

IN THE MATTER OF THE ESTATE OF)

PROBATE COURT

ADA P. MURPHY

Deceased)

OF JEFFERSON COUNTY, ALABAMA

142418

CASE NO. _____

PETITION FOR PROBATE OF WILL (Not Self-Proved Will)

Comes the petitioner, Elbert G. Griffin, and shows this Court the following facts:

1. Ada P. Murphy (the "decedent") died testate at Birmingham, Alabama on or about the 8th day of August, 1992, and, at the time of such death, was an inhabitant of Jefferson County, Alabama.

2. Surrendered herewith is the decedent's last will and testament (and all codicils thereto) naming the petitioner as executor thereof, which was (were) duly signed by the decedent when over eighteen (18) years of age, and was (were) attested by the following witnesses:

Name	Present Address
Linda J. Terpo	921 4th Court, Pleasant Grove, AL 35127
Carol B. Clay	Newnan, Georgia
George L. Clay	Newnan, Georgia

Inst # 1994-03983

02/07/1994-03983
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 SHELBY COUNTY JUDGE OF PROBATE
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3. The following is a true, correct and complete list of the names, ages, conditions, relationships and addresses of the decedent's surviving spouse and next-of-kin (as determined by application of Ala. Code §43-8-42):

Name, age, condition, relationship	Address
ω Mary M. Griffin, an adult, under no legal disability, daughter	4824 Caldwell Mill Road Birmingham, AL 35242
ω Norma Carol Smith, an adult, under no legal disability, daughter	417 9th Street Pleasant Grove, AL 35127
ω Robert E. Murphy, an adult, under no legal disability, son	Post Office Box 456 Prattville, AL 36067
ω Olen Zande Sellers, an adult, under no legal disability, grandson	5909 Avenue M, Ensley Birmingham, AL 35228
ω Elise Renae Sellers O'Dell, an adult, under no legal disability, granddaughter	3-10 Hirose-Cho Aoba-ku Sendai, Shi 980 Japan

WHEREFORE, the petitioner prays that this Court will take jurisdiction of this petition, will cause all such notice or citations to issue to the said surviving spouse, next-of-kin, and attesting witnesses as may be proper in the premises; and will cause such proceedings to occur, 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 (and all codicils thereto) as the last will and testament of the decedent. This petition is deemed to be verified pursuant to Ala. Code §43-8-22.

Attorney for Petitioner:

John P. Carlton

Elbert G. Griffin
Signature of Petitioner

Carlton, Vann & Stichweh

(Firm Name)

903 Frank Nelson Building
205 North 20th Street

Address

Birmingham, AL 35203

zip code

Elbert G. Griffin
(Name of Petitioner)

4824 Caldwell Mill Road
Address

Birmingham, AL 35242

zip code

Telephone (205) 251 - 5223

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, on the 17th day of November, 1992, and set for hearing the day of 19, at — M. prayer granted and ordered recorded.
George R. Reynolds
Judge of Probate

PETITION FOR PROBATE OF WILL
(Not Self-Proved Will)
(Code 1975, §43-8-160, et seq.)

B'HAM BAR ASS'N FORM NO. 3B.01
(May 1990)
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IN THE MATTER OF:

THE ESTATE OF:

ADA P. MURPHY,
DECEASED

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NO. 142418

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Elbert G. Griffin and filed a petition in writing, under oath, therewith producing and filing in this Court an instrument of writing purporting to be the Last Will and Testament of Ada P. Murphy, deceased, said Will bearing date the 21st day of March, 1980, and attested by Linda J. Terpo, Carol B. Clay and George L. Clay; and praying that the same be probated as provided by law; that petitioner is the son-in-law of said deceased, and is named in said will as executor thereof; that the next of kin of deceased are as follows, to-wit: Mary M. Griffin, daughter, Birmingham, Alabama; Norma Carol Smith, daughter, Pleasant Grove, Alabama; Robert E. Murphy, son, Prattville, Alabama; Olen Zande Sellers, grandson, Birmingham, Alabama; and Elise Renae Sellers O'Dell, granddaughter, Sendai, Shi 980 Japan, each of whom is over nineteen years of age and of sound mind.

And thereupon comes each of the above named next of kin expressly waiving all notice of the petition to probate said Will and consenting that the same be probated at once, and the Court having ascertained by sufficient evidence that the signatures affixed to said waivers of notice and acceptances of service are the genuine signatures of said next of kin; now, on motion of said petitioner, the Court proceeds to hear said petition; and,

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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 Ada P. Murphy, deceased, and ordered to be recorded together with the proof thereof and all other papers on file relating to this proceeding. It is further ordered, that petitioner pay the costs of this proceeding.

DONE this date, November 17, 1992.


