

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; CODICIL TO THE LAST WILL AND TESTAMENT; ADDITIONAL

CODICIL TO LAST WILL AND TESTAMENT; CERTIFICATE TO THE PROBATE OF WILL.

in the matter of MINNIE THOMAS BERNARD, DECEASED

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

Given under my hand and seal of said Court, this

the 9TH day of AUGUST, 19 91

Peggy A. Proctor

Chief Clerk

100174

STATE OF ALABAMA, )  
JEFFERSON COUNTY. ) SS.

10174

IN THE NAME OF GOD - AMEN.

NO. 655 PAGE 752

I, MINNIE THOMAS BERNARD (widow of Harry O. Bernard), a resident citizen of the State of Alabama, residing and domiciled in the City of Birmingham, in said State, being of good bodily health and of sound mind and disposing memory, but mindful of the frailty and uncertainty of life, do hereby make, publish and declare this to be my last will and testament; hereby revoking and making null and void all other wills and testaments, codicils and testamentary instruments by me heretofore made.

ITEM I.

It is my will and desire that all my just debts (including my funeral expenses) be paid by my Executrix (hereinafter named) as soon as practicable after my death; and to that end and for that purpose, I hereby give and grant unto my said Executrix full power and authority: (a) to sell any or all property owned by me at the time of my death, real or personal, at private or public sale, without order of court; or (b) in her judgment and discretion, to pledge or mortgage any or all of the said property for said purpose, without order of court.

ITEM II.

I give, devise and bequeath to my beloved daughter, Mildred Bernard Watson, all my estate (real, personal or mixed) of which I may die seized and possessed, or to which I may be entitled at the time of my death, or over which I may have testamentary control, wheresoever and whatsoever it may be; to have and to hold to and unto the said Mildred Bernard Watson absolutely.

Filed in office this the  
day of July, 1930  
for Probate and Record.

Judge of Probate

Minnie Thomas Bernard

BOOK 367 PAGE 269

Mildred

ITEM III.

I hereby nominate and appoint the said Mildred Bernard Watson as Executrix of this my last will and testament, and I direct that she shall not be required to give bond or to file an inventory or appraisal of my estate in any court.

IN WITNESS WHEREOF, I, the said Minnie Thomas Bernard, do hereunto set my hand and affix my seal to this my last will and testament (containing, in all, including this page, two pages), on this the 29<sup>th</sup> day of March, 1961; and I also affix my signature on the margin of the foregoing page hereof to identify the same.

Minnie Thomas Bernard (L. S.)  
(Minnie Thomas Bernard)

SIGNED, SEALED, PUBLISHED AND DECLARED By the said Minnie Thomas Bernard, as and for her last will and testament, in our presence; and we, in her presence and at her request and in the presence of each other, hereto subscribe our names as witnesses on the day and year above written.

Edwarda Rice  
ADDRESS: Birmingham, Ala

Eda R. Clinter  
ADDRESS: Birmingham, Alabama

BOOK 367 PAGE 270

CODICIL TO THE

**Last Will and Testament**

of

MINNIE THOMAS BERNARD

100174

JUL  
RECORDED 655 PAGE 754

I, the undersigned, MINNIE THOMAS BERNARD, a resident of the City of Birmingham, Jefferson County, Alabama, being of sound mind and disposing memory, do hereby make and declare this to be a codicil to my Last Will and Testament, executed on the 29th day of March, 1961, in the presence of Edward T. Rice and Ida V. Winters.

1. I hereby modify and amend ITEM II of my said Last Will and Testament, hereinabove described, by adding the following paragraphs after the present paragraph of the said ITEM II:

In the event that my said daughter, Mildred Bernard Watson, is not living at the time of my death, then I give, devise and bequeath the said residue above described as follows:

- A. One fifth (1/5) to my nephew, Hardin O. Thomas, Jr. of 26 Memory Lane, Birmingham, Alabama.
- B. One fifth (1/5) to my great niece, Mrs. Michael R. Johnson (Camille Thomas), of 26 Memory Lane, Birmingham, Alabama.
- C. One fifth (1/5) to George H. Watson, Jr., of 3404 Pine Ridge Road, Birmingham, Alabama.
- D. One fifth (1/5) to the First Christian Church of Birmingham, Alabama.
- E. One fifth (1/5) to C. W. B. Manning of 300 Washington Street, Frankfort, Kentucky, Mrs. Leslie Triplett of Cave Hill Lane, Lexington, Kentucky, and Mrs. Mason Hughes of Route 4,

Filed in office this the  
day of  
for Probate and Record.

