

1596

Last Will and Testament

OF

MYRA DUBOSE HINES

121218

I, Myra DuBose Hines, a resident of Jefferson County, Alabama, being over the age of nineteen years and of sound mind and disposing memory, do hereby make, declare and publish this my Last Will and Testament and do hereby revoke any and all Wills and Codicils which may have been at any time heretofore made by me.

ITEM ONE

I will and direct that my Executrix hereinafter named shall pay all debts and charges against my estate as soon after my death as practicable and shall pay the expenses of my funeral and, as required, the cost of a suitable gravesite, marker and/or monument at my grave. This direction to pay all my debts and charges against my estate shall include all type debts and charges whether secured or unsecured. Payment of all debts and charges against my estate of whatsoever kind and character, and burial expenses, including among other things those set out in this Item One, state and federal estate taxes, personal, fiduciary and all other type taxes, and all expenses of administration and any other type legal charge of my estate, shall be paid from the "Hines Land" share of my estate as set out in Item Four and not from any specific bequest in this Will nor from the residuary part of this Will.

Myra DuBose Hines
MYRA DUBOSE HINES

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and in office this 15th
of October, 1986
by Probate and Record.

W. L. Dorman
Judge of Probate

Phillip J. Harris

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ITEM TWO

I give and bequeath to my sister, Helen D. DeLoach, if she survives me, my large gold framed mirror, which currently hangs in my living room.

ITEM THREE

I give and bequeath to Joseph Stone and Barbara Stone, now residing at 2408 Woodmere Drive, Birmingham, Alabama 35226, or the survivor of them, if they or either of them survive me, such personal automobile as I may own at my death.

ITEM FOUR

The term "Hines Land", as used in this Will, means that part of my probate estate consisting solely of the undivided one-fourth (1/4) interest in stone land and timber land (and any improvements, leases and chattels thereon) which was devised to me by the Will of my husband, John A. Hines, deceased, and which I may own at my death, said land consisting at the time of the signing of this Will of approximately 354 acres in Shelby County, Alabama, 2073 acres in Monroe County, Alabama, and 620 acres in Wilcox County, Alabama. I give, devise and bequeath the interest in the aforementioned "Hines Land" owned by me at the time of my death to my two step-children and the children of my late stepchild, Shearer Hines Anderson, namely, to Elizabeth Bouchillon, an undivided one-third (1/3) interest, to the children of Shearer Hines Anderson an undivided one-third (1/3) interest, and to John A. Hines, Jr. an undivided one-third (1/3) interest, each one of the aforementioned three named shares or interests to share and share alike in three equal parts in said "Hines Land", provided, however, that if any such stepchild of mine or children of Shearer Hines Anderson shall not survive me and shall leave a descendant(s) of him or her living at my death, then such descendant(s) shall take per stirpes the share such

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stepchild or such child of my late stepdaughter, Shearer Hines Anderson, would have taken if living at my death. It is my intention and direction that the amounts I have directed my Executrix to pay under Item One of this Will shall constitute a charge and lien upon that portion of my probate estate devised by this Item Four. To the extent that it is or becomes necessary to exonerate and protect the portion of my probate estate given by the other articles of this Will from the payment of any such amounts under Item One, I hereby direct my Executrix to sell so much of the portion of my probate estate known as the "Hines Land" as is devised by this Item Four as may be necessary to pay such amounts in full as and when due.

ITEM FIVE

I give and bequeath to Harriet Lowe, my friend and companion, the sum of Six Thousand Dollars (\$6,000.00) cash if she survives me. In addition, if she survives me, she shall have the right to stay in any home or residence that I may own or be residing in at the time of my death for a period of thirty (30) days following my death at no charge, however, my Executrix shall have the right to enter and leave said premises as she deems fit and necessary and do what she thinks is necessary in or about said premises to carry out the terms of my Will.

ITEM SIX

I am aware that Allen Hines is the son of John A. Hines, Jr., but I do not desire to leave him anything under this Will.

ITEM SEVEN

I may have certain joint and/or survivorship accounts at my death, and I direct that said funds go to the survivor.

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ITEM EIGHT

I hereby give, devise and bequeath all the rest, residue and remainder of my property, real, personal and mixed, of every kind and nature whatsoever and wherever situated, in four (4) equal shares, one share to Herman DuBose and his wife, Laura McGovern DuBose or the survivor of them if they or either of them survive me, one share to Merida Tyler, one share to Camille Hines, and one share to Ashley Hines, the latter three (3) being daughters of my stepchild, John A. Hines, Jr. In the event that both Herman DuBose and his wife, Laura McGovern DuBose have predeceased me, then their one-fourth (1/4) share of this residue shall lapse and end, and, this share that would have gone to Herman DuBose and his wife, Laura McGovern DuBose, in said case shall be divided equally among the other three named residuary beneficiaries, namely, Merida Tyler, Camille Hines and Ashley Hines, who are the daughters of my stepchild, John A. Hines, Jr. In the further event that Merida Tyler, Camille Hines or Ashley Hines shall not survive me and shall leave descendant(s) of hers living at my death, then such descendant(s) shall take per stirpes the share such daughter of my stepson would have taken if living at my death. In the event that Merida Tyler, Camille Hines or Ashley Hines shall predecease me leaving no descendants, then the share of such deceased of the aforementioned three of this residue shall be divided up among the surviving daughter(s) or descendant(s), if deceased, of my stepchild, John A. Hines, Jr., in equal shares, per stirpes.

