 17, 1976

(SEAL)

O. H. FLORENCE
O. H. FLORENCE,
Judge of Probate

Peggy A. Gober

I, _____, Chief Clerk 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 still
in full force and effect.

August 27, 1976

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

Peggy A. Gober
Chief Clerk

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JUDGE OF PROBATE

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Last Will and Testament

of

STATE OF ALABAMA)

WILLIAM LANNAN POOLE

JEFFERSON COUNTY)

481 479

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Shelby Cnty Judge of Probate, AL
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I, William Lannan Poole, a resident of Jefferson County, Alabama, being of sound and disposing mind and memory, and being over the age of twenty-one years, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

ARTICLE ONE

I direct that all of my just debts and funeral expenses be paid by my Executor as soon after my death as is reasonably practicable.

ARTICLE TWO

I give and bequeath to my wife, Mildred E. Poole, if she survives me, all my household furniture, furnishings and fixtures, all pictures, rugs, china, silverware, linen, candlelabras, objects of art, bric-a-brac and personal effects, including clothing and books, but not including any automobile that I may own at the time of my death, or any policies of insurance thereon. In the event that my wife does not survive me, then, in such event, I do hereby give and bequeath all such items of property to my daughter, Martha J. Poole Yeilding, if she shall survive me, and if she shall not survive me, then to her lineal descendants living at the time of my death, per stirpes.

ARTICLE THREE

I bequeath and devise all the residue and remainder of my property and estate of every nature and wherever situate, hereinafter referred to as my residuary estate, unto my Executor, and I direct that my Executor shall administer and dispose of my residuary estate

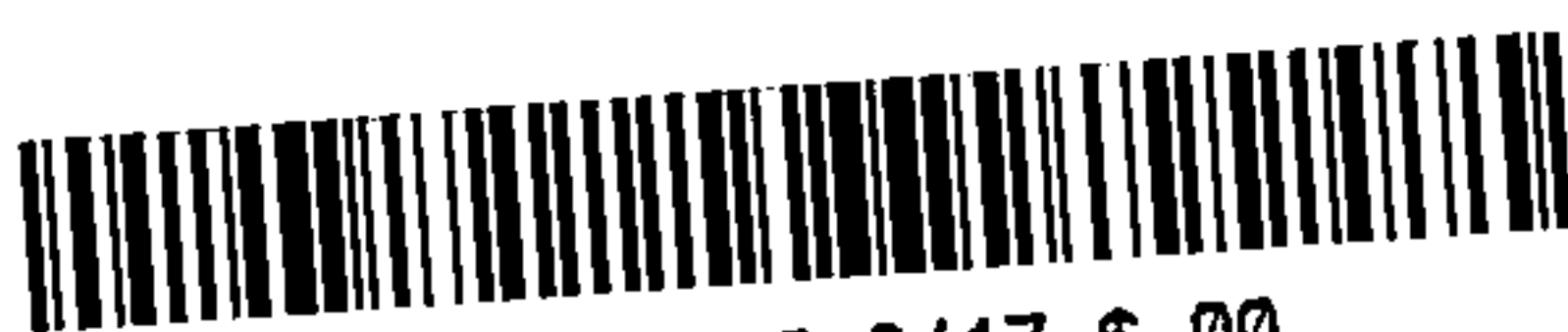
Filed in Office for the
day of Aug. 1976
for Probate and Record.

171b
O. A. Fleener
Judge of Probate

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LAST WILL AND TESTAMENT OF
WILLIAM LANNAN POOLE

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in accordance with the terms and provisions set forth and contained in the succeeding articles of this will.

ARTICLE FOUR

If my wife, Mildred E. Poole, shall survive me, I give, devise and bequeath to my Trustee hereinafter named, in trust, nevertheless, an amount equal in value to one half of my adjusted gross estate as finally determined for federal estate tax purposes, diminished by the value for such purposes of all other items in my gross estate for federal estate tax purposes which pass or have passed to or for the benefit of my said wife under other provisions of this will or otherwise, in such manner as to qualify for and be allowed as a marital deduction. In making the computations to determine said amount, the final determinations in the federal estate tax proceedings shall control.

My Executor is authorized to satisfy said bequest in money or in kind or partly in each; and if wholly or partly in kind, to select, transfer and convey to the Trustee the specific asset or assets so selected; provided, however, that any assets transferred in kind to satisfy said bequest shall be valued for that purpose at their fair market values determined as of the dates of their respective transfers. The bequest shall carry with it, as income and not as principle, its proportionate part of the income of my estate from the date of my death.

