

IN THE MATTER OF:

THE ESTATE OF:

BONNIE M. WHITLEY

DECEASED

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NO. 153056

DECREE ON FINAL SETTLEMENT BY EXECUTOR
WHO IS SOLE BENEFICIARY

This day comes Ben Cleary, as Executor under the will of Bonnie M. Whitley, deceased, and presents to the Court, under oath, a petition for final settlement of said estate, 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 said Executor is the sole beneficiary named in the last will and testament of said deceased, and that he has complied with the terms of said will by paying over and delivering to himself, individually, all the property and assets in his hands belonging to said estate, as shown by his petition filed herein.

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that said petition be and the same is hereby granted and ordered recorded, and that the said Ben Cleary, as Executor, be and he is hereby discharged from all liability as such Executor.

DONE this 22nd day of March, 1996.

George P. Reynolds
JUDGE OF PROBATE

04/16/1996-12348
01:33 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
016 MCD 46.00

Inst # 1996-12348

IN THE MATTER OF THE ESTATE OF)

PROBATE COURT

BONNIE M. WHITLEY

Deceased)

OF JEFFERSON COUNTY, ALABAMA

153056

CASE NO. _____

PETITION FOR PROBATE OF WILL
(Self-Proved Will)

Comes the petitioner, BEN CLEARY, and shows this Court the following facts:

1. BONNIE M. WHITLEY (the "decedent") died testate at BIRMINGHAM, ALABAMA on or about the 14TH day of JULY, 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
LYNN F. MOONEY	4430 OAK LANE CIRCLE, PINSON, AL. 35126
MARIE W. DUNCAN	2641 FIRST STREET, NE, BIRMINGHAM, AL. 35215
KELLY DILLARD	4141 CHURCHILL DRIVE, BIRMINGHAM, AL. 35213

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:

MICHELLE S. JENNINGS	2351 CENTER POINT ROAD, BIRMINGHAM, AL. 35215
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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):

BEN CLEARY, OVER 19, SOUND MIND,
GRANDSON

9 GRAY ROCK DRIVE, ROME, GEORGIA 30165

Name, age, condition, relationship

Address

JR 1400 PG 544

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:

Harold T. Ackerman

HAROLD T. ACKERMAN
(Firm Name)

1821 CENTER POINT PARKWAY
Address

BIRMINGHAM, ALABAMA 35215
zip code

Telephone (205) 853-6896

Ben Cleary
Signature of Petitioner

BEN CLEARY
(Name of Petitioner)

9 GRAY ROCK DRIVE
Address

ROME, GEORGIA 30165
zip code

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, on the 12th day of September, 1995, and set for hearing the 12th day of September, 1995, at 10:00 A.M. prayer granted and ordered
recorded

George B. Leybold
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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153056

LAST WILL AND TESTAMENT
OF
BONNIE M. WHITLEY

I, Bonnie M. Whitley, of Birmingham, Alabama, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

ARTICLE I
PAYMENT OF DEBTS AND EXPENSES

A. I direct that my just debts, funeral expenses and expenses of last illness be first paid from my estate.

ARTICLE II
DISPOSITION OF PROPERTY

A. Tangible Personal Property. Subject to the preceding provisions of this will, I direct that all of my jewelry, clothing, personal items, furniture, household furnishings, automobile(s), and other items of tangible personal property be distributed to the following beneficiaries in the percentages as shown:

100.00% to Ben Cleary, Rome, Georgia

The share of any such beneficiary who does not survive me shall be added to my residuary estate.

B. Residuary. I direct that my residuary estate be distributed to Ben Cleary, 9 Grey Rock Drive, Rome, Georgia. If such beneficiary does not survive me, my residuary estate shall be distributed to the following beneficiaries in equal shares:

Sandra Cleary, Rome, Georgia. If this person or organization does not survive me or is not in existence, this share shall be distributed in equal shares to the other distributee(s) listed under this provision.

Ryan Cleary, Rome, Georgia. If this person or organization does not survive me or is not in existence, this share shall be distributed in equal shares to the other distributee(s) listed under this provision.

Caitlin Cleary, Rome, Georgia. If this person or organization does not survive me or is not in existence, this share shall be distributed in equal shares to the other distributee(s) listed under this provision.

ARTICLE III
NOMINATION OF EXECUTOR

A. I nominate Ben Cleary, of Rome, Georgia, as the Executor,

FILED IN OFFICE THIS 12th DAY OF
September 19 65, FOR PROBATE
AND RECORD.
D. R. Reynolds
JUDGE OF PROBATE

without bond. If such person or entity does not serve for any reason, I nominate Sandra Cleary, of Rome, Georgia, to be the Executor, without bond.

ARTICLE IV
EXECUTOR POWERS

A. My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to anyone.

ARTICLE V
MISCELLANEOUS PROVISIONS

A. Paragraph Titles and Gender. The titles given to the paragraphs of this Will are inserted for reference purposes only and are not to be considered as forming a part of this Will in interpreting its provisions. All words used in this Will in any gender shall extend to and include all genders and in numbers when the context or facts so require, and any pronouns shall be taken to refer to the person or persons intended regardless of gender or number.

B. Thirty Day Survival Requirement. For the purposes of determining the appropriate distributions under this Will, no person or organization shall be deemed to have survived me, unless such person or entity is also surviving on the thirtieth day after the date of my death.

IN WITNESS WHEREOF, I have subscribed my name below, this 4 day of April, 1994.

Bonnie M. Whitley
Bonnie M. Whitley

We, the undersigned, hereby certify that the above instrument, which consists of five pages, including this page, was signed in our sight and presence by Bonnie M. Whitley (the "Testator"), who declared this instrument to be his/her Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and

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addresses as witnesses on the date shown above.

