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IN THE MATTER OF THE ESTATE OF )

PROBATE COURT

JAMES HENRY DUNBAR )  
Deceased

OF JEFFERSON COUNTY, ALABAMA  
CASE NO. 141176

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

Comes the petitioner, Raymond Henry Dunbar, and shows this Court the following facts:

1. James Henry Dunbar a/k/a James H. Dunbar (the "decedent") died testate at Birmingham # Alabama on or about the 9th day of July, 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
Robert B. Eubank	4833 Old Leeds Road Birmingham, AL 35213
Frances Boyd	3241 Mockingbird Lane Birmingham, Alabama 35226
Edie Vann	3244 Mockingbird Lane Birmingham, Alabama 35226

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
✓ Raymond Henry Dunbar, over 19, of sound mind, father	✓ 3233 Mockingbird Lane Birmingham, Alabama 35226
Lillian Theresa Klein Dunbar, over 19, of sound mind, mother	3233 Mockingbird Lane Birmingham, Alabama 35226
Joyce Catherine Dunbar Edmonds, over 19, of sound mind, sister	1861 Thornton Place Birmingham, Alabama 35226

1994-06251

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11:15 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
019 MCD 53.50

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1994-06251 Inst #

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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 Joseph Smith, Jr.

(Firm Name)

618 South 38th Street

Address

Birmingham, Alabama 35222

zip code

Telephone ( 205 ) 251 0818

Signature of Petitioner

Raymond Henry Dunbar  
(Name of Petitioner)

3233 Mockingbird Lane  
Address

Birmingham, Alabama 35226

zip code

### BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, on the 14th day of July, 1992, and set for hearing the day of

19, at — M.

and ordered me to do.

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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JR 1169 PG 618

1169 PG 618

ORDER PROBATING LAST WILL ON FILING (WITH WAIVERS)

PROBATE — 126

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA

JAMES HENRY DUNBAR,

Deceased

TERM 1992

CASE NO. 141176

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Raymond Henry Dunbar 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 James Henry Dunbar,  
deceased, bearing date the 27th day of September, 1982,  
and attested by Robert B. Eubank, Frances Boyd and Edie Vann;  
and praying that the same be probated as provided by law; that petitioner \_\_\_\_\_  
is the father \_\_\_\_\_ of said deceased, and \_\_\_\_\_ is  
named in said will as execut OR \_\_\_\_\_ thereof; and that the next of kin of said deceased are as follows,  
to-wit: Raymond Henry Dunbar, father, Birmingham, Alabama; Lillian Theresa  
Klein Dunbar, mother, Birmingham, Alabama and Joyce Catherine Dunbar  
Edmonds, sister, Birmingham, Alabama, each of whom is over twenty-one years of age.

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 signature S \_\_\_\_\_ affixed to said waiver S \_\_\_\_\_ of notice and acceptance S \_\_\_\_\_ of service are the  
genuine signature S \_\_\_\_\_ of said next of kin; now, on motion of said petitioner \_\_\_\_\_, the court proceeds to hear  
said petition; and, 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 said James Henry Dunbar,  
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, July 14, 1992

George P. Reynolds  
Judge of Probate

IN THE MATTER OF THE ESTATE OF )

PROBATE COURT

JAMES HENRY DUNBAR )

OF JEFFERSON COUNTY, ALABAMA

Deceased

CASE NO. 141176

**PETITION FOR LETTERS TESTAMENTARY  
WITHOUT BOND**

Comes the petitioner, Raymond Henry Dunbar, and shows this Court the following facts:

1. In the last will and testament of James Henry Dunbar, deceased (the "decendent"), which will has been or shall be duly probated and admitted to record in this Court, the petitioner is named as executor thereof.

2. The petitioner is an inhabitant of the State of Alabama above the age of nineteen (19) years, and is not disqualified under the law from serving as such executor. Under the terms of the decedent's will, his executor(s) is (are) exempted from giving bond as such executor(s).

3. The decedent died seized and possessed of certain real and personal property, the value of which is estimated, in the aggregate, to be \$ Unknown at this time - to be supplied when ascertained.

WHEREFORE, to the end that the properties constituting said estate may be collected and preserved for those who appear to have a legal interest therein, and that said will may be executed according to the requests and directions of the decedent, the petitioner prays that the Probate Judge of this Court will grant letters testamentary to the petitioner (and if appropriate, the other executor[s] named in said will) without entering into bond, as is provided by the terms of said Will and authorized by Ala. Code §43-2-81. This Petition does not require verification under the applicable statutes.

Attorney for Petitioner:

John Joseph Smith Jr.