Whenever used in this article the words "marital deduction," "adjusted gross estate," "gross estate," and "pass" shall have the same meaning as said words have under the provisions of the Federal Internal Revenue Code applicable to my estate.

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LAST WILL AND TESTAMENT OF
WILLIAM LANNAN POOLE



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Only assets which qualify for the marital deduction shall be allotted to such bequest. To the extent, also, that other assets qualifying for the marital deduction are available, said bequest shall not be satisfied by the distribution of assets which may be subject to both income and estate taxes and which may be eligible for a credit of deduction.

Subject to the foregoing, the decision of my Executor as to which assets shall be distributed in satisfaction of this bequest for the benefit of my wife, as to whether my estate shall be valued under the optional provisions of the Federal Estate Tax Law, as to what elections shall be exercised, as to what proceedings are necessary to complete the ascertainment of the Federal Estate Tax shall be conclusive and binding on all persons.

If my wife shall fail to survive me, then the bequest under this Article shall lapse and shall be disposed of as provided in Article Five of this my Last Will and Testament.

(A) During the lifetime of my wife, Mildred E. Poole, the Trustee shall pay to my said wife or apply for her benefit the entire net income from this trust in monthly or quarterly installments.

(B) If the income distributable to my wife in accordance with the provisions of Paragraph (A) above supplemented by income from other sources to her, shall not be sufficient to enable her to maintain substantially the standard of living to which she was accustomed at the time of my death, --at to which the judgment of my Trustee shall be conclusive--then, and in that event, I authorize my Trustee to pay to or apply for the benefit of my wife so much of the principle of this trust as my Trustee in its sole discretion shall from time to time deem requisite or desirable to meet the reasonable needs

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of my wife, even to the full extent of the entire principle of this trust.

(C) During her lifetime, my wife, Mildred E. Poole, shall have the right at any time and from time to time, to withdraw or appoint to another or others such amounts or specific assets from the principle of the trust estate (even to the point of completely exhausting the same) as she in her sole discretion may determine. Such right of withdrawal or appointment shall be exercised in each case by my wife, Mildred E. Poole, notifying the trustee in writing to that effect, specifying the amount of assets which she desires to withdraw or appoint; and promptly thereafter the trust shall distribute all such items to her or to her appointees in fee.

(D) Upon the death of my said wife, the principal remaining in this trust shall be paid, transferred or distributed by the Trustee, free of the trust, to or for the benefit of such one or more persons or corporations, in such manner and in such proportions, whether outright, in trust or otherwise, as my said wife may by her Last Will and Testament direct and appoint, including the right in my wife to appoint said property to her estate. Said power of appointment shall be exercisable by my said wife exclusively and in all events but shall be exercisable only by specific reference to said power in her Last Will and Testament. The trustee may rely upon an instrument admitted to probate in any jurisdiction as the Last Will and Testament of my said wife, but if it has no written notice of the existence of such a will within a period of three (3) months after her death, it may presume that she died intestate and shall be protected in acting in accordance with such presumption. The foregoing

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provision is intended to expedite the prompt and efficient administration of the trust and to protect my trustee for any action taken or monies or other property distributed while acting in accordance therewith but shall not be deemed to limit, cut off, diminish or qualify the aforesaid general power of appointment or the right of any person or corporation interested to pursue the funds affected by the proper exercise of such power irrespective of the place of probate or of the time of discovery of the will exercising such power. If my said wife fails to exercise effectively the general power of appointment herein conferred upon her, then upon her death that portion of the trust property not effectively appointed shall be distributed as provided in Article Five of this will hereinafter set forth.

(E) My wife, Mildred E. Poole, may, at any time and from time to time, add cash, securities or other property to the principal of the trust estate herein created, by deed, gift or otherwise, with the consent of the trustee. Any additions to the trust estate shall be held, administered and distributed as an integral part of the principal thereof in accordance with all of the terms and provisions of this Article Four of my Last Will and Testament.

(F) On the death of my wife, the Trustee shall be authorized to withhold distribution of an amount of property sufficient, in its judgment, to cover any liability that may be imposed on the trustee for estate or other taxes until such liability is finally determined and satisfied.

(G) It is my intent and purpose that the trust shall qualify for the marital deduction. I direct that in the establishment and administration of such trust, my Executor and trustee shall be vested

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with all the discretionary powers herein conferred, but that neither shall exercise any of such discretionary powers in any manner which would disqualify such trust for the marital deduction, and that all other provisions of this will or of any codicil hereto shall be subordinate to such intent and purpose.

