

Last Will and Testament

OF

HUBERT AUSTIN TOLLESON

151385

STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS, That I, HUBERT AUSTIN TOLLESON, being over the age of nineteen years, of sound mind and disposing memory, do hereby make, declare and publish this my Last Will and Testament and do hereby revoke any and all former wills and codicils which may have been at any time heretofore made by me.

05/22/1995-13390
ITEM ONE 01 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
014 SNA 41.00

I will and direct that my Co-Executors hereinafter named shall pay all just debts and charges against my estate as soon after my death as practicable. In the event there is any indebtedness owing by me, whether secured or unsecured, which has not matured at the time of my death, I authorize my Co-Executors to pay such indebtedness either in full or according to the terms and tenor of any instrument evidencing such indebtedness as my Co-Executors may deem best advisable under the then existing circumstances. I further direct that all estate and inheritance taxes which may be asserted or levied with respect to my estate, or any part thereof, whether or not passing under my Will, shall be paid out of my residuary estate as an expense of administration and without apportionment.

ITEM TWO

I hereby give, devise and bequeath unto beloved son, Hubert Wayne Tolleson, the following items of personal property to be his absolutely, to-wit: The 1988 Chevrolet Silverado Pick-Up Truck with the camper shell included; my 12-guage shot gun; one general electric washer and one general electric dryer located in the basement in the home

FILED IN OFFICE THIS 24 DAY OF
April, 19 95, FOR PROBATE
AND RECORD.

George R. Reynolds
JUDGE OF PROBATE

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Inst # 1995-13390

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where I now reside; a one-half interest in a cow known as Wild Margaret.

ITEM THREE

I hereby give, devise and bequeath unto my beloved son, Stephen Larry Tolleson, the following items of personal property to be his absolutely, to-wit: One Mahogany Hutch located in the basement of my home, my John Deere 2010 Tractor; my 38 caliber Smith-Weston hand gun; and my blue checked rocker recliner chair.

ITEM FOUR

I hereby give, devise and bequeath unto my beloved son, Robert Lynn Tolleson, the following items of personal property to be his absolutely, to-wit: One antique frame photograph of my mother, Essie Tolleson; one antique clock located on the mantle that once belonged to my grandmother; two fox hunt scene matted pictures located in the Den; one Sears Craftsman lawnmower model 917374760; one weed eater model #GT118 gas powered; one Murray Riding lawnmower model #938608920729; one flat bed trailer (red) with tool box; two large pictures located over the twin beds located in the upstairs bedroom of my home.

ITEM FIVE

I hereby give, devise and bequeath unto my beloved son, Robert Lynn Tolleson, an undivided one-half interest in the following items of personal property located in my home to-wit: The Dining Room Suite and all contents therein, including the table, chairs, hutch, tea cart and radio; the complete living room furniture, including the sofa, four chairs, pictures, paintings, secretary, sewing machine, three end tables, coffee table; the foyer and contents, including the mirror, hall piece, curio cabinet and its contents; my bedroom suite and all contents including the four poster bed, dresser, chester drawers, two night stands, three drawer chest, which is used as TV stand; the kitchen furniture, and all contents including all appliances,

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dishes, silverware, utensils, tables, chairs, the hutch that pairs with the table and chairs, located on the side porch.

ITEM SIX

I hereby will, devise and bequeath unto my beloved daughter, Linda Dianne Cates, the following items of personal property and personal belongings, to-wit: A one-half interest in the cow known as Wild Margaret. The remaining doll collection after the gifts of two Madame Alexander Dolls and one large doll to my granddaughters, Elaine Middleton, Racheal Tolleson and Terry Reid, which is set out in this Will in another provision. The wash stand, bowl and picture located in the Den.

