

IN THE MATTER OF THE ESTATE) IN THE PROBATE COURT OF
 OF: MINNIE LEE BUSBY REAVES,) JEFFERSON COUNTY, ALABAMA
 Deceased,) CASE NO. 126751

PETITION FOR PROBATE OF WILL

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

Comes your petitioner, Inez B. Holland, and upon information and belief, respectfully shows unto your Honor the following facts:

1. Minnie Lee Busby Reaves died at Birmingham, Alabama on the 23rd day of May, 1988, 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 nineteen years of age, and was attested by the following witnesses: namely:

Jackie Daniel, 2121 Highland Avenue, Birmingham, AL
 Lee B. Lloyd, 2121 Highland Avenue, Birmingham, AL

and furthermore, said Will was simultaneously executed, attested, and made self-proved, by acknowledgment thereof by the decedent and affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of Alabama where execution occurred and evidenced by the officer's certificate, under official seal, in substantially the form as described in Section 43-8-132 of the 1975 Code of Alabama, as amended.

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

Inez B. Holland, petitioner, 1901 Etowah Street
 half-sister, over 19, of Tarrant, Alabama 35217
 sound mind

Evelyn McGehee, niece, 4475 Snowden Chambers Rd. ✓
 over 19, of sound mind Montgomery, Alabama 36116

Kathryn Bryant, niece, 1711 Gibson Street ✓
 over 19, of sound mind Montgomery, Alabama 36110

Mildred Berney Noel, niece, c/o Sun Life
 over 19, of sound mind 5055 East University
 Mesa, Arizona 85205

Virginia Dawson, niece, 6789 Goldsboro Road
 over 19, of sound mind Bethea, Maryland 20817

James McElvain Jenkins, 14464 Turner Road
 grand-nephew, over 19, Dewitt, Michigan 48820
 of sound mind

Daniel Carl Jenkins, P. O. Box 8645
 grand-nephew, over 19, Incline Village, NV 89450

Dominick Fletcher

BOOK 238 PAGE 668

114

8-10741
 94-641

6/4 c/p m Jean Ellen Peck,
nu grand-niece, over 19,
 of sound mind

Ex ante Henry Busby, nephew,
 over 19, of sound mind

6/4 c/p m Betty Joyce Allen, niece,
nu over 19, of sound mind

6/4 c/p m Carolyn Bishop, niece,
nu over 19, of sound mind

6/4 c/p m Ruth Wright, niece,
nu over 19, of sound mind

6/4 c/p m Margaret Caudill, niece,
nu over 19, of sound mind

6/4 c/p m Leonard Busby, nephew,
nu over 19, of sound mind

6/4 c/p m Mildred Maisch, niece,
nu over 19, of sound mind

6/4 c/p m Robert Busby, nephew,
nu over 19, of sound mind

6/4 c/p m Eugene Busby, nephew
nu over 19, of sound mind

6/4 c/p m Hoyt Busby, nephew,
nu over 19, allegedly
 incompetent

6/4 c/p m Paul Busby, grand-nephew,
nu over 19, of sound mind

6/4 c/p m Susan B. Ramey, niece,
nu over 19, of sound mind

6/4 c/p m Michael L. Busby, nephew
nu over 19, of sound mind

6/4 c/p m Allison Busby Limbaugh,
nu niece, over 19, of sound
 mind

16531 Forest Lake Drive
Tampa, Florida 33624

Rt. 1, Box 5792
Pell City, Alabama 35125

3471 Hickory Court
Marietta, Georgia 30062

2232 Lynngate Drive Hoover
Birmingham, Alabama 35226

805 Willow Oak Drive
Birmingham, Alabama 35244

117 Waxwing Drive
Cincinnati, Ohio 45236

336 Payne Trail
London, KY 40741-8642

6420 Savannah Avenue
Cincinnati, Ohio 45239

1210 Wilson Road
Bellevue, Kentucky 41073

150 Junedale Drive
Cincinnati, Ohio 45218

c/o Pauline Warfield Lewis
Center
1101 Summit Road
Cincinnati, Ohio 45237

213 Maple Street
Manchester, Kentucky 40962

923 Vanderbilt Street
Birmingham, Alabama 35206

923 Vanderbilt Street
Birmingham, Alabama 35206

Rt. 1, Box 274-B
Steele, Alabama 35987

WHEREFORE, your petitioner prays that your Honor will take jurisdiction of this petition; will cause all such notices of citations to issue to the said 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.

