

531

STATE OF ALABAMA)
JEFFERSON COUNTY)

19810119000006010 1/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

My name is John P. Carlton. I am a lawyer duly licensed by the State of Alabama to practice law. I have practiced law in Birmingham, Alabama, since 1962. My offices presently are located at 727 Frank Nelson Building, Birmingham.

I was well acquainted with Edna M. Alexander and her husband, Houston F. Alexander, during their respective lifetimes for more than 25 years. My knowledge of them grew out of the fact that we lived in the same neighborhood and attended church together at Central Park Baptist Church where the Alexanders were active during their lifetimes, I also being an active member of that congregation.

Edna M. Alexander died at Birmingham, Alabama, on April 23, 1977. Her husband, Houston F. Alexander, died at Birmingham, Alabama, on January 30, 1979. The Alexanders had only one child, Jewell A. Carter, who is an adult under no legal disability.

At the time of her death, the said Edna M. Alexander had an estate separate from that of her husband, and exclusive of hereditaments held by them jointly with right of survivorship consisting of the following parcels of land situated in Shelby County, Alabama:

BOOK 39 PAGE 129

Book 39 Page 129
112 - James Alexander
Birmingham, Ala. 35235

BOOK 39 PAGE 130

Tract No. 7, containing 10 acres, more or less, as shown by map showing division of lands owned by Mrs. Mary I. McGaughy, situated in Sections 8 and 9, in Township 22, South, Range 3 West, Shelby County, Alabama, as recorded in the Office of the Probate Judge of Shelby County, Alabama, in Volume 3 of Maps, Page 30, said map referred to being signed and acknowledged by Mrs. McGaughy on the 9th day of April, 1938; situated in Shelby County, Alabama. Also ten acres, more or less, in the S 1/2 of the NW 1/4 of the SE 1/4 Section 8 in Township 22 South, Range 3 West, situated in Shelby County, Alabama.

Four and 35/100 acres off the South and on the East side of Montevallo and Dogwood public road as now located and being in the Northeast Fourth of the Southwest Fourth of Section 8, also the South Ten and one-half (10 1/2) acres saving and excepting five acres off the East end thereof, and being in the Northwest Fourth of the Southeast Fourth of said Section Eight, all in Township 22 South, Range 3 West. (The said public road is the first road which is on the West side of McHenry Creek in said 40 acre tract.) Same being Plots 13 and 5 1/2 acres of Plot 12 of the J. L. and Ida McGaughy Lands situated in Shelby County, Alabama.

The East 5 acres of the South 10 1/2 acres of the Northwest Fourth of the Southeast Fourth of Section Eight (8), Township 22 South, Range 3 West.

Tract No. 2, containing 10 acres, more or less, as shown by map showing division of lands owned by Mrs. Mary I. McGaughy, situated in Sections 8 and 9, in Township 22, South, Range 3 West, Shelby County, Alabama, as recorded in the Office of the Probate Judge of Shelby County, Alabama, in Volume 3 of Maps, page 30, said map referred to being signed and acknowledged by Mrs. McGaughy on the 9th day of April, 1938, situated in Shelby County, Alabama.

Upon the death of the said Edna M. Alexander, I was engaged by Houston F. Alexander to assist him with her estate. Edna M. and Houston F. Alexander executed a joint will on February 6, 1950, a copy of which is in my possession. This will leaves the entire estate of each of them to the other.


19810119000006010 2/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

A law clerk in my office made a diligent and thorough search to locate the witnesses to the will, being one Herbert J. Ward and one E. W. Liles, but was unable to do so. Neither was he able to locate anyone who knew either of these purported witnesses. After due investigation, it was determined that Edna M. Alexander owned no other property in her own right, exclusive of joint tenancies with Houston F. Alexander with right of survivorship, and that she had no debts. It was elected to make no further effort to probate her estate.

As noted, Houston F. Alexander died on January 30, 1979. He died testate, his will leaving his entire estate to the said Jewell A. Carter. His will has been admitted to probate in Jefferson County, Alabama, in Case No. 97298 in the Probate Court of said county. The time for filing claims in said estate has expired, and no claims were filed.

Jewell A. Carter is the sole heir of Edna M. Alexander and Houston F. Alexander. The purpose of this affidavit is to establish title in the above-described real property in Jewell A. Carter.