1961

Shelbyville, Kentucky, share and share alike, or to the survivors, share and share alike, or survivor to be his or hers absolutely.

In the event that any of the above named legatees should predecease me or cease to exist prior to my death, then the bequest for their benefit shall lapse and said division or portion, unless otherwise provided above, shall be divided between the remaining legatees and added to their share in the same proportion as provided for herein.

2. I hereby modify and amend ITEM III of my said Last Will and Testament, hereinabove described, by adding the following paragraphs after the present paragraph of the said ITEM III:

In the event that my said daughter, Mildred Bernard Watson, should predecease me or for any reason fail to qualify or cease to act as Executrix of my estate, then I constitute and appoint George H. Watson, Sr. as Executor hereunder with all of the rights, powers and duties of my said Executrix.

In the event that either of the above named persons should predecease me or for any reason fail to qualify or cease to act as Executrix or Executor of my estate, then I constitute and appoint Hardin O. Thomas, Jr. as Executor hereunder with all of the rights, powers and duties of my said Executrix or Executor.

In the event that all of the above named individuals should predecease me or for any reason fail to qualify or cease to act as Executor of my estate, then I constitute and appoint The First National Bank of Birmingham as Executor hereunder with all of the rights, powers and duties set forth herein. The said corporate Executor shall be entitled to reasonable compensation for its services as Executor hereunder.

I hereby expressly authorize and empower any Executor or Executrix with respect to my estate, in his, her or its sole and absolute discretion:

(1) To purchase or otherwise acquire, and to retain, whether originally a part of my estate or subsequently acquired, any and all stocks, bonds, notes, or other securities, or any variety of real or personal property, including stocks or interests in investment trusts and common trust funds, as he may deem advisable, whether or not such investments be of the character permissible for investments by fiduciaries, or be unsecured, unproductive, underproductive, overproductive or of a wasting nature. Investments need not be diversified and may be made or retained with a view to a possible increase in value. The Executor may at any time render liquid my estate, in whole or in part, and hold cash or readily marketable securities of little or no yield for such period as he may deem advisable.

(2) To sell, lease, pledge, mortgage, transfer, exchange, convert or otherwise dispose of, or grant options with respect to, any and all property at any time forming a part of my estate, in such manner, at such time or times, for such purposes, for such prices and upon such terms, credits and conditions as he may deem advisable. Any lease made by the Executor may extend beyond the period fixed by statute for leases made by fiduciaries.

(3) To borrow money for any purpose connected with the protection, preservation or improvement of my general estate whenever in his judgment advisable, and as security to mortgage or pledge any real estate or personal property of which I may die seized or possessed or forming a part of the estate, upon such terms and conditions as he may deem advisable.

(4) To vote in person or by general or limited proxy with respect to any shares of stock or other securities held by him, to consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of any corporation in which my estate may have any interest, or to the sale, lease, pledge or mortgage of any property by or to any such corporation; and to make any payments and to take any steps which he may deem necessary or proper to enable him to obtain the benefit of any such transaction.

(5) To hold investments in the name of a nominee.

(6) To complete, extend, modify or renew any loans, notes, bonds, mortgages, contracts or any other obligations which I may own or to which I may be a party or which may be liens or charges against any of my property or against my estate, although I may not be liable thereon, in such manner as he may deem advisable; to pay, compromise, compound, adjust, submit to arbitration, sell or release any claims or demands of my estate against others or of others against my estate as he may deem advisable, including the acceptance of deeds of real property in satisfaction of bonds and mortgages, and to make any payments in

connection therewith which he may deem advisable.

(7) To make distribution of my estate in kind and to cause any share to be composed of cash, property or undivided fractional shares in property different in kind from any other share.

(8) To execute and deliver any and all instruments in writing which he may deem advisable to carry out any of the foregoing powers. No party to any such instrument in writing signed by the Executor shall be obliged to inquire into its validity, or be bound to see to the application by the Executor of any money or other property paid or delivered to them pursuant to the terms of any such instrument.

3. I hereby ratify and confirm my said Last Will and Testament, hereinabove described, insofar as it is not in conflict with this codicil, and do republish the same as herein and hereby amended as of this date.

IN WITNESS WHEREOF, I, MINNIE THOMAS BERNARD, have hereunto set my hand and seal to this codicil to my Last Will and Testament, on this the 28<sup>th</sup> day of August, 1969.

