

AFFIDAVIT

I, HELEN R. NOLEN, being first duly sworn, depose and say as follows:

1. I am the widow of CALVIN E. NOLEN, late of Bridport, Vermont.

2. CALVIN E. NOLEN died on August 14, 1981, leaving him surviving myself as the surviving spouse and our son, WALLACE S. NOLEN, as his only next of kin and heirs at law.

3. The property of which CALVIN E. NOLEN died possessed included real estate in the State of Alabama, to wit:

"The southeast quarter of the northeast quarter of Section 14, Township 20, Range 1 West, situated in Shelby County Alabama.",

and personal property consisting of personal effects, stocks, bonds and bank accounts, which personal property has been administered in the State of Vermont in the Probate Court for the District of Addison.

4. Your Affiant is the Executrix of the ESTATE OF CALVIN E. NOLEN in Vermont, appointed as such by the Last Will and Testament of CALVIN E. NOLEN, which appointment was duly confirmed by the Probate Court for the District of Addison.

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5. All claims against the ESTATE OF CALVIN E. NOLEN have been satisfied and all property administered in the State of Vermont has been distributed, less the sum of Five Thousand Dollars (\$5,000.00), pending receipt of appropriate Tax Clearances. The Partial Decree in accordance with the foregoing is dated April 12, 1983.

6. The only property of the deceased remaining unadministered, with the exception of the sum of \$5,000.00 remaining on hand in Vermont, is the hereinbefore described real property in the State of Alabama.

7. In the Vermont proceeding, the Vermont Probate Court accepted the following Stipulation and incorporated it by reference in its Decree which provided for distribution of all but the \$5,000.00 remaining on hand as above set forth:

"6. Said Will of Calvin E. Nolen, deceased, shall be construed by the Probate Court as follows:

A. Trust A and Trust B as established by Article FIRST of said Will shall be construed to establish two separate but equal trust corpuses consisting of all the assets of the decedent to be apportioned in two separate trusts, Trust A and Trust B.

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B. Article SECOND dealing with Trust A shall be construed as establishing a trust for the benefit of Helen R. Nolen as beneficiary and at the same time as establishing as Trustee the said Helen R. Nolen and, therefore, vesting in Helen R. Nolen all indicia of ownership of the corpus of said Trust A such that she shall hold the same in her own right, free and clear of the trust by operation of law.

C. Article THIRD of said Will, in seeking to establish Trust B, fails to accomplish an effective disposition of the substance of either the corpus or income of said trust; fails to establish a remainderman; fails to establish an understandable direction for accumulation of income or for payment of income during the life of the trust; and fails to establish a duration for said trust; therefore, the assets otherwise includable within Trust B shall be treated as disposed of under and pursuant to the laws of intestate succession of the State of Vermont to the extent that such assets are within the jurisdiction of this Court.

D. By reason of the foregoing, the assets otherwise available to constitute the corpus of Trust B shall be distributed, one-third (1/3) to Helen R. Nolen as spouse of the deceased and two-thirds (2/3) to Wallace Nolen as son and heir at law."

7. The Alabama real estate has not been effectively devised by the Will of the decedent and as to the same your Affiant has been advised and on that basis believes

that the laws of intestate succession of the State of Alabama govern the disposition of said real property.

8. Your Affiant is informed and believes, and on that basis states, that, under said laws of intestacy of the State of Alabama, the fee interest in and to such real property devolves upon the son, WALLACE S. NOLEN, as the heir at law and your Affiant's interest therein as widow is that of a dower interest only.

Dated at Middlebury, Vermont, this 28th day of September, 1983.

Helen R. Nolen
Helen R. Nolen

STATE OF VERMONT

COUNTY OF ADDISON, SS.

At Middlebury this 28th day of September, 1983, personally appeared HELEN R. NOLEN and she acknowledged that she has read the statements contained in the above Affidavit and that to her own knowledge, information and belief, the same are true.

Before me,

Lisa E. Tatro
Notary Public

My Commission Expires:
February 10, 1987

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