Raymond Henry Dunbar  
Signature of Petitioner

Raymond Henry Dunbar

(Firm Name)

(Name of Petitioner)

618 South 38th Street

3233 Mockingbird Lane

Address

Address

Birmingham, Alabama

35222

zip code

Birmingham, Alabama

35226

zip code

Telephone ( 205 ) 251 - 0818

## BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered  
recorded this the 14 day of July, 1992.

George R. Reynolds  
Judge of Probate

JR 1169P6635

PETITION FOR LETTERS TESTAMENTARY  
WITHOUT BOND  
(Code 1975, §43-2-20, et seq.; §43-2-81; §43-2-190 and 191)

B'HAM BAR ASS'N FORM NO. 3B.05  
Revised May 1990  
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JR 1169P6635

## LETTERS TESTAMENTARY

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF  
JEFFERSON COUNTY,  
ALABAMAJAMES HENRY DUNBAR

Deceased

CASE NO. **141176**

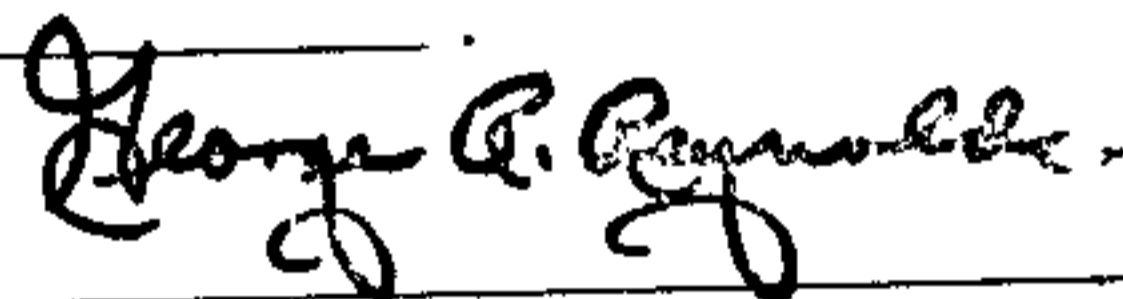
## LETTERS TESTAMENTARY

BE IT REMEMBERED AND MADE KNOWN TO ALL WHOM IT MAY CONCERN:

That the will of the above-named deceased having been duly admitted to record in said County, Letters Testamentary are hereby granted to Raymond Henry Dunbar

Execut or named in said will, who ha s complied with the requisitions of law and who is authorized to take upon himself the execution of such will.

Witness my hand this date, July 14, 1992



Judge of Probate

I, Peggy A. Proctor, Chief Clerk of the Court of Probate of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the Letters Testamentary issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

Witness my hand and seal of said Court this date, \_\_\_\_\_

Chief Clerk

## ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

PROBATE - 48

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMAJAMES HENRY DUNBAR,

Deceased

TERM 1992CASE NO. 141176

## ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day come s Raymond Henry Dunbar and files in  
this court h is petition in writing, under oath, praying that Letters Testamentary upon the will  
of James Henry Dunbar  
deceased, be issued to h im.

It is therefore ordered and decreed by the court that Letters Testamentary upon said will be  
granted to Raymond Henry Dunbar  
and that said letters issue without bond or security being required, in accordance with the terms of said  
will. It is further ordered that the petition filed in this behalf be recorded.

Done this date, July 14, 1992.

George P. Reynolds  
Judge of Probate.

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

PROOF OF WILL (ONE WITNESS)

PROBATE — 22

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT

OF JEFFERSON COUNTY, ALABAMA

James H. Dunbar

141176

Deceased

CASE NO. \_\_\_\_\_

Before me, the undersigned, Judge of said Court, personally appeared in open Court \_\_\_\_\_  
**Eddie Vann**

who having been by me first duly sworn, deposeth and says that       S       he is a subscribing witness to the instrument of writing now shown to       her       and which purports to be the last Will and Testament of       James H. Dunbar      , deceased, late and inhabitant of this County, that said deceased, signed and executed said instrument on the day that same bears date, and declared the same to be       his       last Will and Testament, and that affiant set       her       signature thereto, on the day the same bears date, as a subscribing witness to the same in the presence and at the request of said deceased and in the presence of the other subscribing witness, and that such other witness subscribed       their       name ~~as a~~ <sup>es</sup> witness <sup>es</sup> in the presence and at the request of said deceased. That said deceased was of sound mind and disposing memory, and in the opinion of deponent fully capable of making said Will, at the time the same was so made as aforesaid. Affiant further states that said deceased was on the day of the said date of said Will, of the full age of Nineteen years and upwards.

Eddie Vann

July 14, 1992

Subscribed and sworn to before me this date \_\_\_\_\_

George R. Reynolds

Judge of Probate.