Minnie Thomas Bernard (SEAL)  
Minnie Thomas Bernard

The foregoing was SIGNED, SEALED, PUBLISHED and DECLARED by Minnie Thomas Bernard to be a codicil to her Last Will and Testament, in our presence, and we, at her request and in her presence and in the presence of each other, have hereunto set our signatures as attesting witnesses on the day the said instrument bears date.

Ann M. McLaughlin ADDRESS B'ham, Ala.

Joyce L. Harwell ADDRESS B'ham, Ala.

W. J. Cannon ADDRESS B'ham, Ala.



## Last Will and Testament

OF

MINNIE THOMAS BERNARD

KID. 655 PAGE 758  
RECEIVED

I, the undersigned MINNIE THOMAS BERNARD, a resident of the City of Mountain Brook, Jefferson County, Alabama, being of sound mind and disposing memory, do hereby make and declare this to be an additional codicil to my Last Will and Testament, executed on the 29th day of March, 1961, in the presence of Edward T. Rice and Ida V. Winters, and the first codicil to the said Last Will and Testament, executed on the 28th day of August, 1969, in the presence of Annie Mae McCrary, Joyce K. Harwell and Wm. W. Conwell, both of which are hereinafter referred to as "my Last Will and Testament".

1. I hereby modify and amend my Last Will and Testament by adding, between ITEM I and ITEM II thereof, ITEM I-A, set forth as follows:

## ITEM I-A

I hereby give, devise and bequeath unto the First Christian Church, Inc. of Birmingham, Alabama, the following described property situated in Shelby County, Alabama, to wit:

Commence at the southeast corner of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 24, T. 19 S., R 1 W and run N 2 degrees 45' E (MB) a distance of 73.50 feet to the point of beginning on the north 40 foot right of way line of road going to Hargis Christian Retreat; thence turn an angle of 23 degrees 31' to the right and run a distance of 121.03 feet to a point; thence turn an angle of 77 degrees 13' to the left and run a distance of 151.51 feet to a point; thence turn an angle of 8 degrees 37' to the left and run a distance of 294.13 feet to a point; thence turn an angle of 103 degrees 11' to the left and run a distance of 322.23 feet to a point on the north 40 foot right of way line of said road; thence turn an angle of 102 degrees

Filed in office this the 17th  
day of July 1980  
for Probate and Record. DAH

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46' to the left and run easterly along said right of way line a distance of 306.10 feet to a point of curvature; thence run along a curve to the right a distance of 110.24 feet to the point of beginning. Said parcel of land is lying in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 24, T. 19 S, R 1 W, and contains 2.14 acres, more or less.

ITEM 2

I hereby ratify and confirm my Last Will and Testament, hereinabove described, insofar as they are not in conflict with this additional codicil, and do republish the same as herein and hereby amended as of this date.

IN WITNESS WHEREOF I, Minnie Thomas Bernard, have hereunto set my hand and seal to this additional codicil to my Last Will and Testament, on this the 3<sup>rd</sup> day of Dec 1970.

Minnie Thomas Bernard (L.S.)  
Minnie Thomas Bernard

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The foregoing was SIGNED, SEALED, PUBLISHED and DECLARED by Minnie Thomas Bernard to be an additional codicil to her Last Will and Testament, in our presence, and we, at her request and in her presence and in the presence of each other, have hereunto set our signatures as attesting witnesses on the day the said instrument bears date.

W. W. Cornwell ADDRESS B'ham Ala.

Elaine Roberts ADDRESS B'ham, Ala.

ADDRESS \_\_\_\_\_

655 PAGE 759

100174

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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 is of writing has been 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 & Codicils of Minnie Thomas Bernard Deceased and that said Will & Codicils together with the proof thereof have been recorded in my office in Judicial Record, Volume 655, Page 748-759

In witness of all which I have hereto set my hand, and the seal of the said Court, this date July 11, 1980.

O. H. Florence Judge of Probate.

PROBATE-98

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
91 OCT -7 AM 10:17

O. H. Florence, Jr.  
JUDGE OF PROBATE

1. Dead Tax	_____
2. Mtg. Tax	_____
3. Recording Fee	<u>25.00</u>
4. Indexing Fee	<u>3.00</u>
5. No Tax Fee	_____
6. Certified Fee	<u>1.00</u>
Total.....	<u>29.00</u>