ITEM SEVEN

I hereby will, devise and bequeath unto my beloved daughter, Linda Dianne Cates, an undivided one-half interest in the following furniture, fixtures and household goods located in my home: The Dining Room Suite and all contents therein, including the table, chairs, hutch, tea cart and radio; the complete living room furniture, including the sofa, four chairs, pictures, paintings, secretary, sewing machine, three end tables, coffee table; the foyer and contents, including the mirror, hall piece, curio cabinet and its contents; my bedroom suite and all contents, including the four poster bed, dresser, chester drawers, two night stands, three drawer chest, which is used as a TV stand; the kitchen furniture, and all contents including all appliances, dishes, silverware, utensils, tables, chairs, the hutch that pairs with the table and chairs, located on the side porch.

ITEM EIGHT

I hereby will, devise and bequeath unto my beloved granddaughters, Elaine Middleton, Rachael Tolleson and Terry Reed, each two Madam Alexander dolls and one large doll of their choice to be their absolute property.

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ITEM NINE

I hereby will, devise and bequeath unto my beloved son, Robert Lynn Tolleson, all of the remaining furniture, fixtures, household goods, lawnmowers, pictures, artifacts, clothing, bedroom suites, dressers, televisions, radios and all other items of furniture, fixtures and household goods now located in my home, not specifically provided for herein unto my beloved son, Robert Lynn Tolleson to be his absolutely.

ITEM TEN

I hereby will, devise and bequeath unto my beloved Son, Hubert Wayne Tolleson any interest that I may own in the 52 acres of land located in Vincent, Shelby County, Alabama and more specifically described as to-wit:

The SE1/4 of SW1/4 and a strip 132 yards wide off of the West side of the SW1/4 of SE1/4 of Section 15, Township 19, Range 2 East, EXCEPT that part of said strip which lies SE of the right of way of the Wilsonville and Vincent Highway and containing 52 acres, more or less.

ITEM ELEVEN

In the event the property bequeathed to my beloved son, Hubert Wayne Tolleson in Item Ten of this Last Will and Testament is sold prior to my death, then I hereby give unto my beloved son, Hubert Wayne Tolleson, a sum of money out of my estate equal to the net proceeds derived by me from the sale of my interest in the herein described property in Item Ten. It being my intent for my son, Hubert Wayne Tolleson, to either receive the property described in Item Ten of my Will or to receive an amount equal to the net proceeds of the sale of said property, should the sale occur prior to my death.

ITEM TWELVE

I hereby will, devise and bequeath unto my beloved daughter, Linda Dianne Cates, an undivided 1/2 interest in and to the following described property located in Jefferson County, Alabama, to-wit:

A part of the SW 1/4 of Section 1, Township 16 South Range 2 West and more particularly described

as follows, to-wit: Commence at the NE corner of the NE 1/4 of the SW 1/4, Sec. 1, Tp. 16s, R 1-w; thence south along the East line of said 1/4 1/4 section for 264.98 ft. to a point; thence turn 44 deg. 57' rt., southwesterly, for 163.02 ft. to a point; thence turn 99 deg. 58' lt., Easterly, for 218.97 ft. to a iron being a point on the northwesterly right-of-way line of Ala. Hwy. 79; thence turn 90 deg. 00' rt., southwesterly along said right-of-way line for 1019.70 ft. to a iron being the point of beginning; thence continue along the last described course for 148.54 ft. to iron being a point of intersection with the northwesterly right-of-way line of a Public Road known as the Old Tarrant - Pinson Road; thence turn 10 deg. 10'56" rt., southwesterly along said right-of-way line of the Tarrant - Pinson Road, for 266.12 ft. to a iron being a point of intersection with the Northerly right-of-way line of a Public Road known as Pinson Heights Road; then turn 89 deg. 00' rt., northwesterly along the said right-of-way line of the Pinson Heights Road, for 220.81 ft. to a iron; thence turn 80 deg. 05' rt., Northeasterly, for 420.26 ft. to a iron; thence turn 100 deg. 07' 04" rt., Southeasterly, for 275.00 ft. to a iron being the aforesaid point of beginning. Contains 2.4 acres more or less and subject to easements and rights-of-ways as filed for record.