John P. Carlton
JOHN P. CARLTON

STATE OF ALABAMA)
JEFFERSON COUNTY)

Personally appeared before me the undersigned authority in and for said state JOHN P. CARLTON, who is known to me and who, after being duly sworn to tell the truth, deposes and says that the foregoing statement is true.

John P. Carlton
JOHN P. CARLTON

Sworn to and subscribed before me
this 15th day of January, 1981.

Glenn R. Lockridge
Notary Public

19810119000006010 3/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

THE STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS, that We, Houston Forrest Alexander and Edna Estelle Alexander, husband and wife, do hereby make, publish and declare this instrument to be jointly and severally our last will and testament, in manner and form following:

(1) Should the one of us who may first die, owe any just debts, it is our desire that such debts be paid with all convenient dispatch.

(2) We give, devise and bequeath unto the survivor of us all property of every kind and character, real, personal or mixed, to the survivor of us, To Have and To Hold the same unto said survivor in fee simple.

(3) We nominate, constitute and appoint the survivor of us Executor or Executrix, as the case may be, of this will, and We expressly exempt such survivor from filing any bond, or inventory, and from making any partial or final settlement of the estate in any court.

IN WITNESS WHEREOF WE have hereunto set our hands and seals in duplicate, either copy to operate as an original and declare this will to be jointly and severally our last will and testament on this 6th day of February, 1950.

Houston Forrest Alexander (SEAL)
Edna Estelle Alexander (SEAL)

Signed, sealed, published and declared by the above named Houston Forrest Alexander and Edna Estelle Alexander as and for their last will and testament jointly and severally, in the presence of us, who, in their presence, and at their request, and in the presence of each other, have hereunto set our hands as witnesses on the day and date above written.

Nesher F. Howard
E. W. Kles

19810119000006010 4/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

Last Will and Testament

OF

HOUSTON FORREST ALEXANDER

I, HOUSTON FORREST ALEXANDER, a resident of Birmingham, Jefferson County, Alabama, do hereby make, publish and declare the following to be my Last Will and Testament, and do hereby expressly revoke all other wills, codicils to wills, and testamentary instruments heretofore made by me.

FIRST: I declare that I am the widower of Edna Estelle Alexander; that I presently am unmarried; and that I have one child, a daughter whose name is Jewell A. Carter, who is an adult; and that I have had no children who have died.

SECOND: I direct that all of my just debts, including the expenses of my last illness, and the expenses of my funeral, be paid as soon after my death as is practicable.

THIRD: All the rest, residue and remainder of my estate, of whatever nature, and wheresoever situated, I give, devise and bequeath to my daughter, Jewell A. Carter.

FOURTH: I nominate and appoint my daughter, Jewell A. Carter, as Executrix of this my Last Will and Testament. I direct that my Executrix shall not be required to post any bond and that if, notwithstanding this request, a bond is required by any law, statute or rule of court, that no sureties be required thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 24 day of August, 1977.

19810119000006010 6/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

Houston Forrest Alexander
HOUSTON FORREST ALEXANDER

The above Will was signed, sealed, published and declared by HOUSTON FORREST ALEXANDER to be his Last Will and

BOOK 39 PAGE 133

Witnessed: *[Signature]*

Testament in our presence and in the presence of each of us
and we, at his request, in his presence, and in the presence
of each other, have hereunto set our signatures as attesting
witnesses on the day and year the said instrument bears date.

John P. Carlton
WITNESS

Address: 727 Frank Miller Rd.
Birmingham, Ala.

Katherine L. Thomas
WITNESS

Address: 1635 4th St.
Birmingham, Ala.

Linda J. Turpe
WITNESS

Address: P.O. Box 192
Prichard, Ala. 35136



19810119000006010 6/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

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

1981 JAN 19 AM 10:21

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY,
ALABAMA

Houston Forrest Alexander

Deceased

August TERM 1979

CASE NO. 57298

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 Jewell A. Carter

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

Witness my hand this date, August 23, 1979

(SEAL)

O. H. FLORENCE

O. H. FLORENCE,
Judge of Probate

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

1981 JAN 19 AM 10:21

Rec. 1050
Ind 100
1150

PEGGY A. COBER

I, PEGGY A. COBER, 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 in full force and effect.

Witness my hand and seal of said Court this date, August 23, 1979

19810119000006010 7/7 \$.00
Shelby Cnty Judge of Probate, AL
01/19/1981 12:00:00 AM FILED/CERT

Peggy A. Cobier
Chief Clerk