Attorney for Petitioner:

Manly Yeilding
2121 Highland Avenue, South
Birmingham, Alabama 35205

)
 :
) *Inez B. Holland*
 : Inez B. Holland
) 1901 Etowah Street
 : Tarrant, Alabama 35217

Filed in office this 21st
 day of May 19 88 and
 set for hearing on the 6th
 day of July 19 88
 at 9 o'clock A.M.
D. H. F. Lewis

8 Cites : Issued
Pub. issue

6/10/88
20
10/10/88

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

Before me, the undersigned authority, a notary public in and for said county in said state, personally appeared Inez B. Holland, who, being first duly sworn, makes oath that she has read the foregoing petition and knows the contents thereof, and that she is informed and believes, and, upon such information and belief, avers that the facts alleged therein are true and correct.

Inez B. Holland
Inez B. Holland

Subscribed and sworn to before me this 27th day of May, 1988.

Manly J. Jeldness
Notary Public

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Filed in the office of the Judge of Probate of
Jefferson County, Alabama, this _____ day of
_____, 1988.

Judge of Probate

NOTARY PUBLIC
STATE OF ALABAMA
My Comm. Expires 12-31-1991
NOTARY PUBLIC

BOOK 042 PAGE 161

LAST WILL AND TESTAMENT

OF

126754

MINNIE LEE BUSBY REAVES

I, MINNIE LEE BUSBY REAVES, a resident of Shelby County, State of Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other wills and codicils heretofore made by me.

ITEM ONE: I direct that all of my debts, including the expenses of my last illness and funeral, shall first be paid out of my estate by my Executor, hereinafter named, as soon as practicable after my death.

ITEM TWO: I give and bequeath all of my wearing apparel, jewelry, books, pictures, and all other objects of my personal use, including any household furniture and furnishings which I may own, together with any insurance thereon, to my half-sister, Annis Inez B. Holland, absolutely, if she survives me, and if she does not survive me, then in equal shares to her then living descendants who survive me. I hereby vest in my Executor full power and authority to determine what objects of property are included in the foregoing descriptions. If any property bequeathed under this Item is distributable to any person who has not attained the age of nineteen (19) years, my Executor may, in the Executor's sole discretion, deliver the same directly to such person or to the parent, guardian, or other person having custody of such person.

ITEM THREE: All of the rest, residue and remainder of my property, of whatever kind and character and wherever situated, I give, devise and bequeath to the Trustee hereinafter named, who shall hold the same in trust for the uses and purposes as hereinafter provided:

Signature

Handwritten signature: M. L. Busby

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BOOK 1086 PAGE 300

BOOK 1094 PAGE 693

Filed in office this the 21st day of May, 1988
 for Probate and Records. *[Signature]*
 Judge of Probate

(a) During the lifetime of my sister, Bessie B. Cutcliffe, the Trustee shall pay to her the entire net income from said trust in installments convenient to her, but at least annually. If at any time during such period the net income from said trust is insufficient, in the opinion of the Trustee, for the health, maintenance and support of my sister, taking into account other resources available to her and known to the Trustee, the Trustee shall pay to her such additional sum or sums out of the principal of said trust as the Trustee may deem necessary or desirable for said purposes.

(b) Upon the death of my said sister, or upon my death if she predeceases me, the Trustee shall transfer and pay over the remainder of the trust estate to my half-sister, Annis Inez B. Holland.

ITEM FOUR: The Trustee shall hold and manage the said trust or trusts and all shares thereof, with all of the powers and authority the Trustee would have if the Trustee were the absolute owner thereof, including but not limited to the following powers:

1. To collect the income therefrom.
2. To compromise, adjust and settle in the Trustee's discretion any claim in favor of or against the trust.
3. To hold any property or securities originally received by the Trustee as a part of the trust or to which the Trustee may become entitled by virtue of incorporation, liquidation, reorganization, merger, consolidation or change of charter or name, including any stock or interest in any family corporation, partnership or enterprise, so long as the Trustee shall consider the retention for the best interests of the trust.
4. To sell, auction, convey, exchange, lease or rent for a period beyond the possible termination of the trust (or for a less period) for improvement or otherwise, or to grant options for or in connection with such

Signature

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purposes, or otherwise dispose of, all or any portion of the trust, in such manner and upon such terms and conditions as the Trustee may approve.

