

1112

Last Will and Testament

OF

LENA L. OLDHAM

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Lena L. Oldham, a resident of Jefferson, County, Alabama, being of sound and disposing mind and memory, and over the age of nineteen (19) years, do, make, publish, and declare this to be my Last Will and Testament, hereby expressly revoking any and all Wills and Codicils, and writings in the nature thereof, heretofore made by me.

ITEM I

IDENTITY OF HUSBAND AND CHILDREN

I declare that I am married to Bliss Eugene Oldham, and that all references in this Will to "my husband" are reference to Bliss Eugene Oldham. I have five children now living, whose names are: Geraldine Oldham Hughes, Christine Oldham Flemings, James W. Oldham, Claude L. Oldham and Raymond F. Oldham.

I have no deceased children. All references in this Will to "my children" or "child of mine" include not only the above children but also any child hereafter born to or adopted by me, and this Will shall not be revoked by any such future birth or adoption.

ITEM II

PROPERTY DISPOSED OF

It is my intention by this Will to dispose of all the real and personal property which I may own which is subject to the control of the Will. However, I hereby elect not to exercise any power of appointment which I now have or which may hereafter be conferred on me; no provision of this Will shall be construed as an exercise in whole or in part of any such power.

ITEM III

TANGIBLE PERSONAL PROPERTY

All of my personal effects, automobiles, books, clothing, jewelry, and other such tangible property owned by me at the time of my death I give to my husband if he survives me; if my husband does not survive me, I give said

ROBERT McKEE

P.O. BOX 170583

1113 FORD AVENUE

Filed in office this the 1st

day of JULY 1939
by Probate and Record

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property to my children who survive me, to be divided among them in such manner as they may agree, and if they do not so agree, then in such manner as my Executor(s) may determine.

ITEM IV

DISPOSITION OF RESIDUARY ESTATE

All of the rest, residue and remainder of my property of whatever kind and character, real or personal or mixed, wheresoever located, of which I may die seised or possessed or in which I may own an interest, or to which my estate may become entitled after my death, but excluding any property over which I have a power of appointment, I give, bequeath, and devise to my husband, Bliss Eugene Oldham, if he survives me. If my husband does not survive me, then I give, devise and bequeath all of the rest, residue and remainder of my said property, in equal shares, to my children, per stirpes. If any of my said children should predecease me, his or her share thereof shall pass to his or her then living issue, per stirpes, and if none, then the whole thereof shall pass to the other named children beneficiaries.

ITEM V

MUTUAL WILL

My husband and I are executing Wills at approximately the same time in which each of us is the primary beneficiary of the Will of the other. These Wills are not being made because of any agreement between my said husband and myself. Either Will may at any time be revoked at the sole discretion of the maker thereof before or after the death of the other spouse.

If any provision of this Will or of any Codicil thereto is held to be inoperative, invalid, or illegal, it is my intention that all of the remaining provisions thereof shall continue to be fully operative and effective so far as is possible and reasonable.

The provisions of this Will for my husband are in lieu of any right, interest, or claim of any nature, whether curtesy, statutory, or otherwise, in, to, and against my estate.

ITEM VI

EXECUTOR(S)

I appoint my husband, Bliss Eugene Oldham as Executor of my estate. If he is unable or is unwilling to serve, or to continue to serve, I appoint

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as substitute or Successor Executor my son, Claude L. Oldham.

No bond or other security shall be required of any Executor(s) appointed in this Will. The Executor(s) shall be exempt from filing any inventory and from filling any final settlement in any court except for cause shown.

My Executor(s) shall have, in addition to and not in limitation of the powers given by law or by other provisions of this Will, the following powers with respect to the settlement of my estate, to be exercised in each case from time to time in the discretion of my Executor(s) without further order of any court:

- (1) Power to retain any property, pending distribution hereunder, to invest in or purchase any property without restriction to legal investments for fiduciaries, to distribute property in kind, to compromise claims, and to sell any property at public or private sales.
- (2) To invest and reinvest in stocks, shares, and obligations of corporations, of unincorporated associations or trust, and of investment companies or in any other kind of personal or real property, notwithstanding the fact that any or all of the investments made are of a character or size which but for this expressed authority would not be considered proper for executors.
- (3) To sell for cash or on deferred payments at public or private sale, to exchange, and to convey any portion of my estate, real, personal, or mixed, at the time or price and on the terms and conditions which my Executor(s) may determine.
- (4) To lease any real or personal property of my estate for any purpose for terms within or extending beyond the term of the settlement of my estate in accordance with law.
- (5) To manage, control, improve, and repair real and personal property belonging to my estate.
- (6) To procure and carry at the expense of my estate insurance of the kinds, forms, and amounts deemed advisable by my Executor(s) to protect my estate and my Executor(s) against any hazards.
- (7) To enforce any mortgage, deed of trust, or pledge held by my estate and to purchase at any sale thereunder any property subject to any such mortgage or pledge.
- (8) To conduct alone or with others any business in which I am engaged or in which I have an interest at my death, with all the powers of any owner with respect thereto, including the power to delegate discretionary duties to others, to invest other property held hereunder in such business and to organize a partnership or corporation to carry on such business.
- (9) To vote or issue proxies, with power of substitution, for stocks, bonds, or other securities; to engage into or oppose any plan of merger, liquidation, lease, sale, mortgage, consolidation, reorganization, or foreclosure, and in connection therewith to pay amounts due under such plan, deposit securities,

and delegate discretionary powers to an agent or protective committee; and to exercise, buy, or sell rights of conversion or subscription.

- (10) To borrow money, with or without interest for the benefit of my estate, and to pledge or mortgage property as security therefor.
- (11) To arbitrate, defend, enforce, release, compromise, or settle any claim of or against my estate.
- (12) To make any division or distribution in cash or in kind, and to allocate the same or different property to any share in any such division or distribution. For purposes of division or distribution, property shall be valued at the fair market currently at the date of division or distribution.
- (13) To execute and deliver all necessary or proper deeds or other instruments.

The above powers and any other powers given under this Will or by law may be exercised without court approval. All such powers shall be exercised by my Executor(s) as he deems prudent and subject to his fiduciary obligations. No purchaser from or other party dealing with my Executor(s) shall be responsible to see to the application of any money or other property paid or delivered to him.

I direct my Executor(s) to pay from the residue of my estate (1) all debts allowed as claims against my estate, (2) my funeral expenses, (3) all expenses of administration of my estate, and (4) all estate, inheritance, succession, and transfer taxes (together with interest and penalties thereon, if any) which may be assessed by reason of my death, and with respect to property of every kind and description, whether or not passing under this Will. My Executor(s) shall not receive reimbursement for any such additional payment from any person or property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 29th day of January, 1979, and have set my hand on the three preceding pages, hereby declaring the instrument contained on these five pages to be my Last Will and Testament.

Lena L. Oldham (SEAL)
LENA L. OLDHAM

JR 2042 PG 642

ADDRESS

605 City Federal Building
Birmingham, AL 35203

605 E. Federal Building
Birmingham Al. 35203

[illegible]

CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, George R. Reynolds, 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 LENA L. OLDHAM, _____ Deceased and that said Will _____
together with the proof thereof have been recorded in my office in Judicial Record, Volume _____, Page _____.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date June 1, 1989.

George R. Reynolds, Judge of Probate.

The State of Alabama
JEFFERSON COUNTY

I, Peggy A. Proctor, Chief Clerk of the Probate Court
of said County and State, do hereby certify the foregoing papers to be, and contain a full, true and correct copy
of the Last Will and Testament of LENA L. OLDHAM, Deceased;
together with the certificate to the probate thereof;

as appears on file and of record in this Court.

Witness my hand and seal of said Court, this the 8th day of June
19 89.

Peggy A. Proctor
Chief Clerk

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

89 NOV 17 PM 12:19

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$ <u>17.50</u>
Cert	<u>1.00</u>
Index Fee	<u>3.00</u>
TOTAL	<u>21.50</u>

The State of Alabama
JEFFERSON COUNTY

I, George R. Reynolds, Judge of the Probate Court of said County and State, do hereby certify
that Peggy A. Proctor whose name is signed to the preceding certificate of
exemplification, is the Chief Clerk of the Probate Court of Jefferson County, Alabama, duly appointed and sworn,
and that said Court is a Court of Record, and that full faith and credit are due to her official acts.

I further certify that the seal affixed to the said exemplification is the seal of the said Probate Court of Jef-
ferson County, Alabama, and that the attestation thereof is in due form of law.

This the 8th day of June, 19 89.

George R. Reynolds
Judge of Probate

The State of Alabama
JEFFERSON COUNTY

I, Peggy A. Proctor Chief Clerk of the Probate Court
of said County and State, do hereby certify that George R. Reynolds, whose name is signed to the
foregoing certificate, is the Judge of the Probate Court of Jefferson County, Alabama, duly elected and sworn,
and that the signature of said Judge is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this the 8th
day of June, 19 89.

Peggy A. Proctor
Chief Clerk