ARTICLE FIVE

I direct that, after satisfying all the bequest and devises hereinabove made and after the payment of all administration expenses and death taxes, my Executor shall divide my residuary estate where-soever situated, including all property which I may acquire or become entitled to after the execution of this will, including all lapsed legacies and devises, into two equal shares, hereinafter referred to as Share One and Share Two. I give, devise and bequeath Share One to my son, William Lannan Poole, Jr., if he survives me, or, if not, to his lineal descendants living at the time of my death, per stirpes, or if there are no descendants of my said son living at the time of my death, to my lineal descendants living at the time of my death, per stirpes, or, if none, to the widow of my said son if living, and if no such widow, then to such persons as would be entitled to inherit the property constituting said share and in the proportions in which they would be entitled to inherit the same from my said son under the laws of Alabama then in force had he died intestate at the time of my death.

I give, devise and bequeath Share Two of my residuary estate to my daughter, Martha J. Poole Yeilding, if she shall survive me, and if not, to the lineal descendants of my said daughter living at the time of my death, per stirpes, or, if there are no lineal descendants of

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my said daughter living at the time of my death, to my lineal descendants living at the time of my death, per stirpes, or, if there are no lineal descendants of mine living at the time of my death, to the surviving spouse of my said daughter, if any there be, or, if there is no surviving spouse of my said daughter, then to such persons as would be entitled to inherit the property constituting said share and in the proportions in which they would be entitled to inherit the same from my said daughter under the laws of Alabama then in force had she died in testate at the time of my death.

I am presently the owner of capital stock in Dermatology Associates, P.A., a Professional Association organized under the laws of the state of Alabama. It is contemplated that I will be the owner of a portion of said stock at the time of my death, or the owner of an interest in a successor Professional Association or other organization for the purpose of carrying on the business and profession of the practice of medicine. I direct my Executor in making the allocation between Share One and Share Two of my residuary estate, insofar as possible, to allocate to Share One (my son's share) any interest which I may have in any such Professional Association or other organization, it being my intent that any interest which I may own in any organization for the practice of medicine will be allocated to Share One.

ARTICLE SIX

I direct that my Executor pay out of that portion of my residuary estate which is not included in the share qualifying for the marital deduction, without apportionment, all estate, inheritance, succession and other taxes in the nature of inheritance taxes (together with any penalty thereon) assessed by reason of my death,

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imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof, in respect of all property required to be included in my gross estate for Estate of like tax purposes by any of such governments, whether the property passes under this will or otherwise, without contribution by any recipient of any such property.

ARTICLE SEVEN

If my wife, Mildred E. Poole, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, in accordance with such presumption.

ARTICLE EIGHT

If any beneficiary of my estate shall not have reached his or her twenty-first birthday at the time his or her share is required to be distributed to him or her under the provision of this my Last Will and Testament, the share of such beneficiary shall be held in trust by my trustee, hereinafter named, until such beneficiary reaches such birthday. During such time, the trustee shall pay to such beneficiary or expend on his or her behalf so much of the net income derived from his or her share as the trustee may deem advisable to provide properly for the maintenance, education and support of such beneficiary and may incorporate any income not so disbursed into the principle of the trust. When each such beneficiary shall reach his or her twenty-first birthday, the trust shall terminate as to such beneficiary and the trustee shall distribute his or her share to such beneficiary in fee.

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ARTICLE NINE

I hereby grant to my Executor and also to the Trustee of each trust established hereunder (including any substitute or successor personal representative or Trustee) the continuing, absolute, discretionary power to deal with any property, real or personal, held in my estate or in any trust, as freely as I might in the handling of my own affairs. Such power may be exercised independently and without the prior or subsequent approval of any court or judicial authority, and no person dealing with the Executor or Trustee shall be required to inquire into the propriety of any of their actions. Without in any way limiting the generality of the foregoing, I hereby grant to my Executor and also to any Trustee hereunder, the following specific powers and authority in addition to and not in substitution of powers conferred by law:

A. To compromise, settle, or adjust any claim or demand by or against my estate or any trust and to agree to any recession or modification of any contract or agreement.

B. To retain any security or other property owned by me at the time of my death, so long as such retention appears advisable, to exchange any such security or property for other securities or properties and to retain such items received in exchange. My Executor or Trustee may presume that I have confidence in the securities owned by me at the time of my death, and therefore, no sale thereof shall be made solely in order to diversify investments.