5. To invest and reinvest the trust and the proceeds of sale or disposal of any portion thereof, in such loans, bonds, stocks, mortgages, common trust funds, securities, shares of regulated investment companies or trusts, or other property, real or personal, or to purchase options for such purposes, or to exercise options, rights, or warrants, to purchase securities or other property, as to the Trustee may seem suitable.

6. To hold, retain or acquire property or securities which in the Trustee's opinion is for the best interests of the trust, without regard to any statutory or constitutional limitation applicable to the investment of trust funds.

7. To vote any corporate stock held hereunder in person, or by special, limited or general proxy, with or without power of substitution, or to refrain from voting the same, and to waive notice of any meeting and to give any consent for or with respect thereto.

8. To borrow money for such time and upon such terms as the Trustee sees fit, without security or on mortgage of any real estate or upon pledge of any personal property held hereunder, and to execute mortgages or collateral agreements therefor as necessary.

9. To improve, repair, let, exchange, release, partition, vacate, dedicate, or adjust the boundaries of, any real estate constituting a part of said trust estate, and to keep any property constituting a part of said trust properly insured against hazards, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon said property, and to create reserves for depreciation, depletion or such other purposes as the Trustee deems necessary or desirable.

10. To determine whether any money or property coming into the Trustee's hands shall be treated as a part of the principal of the trust or a part of the income therefrom, and to apportion between principal and income any loss or expenditure in connection with the trust as the Trustee may deem

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Signature

W. L. B. R.

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just and equitable; provided, however, that such powers shall be exercised in accordance with the provisions of the Alabama Principal and Income Act.

11. To appoint, employ, remove and compensate such attorneys, agents and representatives, individual or corporate, as the Trustee deems necessary or desirable for the administration of the trust, and to treat as an expense of the trust any compensation so paid.

12. To pay from income any expenses reasonably necessary for the administration of the trust, and in the event the income is insufficient for such payments, to pay the same from the principal thereof.

ITEM FIVE: The following provisions shall govern for all purposes of this Will, wherever they may be applicable:

(a) Any payment of income or discretionary payment of principal from any trust to or for any beneficiary may, in the discretion of the Trustee, be made to any person or organization (including the beneficiary, the guardian of the beneficiary, or anyone having custody and care of the beneficiary, or who provides goods or services for him or her), who shall apply such payment for the use and benefit of the beneficiary as provided for hereunder.

(b) Upon making any payment or transfer hereunder, the Executor and Trustee shall be discharged as to such payment or transfer without liability for the subsequent application thereof, and when the final payment or transfer is made from the principal of any trust, such trust shall terminate and the Trustee shall be fully discharged as to such trust.

(c) Whenever the word "Trustee", "Trustees", "Executor" or "Executors" is used, it shall be construed either as singular or plural, and masculine, feminine or neuter, whichever is proper in accordance with the context.

Signature

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Handwritten signature

ITEM SIX: I hereby designate and appoint my half-sister, Annis Inez B. Holland, as Executor and Trustee hereunder. If my said half-sister shall resign or for any reason fail or cease to serve as Executor or Trustee, then I hereby designate and appoint AmSouth Bank, N.A. (and such successor corporation having trust powers as shall succeed to the business of said bank by purchase, merger, consolidation or change of charter or name) as successor Executor or successor Trustee, as the case may be. I direct that my said Executor and Trustee and any successor thereto shall not be required to give bond or to file an inventory or appraisal of my estate though they shall make out and keep an inventory and shall exhibit the same to any party in interest at any reasonable time, and I direct that they shall be free from the control and supervision of any court. I hereby vest in my Executor and any successor thereto the same full powers of management, control and disposition of my estate as are given to the Trustee under ITEM FOUR with respect to the trust or trusts hereunder. The corporate fiduciary shall be entitled to reasonable compensation for its services as an Executor and a Trustee.

