

# 35 Last Will and Testament OF

LOWELL P. HOUSE

STATE OF ALABAMA )

SHELBY COUNTY )

I, LOWELL P. HOUSE, a widower and a resident of Shelby County, Alabama, being over the age of eighteen years and of sound mind and disposing memory, do hereby make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking all other Wills and testamentary dispositions heretofore made by me.

ITEM ONE: I direct that all of my just debts, including the expenses of my last illness and funeral and the cost of administration of my Estate, shall be paid out of my Estate by the Executor hereinafter named as soon after my death as he shall deem advisable and in doing so he shall first use the cash funds belonging to my Estate,

ITEM TWO: I do hereby make the following special devises:

A. I give to my daughter JO ANN H. SHIRLEY, if she shall survive me, my Sunshine mobile home presently located on her real property. In the event my said daughter does not survive me, then this devise shall go to her lineal descendants in equal shares per stirpes.

B. I give to my son BILLY WAYNE HOUSE, if he shall survive me, my 1975 Pontiac automobile or any replacement vehicle I may own at the time of my death. In the event my said son does not survive me, then this devise shall go to his lineal descendants in equal shares per stirpes.

ITEM THREE: I do hereby devise all of the rest, remainder and residue of my property and Estate of whatever kind and nature, whether real, personal or mixed, and wheresoever located, owned by me at the time of my death, or to which I may be entitled, unto my four children, namely, BILLY WAYNE HOUSE, JIMMY

SIGNED FOR  
IDENTIFICATION:

*Lowell P. House*

*Cambridge*

HOUSE, HARRY TRUM HOUSE, and JO ANN H. SHIRLEY, all to be theirs in fee simple, absolutely, share and share alike. In the event any child of mine shall die prior to the time of my death leaving lineal descendants living at the time of my death, then such lineal descendants shall take by representation and in equal shares per stirpes between them the share which his or her parent would have taken had such child of mine survived me.

ITEM FOUR: Whenever I have provided in this my Last Will and Testament that any property shall go to a person upon the condition that the said person is living at the time of my death, or that said person shall survive me, or words to that effect, I now hereby provide that if such person shall die within thirty (30) days after the date of my death, then said property shall in such event go and vest in the same manner as if such person so dying had predeceased me.

ITEM FIVE: I hereby nominate, constitute and appoint as Executor of this my Last Will and Testament my son JIMMY HOUSE and I hereby direct that Letters Testamentary be issued to him without his being required to make, execute or deliver any bond for the performance of his duties as such Executor. I hereby vest in my said Executor full power to sell, convey, rent, lease with option for sale, mortgage, transfer and assign any and all of my property upon such terms and conditions as he may deem best for the purpose of administering my Estate. I hereby exempt my said Executor from filing an inventory or appraisement of my Estate in any Court, from making an accounting to any Court and from obtaining an order, decree or process from any Court whatever.

In the event my said son shall fail or refuse to serve as Executor, or is unable to serve as Executor for any reason whatsoever, then I hereby nominate, constitute and appoint to serve as Executrix of this my Last Will and Testament my daughter JO ANN H. SHIRLEY and, if she does serve as such Executrix, I do hereby give grant and vest in her all of the rights, powers, privileges and immunities herein given, granted and vested in JIMMY HOUSE, as such Executor.

SIGNED FOR

IDENTIFICATION:

Lowell J. Howe

IN WITNESS WHEREOF, I, LOWELL P. HOUSE, Testator, sign my name to this instrument this 10 day of March, 1988 and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as and for my Last Will and Testament, that I sign it willingly in the presence of each and all of the subscribing witnesses, each of whom I have requested, in the presence of each other, to subscribe his name as an attesting witness, in my presence and in the presence of the others, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

1. Deed Tax	—	\$
2. Mtg. Tax	—	\$
3. Recording Fee	—	\$ 7.50
4. Indexing Fee	—	\$ 3.00
5. No Tax Fee	—	\$
6. Certified Fee	—	\$ 1.00
Total	—	\$ 11.50

LOWELL P. HOUSE

Lowell P. House (SEAL)  
Testator

We, WADE H. MORTON, JR. and NANCY LYNETTE SHIRLEY, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as and for his Last Will and Testament and that he signs it willingly, and that each of us, in the presence and hearing of the Testator and at the Testator's request, hereby sign this Will as witness to the Testator's signing and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Wade H. Morton, Jr.  
Witness

Nancy Lynette Shirley  
Witness

STATE OF ALABAMA )  
SHELBY COUNTY )

Columbiana, Ala.  
Address  
981 Rd 39  
Address Chickasaw, Al 35043

Subscribed, sworn to and acknowledged before me by LOWELL P. HOUSE, the Testator, and subscribed and sworn to before me by WADE H. MORTON, JR. and NANCY LYNETTE SHIRLEY, the witnesses, this 10th day of March, 1988.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
90 FEB -1 AM 11:11

Wade H. Morton, Jr.  
Notary Public

MY COMMISSION EXPIRES AUGUST 4, 1991