ITEM THIRTEEN

I hereby will, devise and bequeath unto my beloved son, Robert Lynn Tolleson an undivided 1/2 interest in the following described property, located in Jefferson County, Alabama, to-wit:

A part of the SW 1/4 of Section 1, Township 16 South Range 2 West and more particularly described as follows, to-wit: Commence at the NE corner of the NE 1/4 of the SW 1/4, Sec. 1, Tp. 16s R 1-w; thence south along the East line of said 1/4 1/4 section for 264.98 ft. to a point; thence turn 44 deg. 57' rt., southwesterly, for 163.02 ft. to a point; thence turn 99 deg. 58' lt., Easterly, for 218.97 ft. to a iron being a point on the northwesterly right-of-way line of Ala. Hwy. 79; thence turn 90 deg. 00' rt., southwesterly along said right-of-way line for 1019.70 ft. to a iron being the point of beginning; thence continue along the last described course for 148.54 ft. to iron being a point of intersection with the northwesterly right-of-way line of a Public Road known as the Old Tarrant - Pinson Road; thence turn 10 deg. 10'56" rt., southwesterly along said right-of-way line of the Tarrant - Pinson Road, for 266.12 ft. to a iron being a point of intersection with the Northerly right-of-way line of a Public Road known as Pinson Heights Road; then turn 89 deg. 00' rt., northwesterly along the said right-of-way line of the Pinson Heights Road, for 220.81 ft. to a iron; thence turn 80 deg. 05' rt., Northeasterly, for 420.26 ft. to a iron; thence turn 100 deg. 07' 04" rt., Southeasterly, for 275.00 ft. to a iron being the aforesaid point of beginning. Contains 2.4 acres more or less and subject to easements and rights-of-ways as filed for record.

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ITEM FOURTEEN

I hereby will, devise and bequeath unto my beloved son, Stephen Larry Tolleson the following described property located in Jefferson County, Alabama, to-wit:

Lot 4, Block 6 According to the survey of Palmerdale Homestead as recorded in Map Book 24, Page 32 and 33 in the Probate Office of Jefferson County, Alabama to be his absolute property.

ITEM FIFTEEN

I hereby will, devise and bequeath unto Aubry Leon Finley the parcel of property inherited by my deceased wife, Myrtle Tolleson, located in Shelby County, Alabama and more particularly described as to-wit:

Commence at the intersection of South boundary line of SE 1/4 of NW 1/4 and NE right-of-way of Highway 280; thence Northwesterly along right-of-way of Hwy. 280 800 ft. to point of beginning; then Northeasterly 220 ft, Southeasterly 95 ft. to point of beginning, of Section 34, Township 19 South, Range 2 East.

ITEM SIXTEEN

I hereby will, devise and bequeath unto my beloved son, Hubert Wayne Tolleson, the right to occupy the premises at 1405 Elizabeth Avenue, Tarrant City, Alabama which is more specifically described as to-wit:

Lot 15, in Block P, according to the Amended Survey of Tarrant Land Company's Survey of Tarrant City, as recorded in Map Book 10, Page 107, in the office of the Judge of Probate of Jefferson County, Alabama.

as long as he desires. This provision is under the expressed conditions that my son, Hubert Wayne Tolleson pay all taxes, insurance and properly maintains said property in a good state of repair and continuously occupies the same. Should Hubert Wayne Tolleson for any reason, fail to permanently occupy the property, for in excess of sixty (60) consecutive days, or fail to pay the taxes or maintain the property, then the herein described property is to be sold by my Co-Executors and the net proceeds shall be divided equally between my grandchildren, Ron Cates, Terry Reid, Scott Cates, Wayne A. Tolleson, Elaine Middleton, Mark

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Tolleson and Rachael Tolleson, or the survivors of them. It is my expressed intention that only my surviving grandchildren be entitled to any of the proceeds of the sale of the herein described property. This provision does not in any way establish a life estate in the herein described property for and on behalf of Hubert Wayne Tolleson. It being my expressed purpose and intent to allow him to occupy the premises under the terms and conditions of this provision.