ITEM NINE

If any other person and I shall die under such circumstances that there shall be no sufficient evidence that such other person and I shall have died otherwise than simultaneously, then I direct that for all purposes of this Will

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such other person shall be conclusively deemed to have predeceased me.

ITEM TEN

I hereby nominate, constitute and appoint my stepdaughter, Elizabeth Bouchillon, to be the Executrix of this my Last Will and Testament and hereby exempt her from the necessity of giving bond as such Executrix and I also hereby exempt her from the necessity of filing any inventory or making any report or final settlement of my estate in any court. I hereby authorize and empower my Executrix to sell at either private or public sale (without liability on the purchaser to see to the proper application of the proceeds of such sale or sales), convey, lease or exchange all or any part of my estate, whether real, personal or mixed property, for such consideration and upon such terms and conditions as she deems proper, to the interest of the beneficiary or beneficiaries hereunder, and to execute and deliver all instruments necessary, or proper to evidence such sale, lease or exchange, and to collect all rents, profits, income, dividends or issues due to my estate, to insure, repair or rebuild any buildings or other structures constituting a part of my estate, to settle, compromise or adjust any claims on behalf of or against my estate, and in general to do any and all things with respect to my estate that I myself might do if living and which my said Executrix in her discretion may deem proper, and to do all the things specified in this Item Ten without first obtaining any order of court therefor. My Executrix shall further have the right to engage in any business including farming and timbering. I want my Executrix to know that the furniture and mirror in the back bedroom of my residence facing the street (Southeast corner of my residence) is the property of Merida Hines Tyler and is not property of my estate.

Myra DuBose Hines
MYRA DUBOSE HINES

[Handwritten signature]

ITEM ELEVEN

If my stepdaughter, Elizabeth Bouchillon, should die, resign or for any reason fail to qualify or continue to act as Executrix, then I hereby nominate, constitute and appoint my sister, Helen D. DeLoach, as the Executrix of this my Last Will and Testament, and as such Executrix, she shall have all of the same exemptions and all of the same power and authority as herein conferred upon my original named Executrix.

ITEM TWELVE

If any person to whom any property is given or devised is, at the time of the distribution of such property to him or her, under any legal disability, such as minority or incompetence, according to the laws then in effect at such person's domicile, then, my Executrix, in her discretion thereof, may deliver such property to such person, to the guardian of such person or to some third party (including any Executrix of mine) for the benefit or account of such person; and the receipt of the person, firm or corporation to whom such property is so delivered shall discharge my Executrix with respect to the property to which such receipt relates.

I, Myra DuBose Hines, the Testatrix, sign my name to this instrument this 19th day of August, 1986, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Myra DuBose Hines
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We, Demetris D. Jarvis and Phillip J. Jarvis
the witnesses, sign our names to this instrument, being first
duly sworn, and do hereby declare to the undersigned authority
that the Testatrix signs and executes this instrument as her Last
Will and Testament and that she signs it willingly, and that each
of us, in the presence and hearing of the Testatrix, hereby signs
this Will as witness to the Testatrix's signing, and that to the
best of our knowledge the Testatrix is nineteen (19) years of age
or older, of sound mind and under no constraint or undue
influence.

| | | | |
|---------------------------|---------------------------------|-------------|---------------|
| <u>Demetris D. Jarvis</u> | <u>1845 Montclair Dr. Bloom</u> | <u>Ala.</u> | <u>35216</u> |
| NAME | ADDRESS | CITY | STATE AND ZIP |
| <u>Phillip J. Jarvis</u> | <u>1845 Montclair Dr. Bloom</u> | <u>Ala.</u> | <u>35216</u> |
| NAME | ADDRESS | CITY | STATE AND ZIP |

STATE OF ALABAMA

COUNTY OF JEFFERSON

Subscribed, sworn to and acknowledged before me by
Myra DuBose Hines, the Testatrix, and subscribed and sworn to
before me by Demetris D. Jarvis and Phillip J. Jarvis,
witnesses, this the 19th day of August, 1986.

Barbara Whitsett
NOTARY PUBLIC

BARBARA WHITSETT
Notary Public - Alabama State at Large
My Comm. Ex. Expires October 7, 1986

Myra DuBose Hines
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CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, O. H. Florence, 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 Myra Dubose Hines Deceased and that said Will ____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 989, Page 722-729.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date October 15, 1986.

O. H. Florence, Judge of Probate.

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CERTIFICATE TO COPIES

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, Peggy A. Proctor, 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 MYRA DUBOSE HINES, deceased, together
with the Certificate to the Probate thereof;

in the matter of the estate of MYRA DUBOSE HINES, deceased.

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

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1987 FEB 19 AM 8:19
JUDGE OF PROBATE

Given under my hand and seal of said Court, this
the 16th day of February, 19 87

Peggy A. Proctor
Chief Clerk



Recording Fee \$ 22.50

Indexing Fee 1.00

TOTAL 23.50

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