Judge of Probate

Last Will and Testament

OF

142418

ADA P. MURPHY

I, ADA P. MURPHY, a resident of the City of Birmingham, County of Jefferson, and State of Alabama, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby expressly revoking any and all wills and codicils to wills heretofore made by me.

FIRST: I declare that I am over the age of twenty-one (21) years; that I am the widow of PHARES E. MURPHY who died in 1969; that I have three children who are now living, all of whom are adults, whose names are MARY M. GRIFFIN, NORMA CAROL SMITH, and ROBERT E. MURPHY; that I have had one child who has died, whose name was ELISE M. SELLERS, who was an adult at the time of her death, leaving two surviving children whose names are ELISE RENAE SELLERS and OLEN ZANDE SELLERS, both of whom are now living.

SECOND: I direct that all of my just debts, including the expenses of my last illness and funeral, shall be paid out of my estate, as soon after my death as is practical.

THIRD: All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, of every kind and description and wheresoever situated, I direct be divided into four (4) equal shares, one of which I give, devise and bequeath to my aforementioned grandchildren, ELISE RENAE SELLERS and OLEN ZANDE SELLERS, in equal shares, or if either or both of them should fail to survive me, then to their respective surviving children, per stirpes and not per capita. The remaining three (3) shares I give, devise and bequeath to my said children, MARY M. GRIFFIN,

Filed in office this the 17th
day of November 1992
The Probate Court

George R. Reynolds
Judge of Probate

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NORMA CAROL SMITH, and ROBERT E. MURPHY, each of them to take one of such shares, or if any or all of them should fail to survive me, then to their respective surviving children, per stirpes and not per capita.

FOURTH: For purposes of interpreting the preceding residual bequest, the term "children" as used therein shall not be interpreted to include any adopted child of any of my children or grandchildren.

FIFTH: I nominate and appoint my son-in-law, ELBERT G. GRIFFIN, as Executor of this my Last Will and Testament.

SIXTH: I direct that no Executor, Executrix or other fiduciary hereunder be required to post any bond, and that if, notwithstanding this request, any bond is required by any law, statute or rule of court, that no sureties be required thereon.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and seal, on this the 21st day of March, 1980.

Ada P. Murphy (SEAL)
ADA P. MURPHY

The above Will was signed, sealed, published and declared by ADA P. MURPHY to be her Last Will and Testament in our presence and in the presence of each of us, and we, at her request, in her presence, and in the presence of each other, have hereunto set our signatures as attesting witnesses on the day and year the said instrument bears date.

Linda L. Lusk
WITNESS

Address: 321 1/2nd Court

Pleasant Grove, IL 35127

Carol B. Clay
WITNESS

Address: 313 13th Way

Pleasant Grove, IL 35127

George L. Clay
WITNESS

Address: 313-13th Way

Pleasant Grove, IL 35127

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 has _____ 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 Ada P. Murphy Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 1195, Page 326-329.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date Nov. 17, 1992.

George R. Reynolds
_____, Judge of Probate.

IN THE MATTER OF:

THE ESTATE OF:

ADA P. MURPHY,

DECEASED

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IN THE PROBATE COURT OF

JEFFERSON COUNTY, ALABAMA

CASE NO. 142418

DECREE ON FINAL SETTLEMENT BY EXECUTOR

This day comes Elbert G. Griffin, as Executor of the estate of Ada P. Murphy, deceased, and present to the Court, under oath, a petition for final settlement of said estate, together with consents to this settlement by the legatees under said will, executed and acknowledged by each of them as required by law and moves the Court to proceed with the hearing of said petition.

It appearing to the Court that more than six months have elapsed since the appointment of said Executor, and that no claims have been filed in this Court within the time required by law.

It further appearing to the Court that Mary M. Griffin, Norma Carol Smith, Robert E. Murphy, Olen Zande Sellers and Elise Renae Sellers O'Dell (Odell) are all the beneficiaries named in the will of said deceased, and that the Executor has complied with the terms of said will by paying over and delivering to said beneficiaries, all property and assets belonging to said estate, as shown by receipt and release made a part of said petition.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that said petition be and the same is granted and ordered recorded and said Executor discharged and released.

DONE this 21st day of January, 1994.


JUDGE OF PROBATE

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; ORDER ON FILING AND PROBATING LAST

WILL AND TESTAMENT; LAST WILL AND TESTAMENT OF ADA P. MURPHY, DECD;

together with the certificate to the probate thereof; and

DECREE ON FINAL SETTLEMENT BY EXECUTOR

Inst # 1994-03983

in the matter of The Estate of ADA P. MURPHY, DECD

02/07/1994-03983
09:13 AM CERTIFIED

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

SHELBY COUNTY JUDGE OF PROBATE
009 MCD 28.50

Given under my hand and seal of said Court, this
the 31st day of January, 19 94

Peggy A. Proctor
Chief Clerk

Inst # 1994-03983