ITEM SEVENTEEN

It is my wish and desire that my Co-Executors, hereinafter named furnish to Hubert Wayne Tolleson, a sufficient amount of furniture, fixtures and household goods out of my estate as my Co-Executors may deem advisable for Hubert Wayne Tolleson to furnish the home that he is allowed to occupy under this Last Will and Testament at 1405 Elizabeth Avenue, Tarrant City, Alabama.

ITEM EIGHTEEN

I hereby will, devise and bequeath all of the rest, residue, and remainder of my estate, of every kind and character being real, personal or mixed wherever situated in which I may have an interest in at the time of my death unto my beloved children, Hubert Wayne Tolleson, Stephen Larry Tolleson, Linda Dianne Cates and Robert Lynn Tolleson, share and share alike or to the lineal decedents of any deceased child, per stirpes.

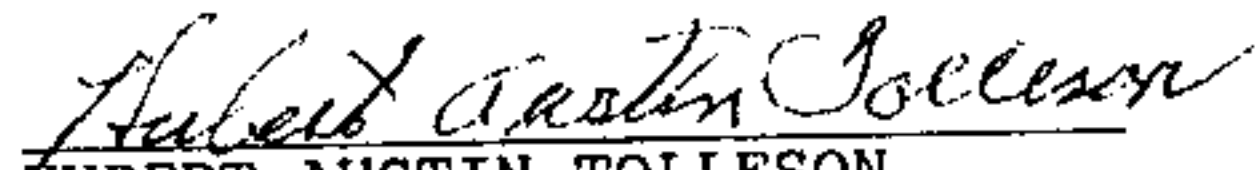
In the event that any of the rest, residue and remainder of my estate shall contain any real property, then my children, hereinabove named, shall each be responsible for their proportionate share of the ad valorem taxes on said real property and any insurance on said property. In the event that any child fails or refuses to pay his proportionate share of such expense, then upon the sale or disposition of such real property, any sums due by any child, shall be deducted from their net proceeds from such

sale. It being my expressed intent that each party be responsible for their proportionate share of the ad valorem taxes and insurance on any real property acquired by them under this provision.

ITEM NINETEEN

I hereby nominate and appoint my beloved children, Stephen Larry Tolleson and Linda Dianne Cates, to be Co-Executors of this Will, without bond, and hereby direct that they shall not be required to file an inventory or final settlement, or to report their acts and proceedings as such Co-Executors to any court. I hereby grant to and vest in my said Co-Executors full power and authority to sell, at private sale, and to convey, lease, exchange, mortgage, pledge and otherwise alienate any or all of the assets of my estate, on such terms as they deem to be proper in their sole discretion, without the order of any court. I further vest in and grant to my said Co-Executors authority to do each and every act or thing that they may consider to be necessary, convenient or proper in and about the administration and management of my estate, it being my purpose and intention to grant to them all of the powers over said property and estate that I am capable of granting to them as such Co-Executors.

IN WITNESS WHEREOF, I, the said HUBERT AUSTIN TOLLESON, do hereunto set my hand and seal to this, my Last Will and Testament, containing 10 pages, including the attestation and affidavit, on this the 21st day of September, 1994, and I also affix my signature to the bottom of each of the pages thereof.


HUBERT AUSTIN TOLLESON

SIGNED, SEALED, PUBLISHED and DECLARED by the said Hubert Austin Tolleson, as and for his Last Will and Testament in our presence and we, in his presence, and at his request and in the presence of each other, hereto

151385

subscribe our names as witnesses on the day and year above written.

Samuel Robert
WITNESS

2024 10th Place NW
ADDRESS Bham Ala 35215

Patrick L. Harris
WITNESS

2117 Etowah St.
ADDRESS
Birmingham, AL 35217

I, Hubert Austin Tolleson, the testator, sign my name to this instrument this 21st day of September, 1994, and being first duly sworn, 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, 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.