Recorded in Will Record \_\_\_\_\_, Page \_\_\_\_\_

LAST WILL AND TESTAMENT  
OF

JAMES HENRY DUNBAR

141176

I, James Henry Dunbar, of the City of Birmingham, Jefferson County, Alabama, hereby revoke all Wills and Codicils previously made by me and declare this to be my Last Will and Testament.

ITEM I

TESTATOR

I am now married to Carol Duarte Dunbar. I have no children. My wife deserted me in March, 1982, and has not lived with me since. On or about August 10, 1982, I filed for a divorce from her. My father is Raymond Henry Dunbar, and my mother is Lillian Theresa Klein Dunbar. I have one sister, Joyce Catherine Dunbar.

ITEM II

PROPERTY INCLUDED

I hereby dispose of all real and personal property of which I have the right to dispose by Will. However I specifically elect not to exercise any power of appointment which I now or may have hereafter; and no provision of this Will shall be construed as an exercise in whole or in part of any such power.

ITEM III

SPECIAL BEQUESTS

I specifically bequeath the following to the following

JR 1169P6623

persons:

Person

Bequest

Joyce Catherine Dunbar

All of my stereo phonographic equipment, and all of my record albums.

if she survives me. If she does not survive me, her bequest shall fail, and shall pass as part and residue of my estate.

Aside from the above, I bequeath all my jewelry, clothing, furniture and furnishings, chinaware, silver, and other personal effects, together with any insurance thereon to each of Raymond Henry Dunbar and Lillian Theresa Klein Dunbar who may survive me, to be divided among them share and share alike or as they may determine. Should they be unable to agree, or if none of the above survive me, this bequest shall fail, and such property shall pass as part of the residue of my estate.

ITEM IV

RESIDUARY ESTATE

If Raymond Henry Dunbar and Lillian Theresa Klein Dunbar survive me, I bequeath the residue of my estate, real, personal, and mixed, wherever situated, to Raymond Henry Dunbar and Lillian Theresa Klein Dunbar, in equal portions share and share alike.

If either of Raymond Henry Dunbar or Lillian Theresa Klein Dunbar do not survive me, I bequeath the residue of my estate to the survivor of them. If both Raymond Henry Dunbar and Lillian Theresa Klein Dunbar fail to survive me, I bequeath the residue

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of my estate to Joyce Catherine Dunbar.

ITEM V

EXECUTOR

(1) Appointment of Executor. I appoint Raymond Henry Dunbar and Lillian Theresa Klein Dunbar as the Executors of this Will (hereinafter "Executor", whether singular or plural).

(2) When Sole Executor Shall Act. If one of the appointees fails to qualify or ceases to act as an Executor for any reason, the remaining appointee shall act as the sole Executor.

(3) Waiver of Bond. No bond or other security shall be required of any Executor.

(4) Custody of Personal Property and Records. While acting as an Executor, Raymond Henry Dunbar and Lillian Theresa Klein Dunbar alone shall have custody of all personal property in my estate, maintain all records and accounts for the estate, and make all necessary payments and distributions.

(5) Compensation of Executors. Raymond Henry Dunbar and Lillian Theresa Klein Dunbar shall receive no compensation for services rendered to my estate as an Executor.

(6) Powers. My Executor shall have, in addition to the other powers given by law or by this Will, all of the powers and authority which I may grant by law to my Executors.

(7) Payment of Debts, Expenses, and Taxes. I direct my Executor to pay from the residue of my estate:

(a) Debts. All debts allowed as claims against my estate,

(b) Funeral Expenses. My funeral expenses,

(c) Administrative Expenses. All expenses of administration of my estate, and

(d) Taxes. All estate, inheritance, succession, transfer or other taxes (together with interest and penalties thereon, if any) which may be assessed by reason of my death, with respect to property of every kind and description, whether or not passing under this Will. My Executor shall not receive reimbursement for any such payment from any person or property.

(8) Elections. My Executor shall select the time for the valuation of the property in my gross estate for state and federal tax purposes. My Executor shall use administration expenses as income tax deductions and/or as estate tax deductions at its discretion, and shall make no consequent adjustment of income and principal accounts. Any decision made by my Executor under this paragraph shall be conclusive on all persons, and no person shall be entitled to reimbursement or contribution by reason thereof, whether or not any distribution to such person hereunder shall be diminished thereby.

JA 11696626

ITEM VI

WILL CONTEST

Notwithstanding any other provisions of this Will, if any Beneficiary shall object to the probate of, or in any manner, directly or indirectly, contest or aid in contesting, this Will or any of its provisions, then that Beneficiary shall be deemed to have predeceased me and the benefits otherwise provided for that Beneficiary shall accordingly go to such others as this Will provides. Each bequest is made on the condition precedent that the Beneficiary shall accept and agree to all of the provisions of this Will.

