

STATE OF ALABAMA  
JEFFERSON COUNTY

AFFIDAVIT

My name is Louie A. Busby and I am a bona fide resident citizen of Jefferson County, Alabama and am over the age of nineteen (19) years.

I am the eldest living son of W. A. Busby. My father died on October 11, 1987 leaving a will and a codicil which have not been probated and will not be probated which left his property exactly to his heirs of law. (A copy of the will and codicil are attached to this Affidavit and made a part by reference herein.) At the time of his death, W. A. Busby was survived by his wife, Ella Busby, who was 83 years of age at the time and of sound mind. His heirs at law included his three sons: Louie A. Busby, age 64 years and of sound mind; James William Busby, age 50 years and of sound mind; and, Jerry R. Busby, age 42 years and of sound mind. In addition to the heirs at law named above, the codicil named as devisees the spouse and children of his deceased son, Cecil Busby, who died on July 21, 1980. Their names, ages, and condition in life at the death of W. A. Busby were as follows: Maurine Virginia Busby, age 62 years, of sound mind; Mary Virginia East, age 41 years, of sound mind; Richard Dale Busby, age 34 years, of sound mind; Michael Wilburn Busby, age 32 years, of sound mind; John

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Tipton Busby, age 27 years, of sound mind; and Angela Paige Milstead, age 24 years, of sound mind. With the exception of Eloise Busby, all of the above heirs and devisees are still alive and of sound mind.

DATED this 21 day of Nov., 1990.

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STATE OF ALABAMA )  
JEFFERSON COUNTY )

Louie A. Busby  
LOUIE A. BUSBY

GENERAL ACKNOWLEDGMENT

I, the undersigned, a Notary Public in and for said State and in said County, hereby certify that Louie A. Busby, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day, that being informed of the contents of the Affidavit that the Affidavit was true and correct, and the same was executed voluntarily on the day the same bears date.

GIVEN under my hand and official seal on this the 21<sup>st</sup> day of November, 1990.

Camela Johnson  
NOTARY PUBLIC

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STATE OF ALABAMA )  
SHELBY COUNTY )

I, W. A. BUSBY, of Calera, Shelby County, Alabama, being of sound mind and disposing memory, do hereby publish and declare this my last Will and Testament, revoking all former and otherwills and testamentary dispositions by me at any time heretofore made:

FIRST: I direct that all of my just debts, including the expenses of my last illness and funeral, shall first be paid out of my estate by my Executrix hereinafter named, as soon as the prudent and orderly administration of my estate will permit.

SECOND: I give and bequeath unto my beloved wife, ELLA BUSBY, all of my personal property, wheresoever situate, of which I may die seized or possessed, or to which I may be entitled at the time of my decease.

THIRD: All the rest and residue of my property, real, or mixed, wheresoever situate, of which I may die seized or possessed, or to which I may be entitled at the time of my decease, I give, devise and bequeath to my beloved wife, ELLA BUSBY, for and during her lifetime, together with the power to convey, lease, sell, mortgage, or otherwise encumber, or dispose of any or all of said property, should she in her sole discretion deem it necessary or advisable for her comfort, upkeep and desires.

FOURTH: I further direct that if, upon the death of my said wife, any of such property herein devised or bequeathed shall remain undisposed of, then and in that event, I direct that the same shall be divided equally among my beloved sons, LOUIE BUSBY, CECIL BUSBY, JAMES BUSBY, and JERRY BUSBY, in equal parts, share and share alike. If at such time any of my said children are deceased, leaving lineal heir or heirs, then the said heir or heirs shall take the share of their father, in equal parts, share and share alike, per stirpes.

FIFTH: I hereby nominate and appoint my said wife, ELLA BUSBY, to be the executrix of this Will. In the event she be unable, unwilling, or disqualified to act as such executrix, I nominate and appoint my son, LOUIE BUSBY to be such executor, and I direct that neither of the aforementioned be required to make bond, or file an inventory, or to report their acts and proceedings as such executor to any court.

SIGNED FOR  
IDENTIFICATION:

*W. A. Busby*

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal on this  
the 11th day of August, 1966.

W A Busby (SEAL)

SIGNED, SEALED, PUBLISHED AND DECLARED by the above named,  
W. A. BUSBY, as and for his last will and testament, in the presence of us,  
who, in his presence, and in the presence of each other, have hereto set our  
hands as witnesses.

Carle R. Coleman  
Address: Columbiana, Alabama

Louise Braswell  
Address: Columbiana, Alabama

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Peggy B. Dyke  
Witness

residing at Rt. 1, Box 835, Calera

Laurie C. Robinson  
Witness

residing at Rt. 1, Box 5050, Jemison, AL  
35085

STATE OF ALABAMA   X  
COUNTY OF SHELBY   X

Subscribed, sworn to and acknowledged before me by W. A. Busby, the testator, and subscribed and sworn to before me by Peggy B. Dyke and Laurie Robinson, witnesses, this the 23 day of June, 1986.

(NOTARY SEAL)

L. H. Henry  
NOTARY PUBLIC

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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
91 MAR -8 PM 4:45

JUDGE OF PROBATE

|                  |       |
|------------------|-------|
| 1. Deed Tax      | —     |
| 2. Mtg. Tax      | —     |
| 3. Recording Fee | 15.00 |
| 4. Indexing Fee  | 3.00  |
| 5. No Tax Fee    | —     |
| 6. Certified Fee | 1.00  |
| Total            | 19.00 |

FIRST CODICIL TO  
LAST WILL AND TESTAMENT  
OF  
W. A. BUSBY

I, W. A. Busby, a resident of Shelby County, Alabama, being of sound mind and disposing memory, do hereby make, publish and declare, this instrument as and for a codicil to my LAST WILL AND TESTAMENT dated August 11, 1966.

FIRST: I hereby amend my LAST WILL and TESTAMENT dated August 11, 1966 by providing that the Fourth paragraph of my said LAST WILL AND TESTAMENT be deleted in its entirety and the following new Fourth paragraph substituted therefor:

FOURTH: I further direct that if, upon the death of my said wife, any such property herein devised or bequeathed shall remain undisposed of, then and in that event, I direct that the same shall be divided equally among my beloved sons, LOUIE BUSBY, CECIL BUSBY, JAMES BUSBY, and JERRY BUSBY, in equal parts, share and share alike. If at such time any of my said beloved sons are deceased, said deceased son's share of my estate shall be divided equally among his surviving children and surviving spouse, if any, share and share alike.

In every other respect I hereby republish my said Will.

IN WITNESS WHEREOF, I, W. A. Busby, have hereunto set my hand and affixed my seal to this First Codicil to my LAST WILL AND TESTAMENT dated August 11, 1966, on this the 23 day of June, 1986.

W A Busby (SEAL)  
W. A. BUSBY

Signed, sealed, published and declared by W. A. BUSBY as and for a Codicil to his LAST WILL AND TESTAMENT dated August 11, 1966 in our presence; and we, in his presence and at his request and in the presence of each other, hereunto subscribe our names as witnesses on the date above written.