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Shelby Cnty Judge of Probate, AL
07/02/1977 12:00:00 AM FILED/CERT

AFFIDAVIT

Before me, the undersigned authority, in and for said County and State, personally appeared Geneva Hairston and Pearl Bush, who, being known to me and being by me first duly sworn, depose and say as follows:

That they are two of the five children of Margaret Nicholson, wife of W. J. Nicholson, and that Geneva is 50 years of age and presently resides at Gardendale, Alabama; and that Pearl is 47 years of age and presently resides at Birmingham, Alabama; that they have been totally familiar with the following described real estate for the past 15 years:

Begin at the Northeast corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, Township 19, Range 1 East, and run South 500 feet to an iron stake to the point of beginning of the lands herein described; thence Northwesterly 61 yards to an iron stake on the East margin of the Pumpkin Swamp Road; thence Southwesterly along the East margin of said Pumpkin Swamp Road 35 yards to an iron stake; thence Southeasterly 79 yards to an iron stake on the East boundary of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence North 35 yards to point of beginning.
Situating in Shelby County, Alabama.

Further deposing, affiants say that they are familiar with the location of the above described land and know where the land is situated, and that there have been no disputes about the ownership or possession of the above described land; that the boundary lines of the property are well established and that there have never been any disputes about any of the boundary lines of the above described property.

Further deposing, affiants say that their parents, W. J. Nicholson and wife Margaret Nicholson, have owned the land in fee simple for many years, and since the time that they first possessed the land, it has been owned by them and their predecessors in title and has been occupied by them actually exclusively, openly, notoriously, hostilely, and continuously and they have never heard the title of their parents or their predecessors in title questioned in any way.

Further deposing, affiants say that Michael W. Moore and Gerald Moore do not claim any interest in the captioned lands and have not been in possession of any part of the captioned lands at any time whatsoever.

Further deposing, affiants say that they are two of the five children of the deceased Margaret Nicholson, wife of W. J. Nicholson, that the other three children are Grady Tisdale, Carol Tisdale and Johnny Tisdale; that each of these children is over the age of twenty-one (21) years;

that there are no minor children of Margaret Nicholson; that the said property described above was held jointly by W. J. Nicholson and wife Margaret Nicholson with the right of survivorship, by virtue of a deed dated September 9, 1977 and recorded in Deed Book 250, Page 038 in the Probate Court of Shelby County, Alabama; that W. J. Nicholson died August 30, 1971, and that he died intestate, leaving no Last Will and Testament; that Margaret Nicholson died May 7, 1977, leaving a Last Will and Testament, which the devisees will not probate; that the devisees named in said unrecorded will are all the heirs at law and next of kin entitled to the said captioned land; that there are no debts of the estate other than those which will be paid from the first proceeds of the sale of this property.



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Geneva Hairston
Geneva Hairston

Pearl Bush
Pearl Bush

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Geneva Hairston whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 2nd day of July, 1977.

Rosie G. E. Smith
Notary Public

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Pearl Bush whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 2nd day of July, 1977.

Rosie G. E. Smith
Notary Public

Last Will and Testament

OF

MARGARET B. NICHOLSON

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Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA

SHELBY COUNTY

I, MARGARET B. NICHOLSON, of Route 1, Sterrett, Shelby County, Alabama, being of sound mind and disposing memory, do hereby make, publish and declare this my Last Will and Testament, revoking hereby any will made by me at any time heretofore, to-wit:

FIRST: I will and direct that my just debts and funeral expenses be paid out of my estate as soon after my death as may be convenient.

SECOND: I will, devise and bequeath all property and estate, of every kind and character, real, personal and mixed, that I own or have an interest in at the time of my death, to my five children, GRADY TISDALE, CAROL TISDALE, JOHNNY TISDALE, GENEVA HAIRSTON, and PEARL BUSH, share and share alike, per stirpes. In the event any of the aforementioned children should predecease me leaving no lineal descendants, I hereby will and direct that the share of such deceased child or children shall go to such child or children as shall survive me, per stirpes.

THIRD: I nominate and appoint GENEVA HAIRSTON to be the Executrix of this, my Last Will and Testament. However, in the event the said Geneva Hairston shall predecease me or be unable or unwilling to serve for any reason, then I nominate and appoint PEARL BUSH, to be the Executrix of this, my Last Will and Testament. It is my will and desire that my Executrix, regardless of which of those named above shall so serve, shall not be required to give any bond or security for the performance of her duties as such Executrix or to account to any court for her acts and doings as such Executrix, and that she is hereby expressly exempted from filing any inventory or making any report of final settlement of my estate. Said Executrix shall have full power, without the necessity for any order from any court, to sell (for payment of debts and all other purposes), exchange, lease or encumber all or any portion of my estate in such manner and upon such terms and conditions as she may approve.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal on this
10th day of June, 1976.



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Margaret B. Nicholson (SEAL)
Margaret B. Nicholson

SIGNED, SEALED, PUBLISHED and DECLARED by the above named MARGARET B.
NICHOLSON, as and for her Last Will and Testament, in the presence of us, who,
in her presence and in the presence of each other, have hereto set our hands
as witnesses.

Paul J. Brown

Address: Columbiana, Alabama

Thomas A. Brown

Address: Columbiana, Alabama

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1977 JUL -5 PM 12:47

Thomas A. Brown, Jr.
JUDGE OF PROBATE

Rev. 6.00
Ind 1.00
\$ 7.00