IN WITNESS WHEREOF, I, Minnie Lee Busby Reaves, the testatrix, sign my name to this instrument this 26th day of August, 1987, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will 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 years of age or older, of sound mind and under no constraint or undue influence.

Minnie Lee Busby Reaves
 Minnie Lee Busby Reaves

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2072 BR

We, the undersigned 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 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 years of age or older, of sound mind, and under no constraint or undue influence.

Jackie Daniel

Address: 2121 Highland Avenue
Birmingham, AL 35205

Lee B. Lloyd

Address: 2121 Highland Avenue
Birmingham, AL 35205

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JUL 1094 PAGE 698

STATE OF ALABAMA)
SHELBY COUNTY)

Subscribed, sworn to and acknowledged before me by Minnie Lee Busby Reaves, the testatrix, and subscribed and sworn to before me by Jackie Daniel and Lee B. Lloyd, witnesses, this 26 day of August, 1987.

Manly J. Gilling
Notary Public

[Seal]

My Commission Expires:

10/6/88

Manly J. Gilling

Signature

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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 Minnie Lee Busby Reaves _____ Deceased and that said Will _____ 1086 300-305together with the proof thereof have been recorded in my office in Judicial Record, Volume 1094 , Page 692-699In witness of all which I have hereto set my hand, and the seal of the said Court, this date July 6, 1988 .O. H. Florence , Judge of Probate.

IN THE MATTER OF:

THE ESTATE OF:

MINNIE LEE BUSBY REAVES,
DECEASED

)
)
)
)
)
)
)

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

JULY TERM 1988

CASE NO. 126754

ORDER PROBATING LAST WILL AND TESTAMENT

This matter coming on to be heard upon the petition of Inez B. Holland which was heretofore filed in this Court for the probate of an instrument of writing purporting to be the Last Will and Testament of Minnie Lee Busby Reaves, deceased;

Comes now the said petitioner and moves the Court to grant said petition; and also comes Donald B. Sweeney, Jr. who was heretofore duly appointed by this Court and who now consents to act as Guardian ad Litem for Hoyt Busby, who is incompetent; and it appearing to the Court that the acceptances of service and waivers of notice by James McElvain Jenkins, Daniel Carl Jenkins, Jean Ellen Peck, Carolyn Bishop, Ruth Wright, Margaret Caudill, Leonard Busby, Mildred Maisch, Robert Busby, Eugene Busby, Susan B. Ramey, Michael L. Busby and Allison Busby Limbaugh, next of kin of said decedent have been filed in this Court, and the Court having ascertained by sufficient evidence that the signatures affixed thereto are the genuine signatures of said next of kin; and it further appearing to the satisfaction of the Court that notice of the filing of said petition and of the time appointed for hearing the same has been given in pursuance of law; 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 Minnie Lee Busby Reaves, deceased and ordered to be recorded together with the proof thereof and all other papers on

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THE ESTATE OF: MINNIE LEE BUSBY REAVES, DECEASED
CASE NUMBER 126754

file relating to this proceeding. It is further ordered that
petitioner pay the costs of this proceeding.

DONE this date, July 6, 1988.

A. H. Florence
Judge of Probate

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IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY,
ALABAMA

June TERM 1988

Minnie Lee Busby ReavesCASE NO. 126754

Deceased

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 Inez B. Holland

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, July 6, 1988
Judge of Probate

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 _____ in full force and effect.

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

Chief Clerk

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PROBATE-67

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

Petition for Probate of Will of Minnie Lee Busby Reaves, Deceased;

Last Will and Testament together with the Certificate to the Probate

thereof; Order Probating Last Will and Testament and Letters Testamentary

granted and issued to Inez B. Holland as Executrix

in the matter of Estate of Minnie Lee Busby Reaves, Deceased

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

89 MAY 16 AM 9:27

JUDGE OF PROBATE

the 2nd day of August, 19 88

Chief Clerk

RECORDING FEES
Recording Fee \$ 35.00
Index Fee 2.00
TOTAL 37.00

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