ITEM VII

GENERAL

(1) Effect of Inoperative, Invalid, or Illegal Provision. If any provision of this Will or of any Codicil thereof is held to be inoperative, invalid, or illegal, the remaining provisions shall continue to be fully effective.

(2) Survivorship Requirement. Should any person who would otherwise take under this Will fail to survive me by more than thirty (30) days, such person shall be deemed to have predeceased me.

(3) General Definitions. Where necessary or appropriate, the singular and plural shall be interchangeable, and words of any gender shall include all genders. "Descendants," "children," and

JR 11695627

words of similar import shall include persons whose relationship to the ancestor designated is through lawful adoption. No descendant or child shall lose his status as such through adoption by another person. A person in gestation later born alive shall be regarded as a person in being during the period of gestation.

(4) Headings. The Summary of Contents preceding, and headings above the various provisions of, this Will have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Will.

(5) Survivors' Rights. The provisions made in this Will are in lieu of any right, interest, or claim of any nature, whether dower, statutory, or otherwise, in, to, and against my estate.

IN WITNESS WHEREOF, I, James Henry Dunbar hereby set my hand to this my Last Will and Testament consisting of 7 pages, including this page, on September 27th, 1982, at Birmingham, Alabama.

  
JAMES HENRY DUNBAR

**ATTESTATION**

The foregoing instrument, was on September 27th, 1982 signed

JA 11696628

by James Henry Dunbar, in our presence, and by James Henry Dunbar  
acknowledged to be James Henry Dunbar's Last Will and Testament;  
and at the request of and in the presence of James Henry Dunbar,  
and in the presence of each other, we subscribe our names as  
attesting witnesses on September 27th, 1982.

Robert B. Eubank

Robert B. Eubank  
4833 Old Leeds Road  
Birmingham, Alabama 35213

Frances Boyd

Frances Boyd  
3241 Mockingbird Lane  
Birmingham, Alabama 35226

Edie Vann

Edie Vann  
3244 Mockingbird Lane  
Birmingham, Alabama 35226

JB 116 956 29

Filed in office this the 14th

day of July

For Probate and Record. 1982

George R. Reynolds

Judge of Probate

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CERTIFICATE TO THE PROBATE OF WILL

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**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 \_\_\_\_\_ James H. Dunbar \_\_\_\_\_ Deceased and that said Will \_\_\_\_\_ together with the proof thereof have been recorded in my office in Judicial Record, Volume 1169, Page 622-630.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date July 14, 1992.

*George R. Reynolds*, 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,  
Petition for Letters Testamentary, Letters Testamentary, Order Granting Letters  
Testamentary Without Bond, Proof of Will and Copy of Last Will and Testament and  
Certificate to the Probate of Will

in the matter of JAMES HENRY DUNBAR, deceased

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

Given under my hand and seal of said Court, this

the 29th day of December, 19 93

Peggy A. Proctor  
Chief Clerk

IN THE MATTER OF:  
THE ESTATE OF:  
JAMES HENRY DUNBAR,  
DECEASED

)  
)  
)  
)  
)  
)  
IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA  
CASE NO. 141176

**DECREE ON FINAL SETTLEMENT**

This day comes Raymond Henry Dunbar, as Executor under the will of James Henry Dunbar, deceased, and presents to the Court, under oath, his petition for a final settlement of said estate, and moves the Court to proceed with the hearing of said petition.

It appears 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 appears to the Court that the specific bequest to Joyce Catherine Dunbar Edmonds has been paid in full as evidenced by receipt filed herein, and it further appears to the Court that Raymond Henry Dunbar and Lillian Theresa Klein Dunbar are the residuary beneficiaries named in the will of James Henry Dunbar, deceased, and that Raymond Henry Dunbar, as Executor, has complied with the terms of said will by paying over and delivering to them, individually, all the residual property and assets in his hands 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 hereby granted and ordered recorded and said Executor discharged and released.

**DONE** this the 29th day of December, 1993.

s/ GEORGE R. REYNOLDS  
**JUDGE OF PROBATE**

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**CERTIFICATE TO COPIES**

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**The State of Alabama**  
**JEFFERSON COUNTY**

**PROBATE COURT**

I, Peggy A. Proctor, Chief Clerk of the Probate, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the **DECREE ON FINAL SETTLEMENT** in the matter of **THE ESTATE OF JAMES HENRY DUNBAR, DECEASED**, as the same appears on file and of record, in this office.

Given under my hand and seal of said Court,  
this date, **January 7, 1994.**

  
Chief Clerk

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Inst # 1994-06251

02/25/1994-06251  
11:15 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
019 MCD 53.50

1994-06251