C. To sell, exchange, assign, transfer and convey any security or property, real or personal held in my estate or in any trust fund, at public or private sale, at such time and price and upon such terms and conditions (including credit) as it may determine

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D. To invest and reinvest in such stocks, bonds and other securities and properties as it may deem advisable including stocks and unsecured obligations, individed interests, interests in investment trusts, mutual funds, legal and discretionary common trust funds, leases and property which is outside of my domicile, all without diversification as to kind or amount without being restricted in any way by the Constitution of Alabama, any statute or court decision (now or hereafter existing) regulating or limiting investments by fiduciaries.

E. To register and carry any property in its own name or in the name of its nominee or to hold it unregistered, but without thereby increasing or decreasing its liability as fiduciary.

F. To sell or exercise any "rights" issued on any securities held in my estate or in any trust fund hereunder.

G. To consider and treat as principal all dividends payable in stock, all dividends in liquidation and all "rights" issued on securities, and to consider and treat as income all other dividends received (except those declared and payable as of a "record date" preceding my death, which shall be considered as treated as principal).

H. To charge or credit to principal any premiums and discounts on securities purchased at more or less than par.

I. To vote in person or by proxy any stocks or securities held, and to grant such proxies and powers of attorney to such person or persons as it may deem proper.

J. To consent to and participate in any plan for the liquidation, reorganization, consolidation or merger of any corporation, any security of which is held.

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K. To borrow money (from itself individually or from others) upon such terms and conditions as it may determine and to mortgage and pledge estate and trust assets as security for the repayment thereof.

L. To lease any real estate for such term or terms and upon such conditions and rentals and in such manner as it may deem advisable (with or without privilege of purchase), and any lease so made shall be valid and binding for the full term thereof even though same shall extend beyond the duration of the trust. To insure against fire or other risk. To make repairs, replacements and improvements, structural or otherwise, to any such real estate and to charge the expense thereof to principal or income (or apportion same between principal and income) as it may deem proper. To subdivide real estate, to dedicate same to public use and to grant easements as it may deem proper.

M. Whenever required or permitted to divide and distribute my estate or any trust created hereunder, to make such division or distribution in money or in kind or partly in money and partly in kind; and to exercise all powers herein conferred, after the termination of any trust until the same is fully distributed.

N. To employ accountants, attorneys and such agents as it may deem advisable; to pay reasonable compensation for their services and to charge same to (or apportion same between) income and principal as it may deem proper.

O. To hold two or more trusts or other funds in one or more consolidated funds, in which the separate trusts or funds shall have undivided interests.

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LAST WILL AND TESTAMENT OF
WILLIAM LANNAN POOLE

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ARTICLE TEN

I appoint The First National Bank of Birmingham, a banking corporation having its principal place of business in Birmingham, Alabama, and its successor or successors in interest, Executor of this my will and Trustee of all trusts created hereunder. I direct that my Executor shall not be required to post any bond, file any appraisal or inventory of the property coming into its hands as such Executor nor make any report or final settlement to any court of its proceedings hereunder.

IN WITNESS WHEREOF, I have hereunto signed my name to this my Last Will and Testament in the presence of the persons witnessing it at my request this 7th day of October, 1971 at Birmingham, Alabama.

William Lannan Poole (SEAL)
William Lannan Poole

* * *

The foregoing instrument, consisting of this and eleven preceding typewritten pages, was signed and declared by William Lannan Poole, the testator, to be his Last Will and Testament, in our presence, and we, at his request and in his presence, and in the presence of each other have hereunto subscribed our names at witnesses, this 7th day of October, 1971 at Birmingham, Alabama.

Quint La Brown Montgomery, Alabama
Witness Address

Cliff M. Hook 4004A 1/2 Ave S. B'ham, Ala
Witness Address

Clara E. Bonkster Birmingham, Ala.
Witness Address

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CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

O. H. Florence

I, ~~XXX PAUL WEEKS~~, Judge of the Court of Probate, in and for said S

and County, do hereby certify that the foregoing instrument _____ of writing ha^S this day, in said Court, and be

me as the Judge thereof, been duly proven by the proper testimony to be the genuine last Will and Testament _____

of William Lannan Poole Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Vol. 481 Page 478-490

In witness of all which I have hereto set my hand, and the seal of the said Court, this date August 17, 1976

