

# LAST WILL AND TESTAMENT

OF

**GINGER BEAN TALBERT**

Inst # 1994-10305

I, GINGER BEAN TALBERT, of Shelby County, Alabama, declare this to be my Last Will and Testament.

## FIRST

I revoke all my prior Wills and Codicils at any time made.

## SECOND

I direct that all my debts, my funeral expenses, and the costs of administration of my estate be paid as soon as practicable after my death. I direct that all estate, inheritance, and other death taxes (including any interest thereon and penalties with respect thereto), federal, state, and other, imposed by reason of my death, in respect of property passing under this Will or otherwise, shall be paid out of my residuary estate.

## THIRD

I direct that after payment of all my just debts, my property be bequeathed in the manner following: I give to my husband, JAMES LEROY TALBERT, if he survives me, all my wearing apparel, jewelry, household effects, furniture, personal effects, automobiles, and all other tangible personal property, together with any insurance thereon, but excluding cash on hand or on deposit, securities, choses in action or other intangibles. If my husband, JAMES LEROY TALBERT, shall not survive me, I give all such tangible personal property in equal shares to my children, KRISTIN BETH TALBERT and SCOTT GARNER TALBERT, or if either of them should predecease me, then to the survivor of them; provided, that the then living issue of any deceased devisee shall take, per stirpes and in fee, the share of their deceased ancestor. In the event that both my children should predecease me leaving no issue who survives me, then this bequest shall lapse and the aforesaid property shall become a part of my residuary estate. In allocating specific items to the shares to be divided between my children or their descendants, my Executor shall give due regard to the preferences of such devisees, but the decisions of my Executor with respect to any item shall be conclusive.

## FOURTH

I give all the rest of my property, hereinafter referred to as "my residuary estate", to my husband, JAMES LEROY TALBERT, if he survives me. If my husband, JAMES LEROY TALBERT, does not survive me, my residuary estate shall be disposed of as provided in Article FIFTH.

#### FIFTH

If my husband, JAMES LEROY TALBERT, shall not survive me, I give my residuary estate in equal shares to my children, KRISTIN BETH TALBERT and SCOTT GARNER TALBERT, or if either of them should predecease me, then to the survivor of them; provided that the then living issue of any deceased devisee shall take, per stirpes and in fee, the share of their deceased ancestor. In the event that both my children should predecease me leaving no issue who survives me, then this bequest shall lapse and my estate shall be distributed in the following manner:

(1) One-half to my mother-in-law, DOROTHY G. TALBERT, and if she predeceases me, then one-half to the church of which I am a member at the time of my death. At the time of the execution of this Will, I am a member of Green Valley Baptist Church in Hoover, Alabama.

(2) One-half to my sister, JUDITH BEAN LAWSON, and if she predeceases me then to her children, JILL ANN LAWSON, and WILLIAM HOUSTON LAWSON, in equal shares.

#### SIXTH

At the time of the execution of this Will, I have two children, namely, KRISTIN BETH TALBERT and SCOTT GARNER TALBERT. If, after the execution of this Will, there shall be an additional child or children born to me (or adopted by me), and if any such child or children (or issue thereof) shall survive me, then and in such event, such child or children (or issue thereof) shall share in the benefits of my estate equally and to the same extent as my children hereinabove named and their issue; and the provisions of this Will shall be deemed modified to the extent necessary to effectuate such intention.

#### SEVENTH

I appoint my husband, JAMES LEROY TALBERT, as Executor of this Will. If for any reason he fails or ceases to serve as Executor, I appoint my daughter, KRISTIN BETH TALBERT and my son, SCOTT GARNER TALBERT, as joint Executors in his place.

I direct that my Executor (including his successor or successors) shall not be required to post any bond, file any inventory or appraisal of my estate or of any share thereof in any court, though they shall prepare and keep an inventory and shall exhibit the same to any party in interest at any reasonable time, and I direct that they shall be free from the control and supervision of any court.

#### EIGHTH

In the event that my husband, JAMES LEROY TALBERT, and I shall die in a common accident or disaster, or under any circumstances creating any doubt as to which of us survived the other, I shall be presumed to have survived my husband for all purposes under this Will.

NINTH

For purposes of this Will, the use of the masculine shall include the feminine, the feminine shall include the masculine, and the use of the singular and the plural shall be interchangeable.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of February, 1994, and do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, and that I execute it as my free and voluntary act for the purposes therein expressed, and that I am nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Ginger Bean Talbert Address: 3060 Brookhills Dr.  
Signature Birmingham, AL 35242

WITNESSED:

This Last Will and Testament of GINGER BEAN TALBERT was signed and declared to be her Last Will and Testament in our presence and at her request and in her presence and in the presence of each other, we do hereby witness same on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Mira J. Vann Address: 3535 Chapel Lane  
Witness Signature Hoover, AL 35226

Mary L. Hughey Address: 1862 Tall Timber Dr.  
Witness Signature Hoover, AL 35226

Linda J. Davis Address: 3132 Sarah Ave  
Witness Signature Birmingham, AL 35214

STATE OF ALABAMA )  
Jefferson COUNTY )

Subscribed, sworn and acknowledged before me by GINGER BEAN TALBERT, the Testatrix, subscribed and sworn before me by Mira E. Vann, Mary L. Hughey, and Linda J. Davis, witnesses, this 16<sup>th</sup> day of February, 1994.

Virginia W. Burkhead My Commission Expires: 5-20-97  
Notary Public

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09:34 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 13.50