Witness Signature: Lynn F. Mooney
Witness Name: LYNN F. MOONEY
Witness Address: 4430 Oak Lane Cir.
Pinson, AL 35126

Witness Signature: Marie W. Duncan
Witness Name: MARIE W. DUNCAN
Witness Address: 2641 First St. NE.
Birmingham, AL 35215

Witness Signature: Kelly Dillard
Witness Name: Kelly Dillard
Witness Address: 4141 Churchill Dr
Birmingham, AL 35213

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AFFIDAVIT

STATE OF Alabama,
COUNTY OF Jefferson, ss:

Before me, the undersigned, on this day personally appeared Bonnie M. Whitley, Lynn F. Mooney,
Marie W. Duncan, and
Kelly Dillard, known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Bonnie M. Whitley, the Testator, declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were sixteen years of age or older and otherwise competent to be witnesses.

Bonnie M. Whitley
Bonnie M. Whitley, Testator

Lynn F. Mooney, Witness
4430 Oak Lane Circle, Pinson, AL 35126
Marie W. Duncan, Witness
2601 - First St. N.E. / Birmingham, AL 35215
Kelly Dillard, Witness
4141 Churchill St. Blount, AL 35213

Subscribed, sworn to and acknowledged before me by Bonnie M. Whitley,
the Testator; and subscribed and sworn before me by

Lynn F. Mooney,
Marie W. Duncan, and
Kelly O. Hard, witnesses, this
4 day of April, 1994.

Michelle S. Jensen
Notary Public, or other officer
authorized to take and certify
acknowledgements and administer oaths

~~My Commission Expires May 22, 1995~~

My Commission Expires May 22, 1995

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JR 1400 PG 551

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 BONNIE M. WHITLEY _____ Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 1400, Page 546-551.

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

PROBATE -- 28


_____, Judge of Probate.

IN THE MATTER OF:

THE ESTATE OF:

BONNIE M. WHITLEY,
DECEASED

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IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NUMBER 153056

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Ben Cleary and filed his 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 Bonnie M. Whitley, deceased, said will bearing date, April 4, 1994, and attested by Lynn F. Mooney, Marie W. Duncan and Kelly Dillard; and praying that the same be probated as provided by law; that said Ben Cleary, the grandson of said deceased, resides in Rome, Georgia, is over nineteen years of age and of sound mind; is the only next of kin of said deceased, and is named in said Will as executor thereof.

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 Bonnie M. Whitley, 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

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CASE NUMBER 153056

JR 1400 PG 553

petitioner pay the costs of this proceeding.

DONE this date, September 12, 1995.

George P. Reynolds
Judge of Probate

IN THE MATTER OF THE ESTATE OF)

PROBATE COURT

BONNIE M. WHITLEY)
Deceased

OF JEFFERSON COUNTY, ALABAMA

CASE NO. 153056PETITION FOR LETTERS TESTAMENTARY
WITHOUT BONDComes the petitioner, BEN CLEARY, and shows this Court the following facts:

1. In the last will and testament of BONNIE M. WHITLEY, 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 GEORGIA, 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 \$100,000.00.

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:

HAROLD T. ACKERMANHAROLD T. ACKERMAN
(Firm Name)1821 CENTER POINT PARKWAY
AddressBIRMINGHAM, ALABAMA 35215

zip code

Telephone (205) 853 - 6896Ben Cleary
Signature of PetitionerBEN CLEARY
(Name of Petitioner)9 GRAY ROCK DRIVE
AddressROME, GEORGIA 30165

zip code

BENCH NOTE

JR 1400 PG 555

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered
recorded this the 12th day of September, 1996.

George L. Reynolds
Judge of Probate

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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IN THE MATTER OF:

THE ESTATE OF:

**BONNIE M. WHITLEY,
DECEASED**

**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA**

CASE NUMBER 153056

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day comes Ben Cleary and filed in this Court his petition in writing, under oath, praying that Letters Testamentary upon the Will of Bonnie M. Whitley, deceased, be issued to him.

It is therefore ORDERED and DECREED by the Court that Letters Testamentary upon said will be granted to Ben Cleary, 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 in this behalf be recorded.

DONE this date, September 12, 1995.

George P. Reynolds
Judge of Probate

LETTERS TESTAMENTARY

PROBATE - 80

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMABONNIE M. WHITLEY

Deceased

CASE NO. 153056**LETTERS TESTAMENTARY**

TO ALL WHOM IT MAY CONCERN:

The Will of the above-named deceased having been duly admitted to record in said county, Letters Testamentary are hereby granted to Ben Cleary

the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in §43-8-76, Code of Alabama (1975, as amended), the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions under §43-2-843, Code of Alabama (1975, as amended).

WITNESS my hand that date, September 12, 1995.

George R. Reynolds

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

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 Bonnie M. Whitley, deceased
With the Certificate to the Probate thereof, Order on Filing and
Probating Last Will and Testament, Petition Probate of Will,
Petition for Letters Testamentary with bond, Order Granting Letters
Testamentary with bond, Decree on Final Settlement by Executor who is
Sole Beneficiary _____ Estate of Bonnie M. Whitley, deceased
in the matter of _____

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

Given under my hand and seal of said Court, this

the 5 day of April, 19 96

Peggy A. Proctor

Chief Clerk

Inst. # 1996-12348
 04/16/1996-12348
 01:33 PM CERTIFIED
 SHELBY COUNTY JUDGE OF PROBATE
 016 MCD 46.00