Form No. 98

O. H. Florence

Judge of Probate

CERTIFICATE TO COPIES

PROBATE-57

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, Peggy A. Gober, 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 of William Lannan Poole, deceased, together with the Certificate
to Probate thereof, Petition for Probate and Order on Filing and Probating Last Will
and Testament

in the matter of The Estate of William Lannan Poole, deceased

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

Deed Tax \$ _____
Mtg. Tax _____
File Fee _____
Rec. Fee 28.50
Total \$28.50

Given under my hand and seal of said Court, this
the 30th day of December, 19 76

Peggy A. Gober

Chief Clerk

IN THE MATTER OF THE ESTATE OF) PROBATE COURT OF
WILLIAM LANNAN POOLE,) JEFFERSON COUNTY,
Deceased.) ALABAMA

87998

PETITION FOR PROBATE OF WILL

TO THE HONORABLE ORRIS H. FLORENCE, JUDGE OF PROBATE OF JEFFERSON
COUNTY, ALABAMA:

Comes your petitioner, The First National Bank of Birmingham, and upon information and belief, respectfully shows unto your Honor the following facts:

1. William Lannan Poole died at Birmingham, Alabama, on or about the 2nd day of August, 1976, and, at the time of such death, was an inhabitant of Jefferson County, Alabama.
2. Surrendered herewith is said decedent's last will and testament naming petitioner as Executor thereof, which was duly signed by said decedent when over twenty-one years of age, and was attested by the following witnesses, namely:

<u>Name</u>	<u>Present Address</u>
Ernest Lee Brown	Montgomery, Alabama
Lee M. Shook	Birmingham, Alabama
Claude E. Bankester	Present Address Unknown

3. The following is a true, correct and complete list of the names, ages, conditions, relationships and addresses of said decedent's widow, and next of kin, namely:

<u>Name, age, condition, relationship</u>	<u>Address</u>
Mildred E. Poole, Over 21 years, Widow	3337 Westbury Road Birmingham, Alabama 35223
William Lannan Poole, Jr., Over 21 years, Son	3828 Williamsburg Circle Birmingham, Alabama 35243
Martha J. Poole Yielding Over 21 years, Daughter	4012 Royal Oak Circle Birmingham, Alabama 35243

WHEREFORE, your petitioner prays that your Honor will take jurisdiction of this petition, will cause all such notices or citations

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to issue to the said widow, 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.



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THE FIRST NATIONAL BANK OF BIRMINGHAM

By

Petitioner

E. W. Brabston - Vice President and
Trust Officer

Attorney for petitioner:

Douglass P. Wingo
Wingo, Bibb, Foster & Conwell
1100 First National-Southern
Natural Building
Birmingham, Alabama 35203

STATE OF ALABAMA)

JEFFERSON COUNTY)

Before me, Alma W. Aird, a notary public in and for said county in said state, personally appeared E. W. Brabston who, being first duly sworn, makes oath that he has read the foregoing petition and knows the contents thereof, and that he is informed and believes, and upon such information and belief, avers that the facts alleged therein are true and correct.

E. W. Brabston

Affiant-Petitioner

Subscribed and sworn to before me
this 17th day of August, 1976.

Notary Public

ALMA W. AIRD, Notary Public
State of Alabama at Large
My Commission Expires April 20, 1977

Filed in office this 17th
day of Aug 1976
Prayer granted and Petition ordered
recorded

O. H. Thomas
Judge of Probate

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

WILLIAM LANNAN POOLE,
Deceased

AUGUST TERM 1976
CASE NO. 87998

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came The First National Bank of Birmingham and filed
a petition in writing, under oath, therewith producing and filing in this court an instrument of writing pur-
porting to be the last will and testament of William Lannan Poole
deceased, bearing date the 7th day of October, 19 71
and attested by Ernest Lee Brown, Lee M. Shook and Claude E. Bankester
and praying that the same be probated as provided by law; that petitioner is

~~said deceased~~
widow and
named in said will as execut or thereof; and that the next of kin of said deceased are as follows,
to-wit: Mildred E. Poole, widow, Birmingham, Alabama; William Lannan Poole, Jr.
son, Birmingham, Alabama and Martha J. Poole Yielding, daughter, Birmingham,
Alabama,
nineteen
each of whom is over ~~twenty~~ years of age.

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the widow and
And thereupon comes each of the above named next of kin expressly waiving all notice of the
petition to probate said will and consenting that the same be probated at once, and the court having as-
certained by sufficient evidence that the signature s affixed to said waiver s of notice and
acceptance s of service are the genuine signature s of said next of kin
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 said William Lannan Poole
deceased, and ordered to be recorded together with the proof thereof and all other papers on file relative
to this proceeding. It is further ordered that petitioner, pay the costs of this proceeding.

DONE this date, August 17, 1976
STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1977 JUN 13 AM 9:23
Judge of Probate
\$ 26.50

O. H. Florence
Judge of Probate

PROBATE-126

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