Hubert Austin Tolleson
HUBERT AUSTIN TOLLESON

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his Last Will and Testament and that he signs it willingly, and that each of us, in the presence and hearing of the testator, hereby signs this Will as witness to the testator signing and that to the best of our knowledge the testator is over nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Samuel Robert
WITNESS

2024 10th Place NW
ADDRESS

Patrick L. Harris
WITNESS

Bham Ala 35215
2117 Etowah St.
ADDRESS

Birmingham, AL 35217

STATE OF ALABAMA
JEFFERSON COUNTY

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me by
Hubert Austin Tolleson, the testator, and subscribed and
sworn to before me by Kenneth Roberts, and
Patti L Harris, witnesses, this 21st day of
September, 1994.

Larry R. Mann
NOTARY PUBLIC

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 ha S 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 HUBERT AUSTIN TOLLESON Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 1367, Page 96-106.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date April 12, 1995.


_____, Judge of Probate.

IN THE MATTER OF THE ESTATE OF)

PROBATE COURT

HUBERT AUSTIN TOLLESON)

Deceased

OF JEFFERSON COUNTY, ALABAMA

CASE NO. 151385

PETITION FOR PROBATE OF WILL (Self-Proved Will)

Comes the petitioners Stephen Larry Tolleson and Linda Diane Cates, and shows this Court the following facts:

1. Hubert Austin Tolleson (the "decedent") died testate at Birmingham, Alabama on or about the 26th day of March, 19 95, 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
Kenneth Roberts	2024 10th Place N.W. Birmingham, AL 35215
Patti L. Harris	2117 Etowah Street Birmingham, AL 35217

3. The decedent's last will and testament, as identified in paragraph 2 hereof, was self-proved in a manner substantially in accordance with the requirements of Ala. Code §43-8-132. The name and present address of the officer authorized to administer oaths before whom said will was acknowledged are as follows:

Larry R. Mann	701 New South Savings Building 215 21st Street North Birmingham, AL 35203
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4. 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):

Your deceased's wife, who predeceased him by dying on 1/15/94

✓ Hubert Wayne Tolleson, over 19 years of age,
competent, son

4920 Pinson Valley Parkway
Birmingham, AL 35215

✓ Robert Lynn Tolleson, over 19 years of age,
competent, son

4920 Pinson Valley Parkway
Birmingham, AL 35215

Name, age, condition, relationship

Address

Per Stephen Larry Tolleson, over 19 years of age, competent, son

7970 South Valley Road
Palmerdale, AL 35123

Per Linda Diane Cates, over 19 years of age, competent, daughter

3635 McMurray Lane
Birmingham, AL 35215

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, attesting witnesses, and oath-administering officer, 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

Stephen Larry Tolleson

Linda Diane Cates
Signature of Petitioner

BARNETT, NOBLE, HANES, O'NEAL & DUFFEE
(Firm Name)

Stephen Larry Tolleson
(Name of Petitioner)

1600 City Federal Building
Address
Birmingham, AL 35203

7970 South Valley Road
Address

Palmerdale, AL 35123

zip code

Telephone (205) 322-0471

Linda Diane Cates
3635 McMurray Lane
Birmingham, AL 35215

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, on the 12th day of April, 1995, and set for hearing the 12th day of April, 1995, at — M. Prayer granted and ordered recorded
George R. Reynolds
Judge of Probate

PETITION FOR PROBATE OF WILL
(SELF-PROVED WILL)
(Code 1975, §43-8-160, et seq., §§43-8-132 and 133)

B'HAM BAR ASS'N FORM NO. 3B.02
(Revised May 1990)
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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 of Hubert Austin Tolleson, deceased

With the certificate to Probate thereof, and Petition for

Probate of Will

Inst. # 1995-13390

05/22/1995-13390
01:01 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
014 SNA 44.00

in the matter of Estate of Hubert Austin Tolleson, deceased

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

Given under my hand and seal of said Court, this
the 16 day of May, 19 95

Peggy A. Proctor
Chief Clerk