

IN THE MATTER OF:

THE ESTATE OF:

DORIS W. CLEARY

DECEASED

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NO. 149250

DECREE ON FINAL SETTLEMENT BY EXECUTRIX
WHO IS SOLE BENEFICIARY

This day comes Bonnie M. Whitley, as Executrix under the will of Doris W. Cleary, 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 Executrix, and that no claims have been filed in this Court within the time required by law.

It further appearing to the Court that said Executrix is the sole beneficiary named in the last will and testament of said deceased, and that she has complied with the terms of said will by paying over and delivering to herself, individually, all the property and assets in her hands belonging to said estate, as shown by her 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 Bonnie M. Whitley, as Executrix, be and she is hereby discharged from all liability as such Executrix.

DONE this 8th day of May, 1995.

George P. Reynolds
JUDGE OF PROBATE

04/16/1996-12349
01:33 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
012 MCB 36.00

Inst # 1996-12349

IN THE MATTER OF THE ESTATE OF)

PROBATE COURT

DORIS W. CLEARY

Deceased)

OF JEFFERSON COUNTY, ALABAMA

CASE NO. 149250

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

Comes the petitioner, BONNIE M. WHITLEY, and shows this Court the following facts:

1. DORIS W. CLEARY (the "decedent") died testate at BIRMINGHAM, ALABAMA on or about the 21ST day of MARCH, 1994 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
MILDRED W. BROCK	DECEASED
MITON H. BROCK	1877 PLEASANT ACRE EAST CORDOVA, TN 38018

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 §43-8-12):

Name, age, condition, relationship	Address
<i>fw</i> Bonnie M. Whitley, over 19, of sound mind, Mother	2332 3rd Way NE Birmingham, Al 35215
<i>W</i> Ben Cleary, over 19, of sound mind, son	9 Gray Rock Drive Rome, GA 30165

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:

Harold T. Ackerman

Harold T. Ackerman
(Firm Name)

P. O. Box 9407
Address

Birmingham, AL 35220-0407
zip code

Telephone (205) 853 - 6896

Bonnie M. Whitley
Signature of Petitioner

Bonnie M. Whitley
(Name of Petitioner)

2332 3rd Way NE
Address

Birmingham, AL 35215
zip code

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, on the 20th day of September, 1994, and set for hearing on the day of , 19 , at M.

George R. Reynolds
Judge of Probate

October 13, 1994

Service perfected Will probated.

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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149250

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

LAST WILL AND TESTAMENT OF
DORIS W. CLEARY

I, DORIS W. CLEARY, residing in the County of Jefferson, State of Alabama, over the age of twenty-one years, and being of sound and disposing mind and memory, do hereby declare this to be my Last Will and Testament, hereby revoking all former wills by me heretofore made.

FIRST: It is my will that all my just debts and funeral expenses be paid fully out of my estate.

SECOND: I give, devise and bequeath all of my property, both real and personal, wheresoever located, to my beloved mother, BONNIE M. WHITLEY.

THIRD: It is my wish and my desire, and I strongly urge the Court in the event of my death, to appoint my mother, BONNIE M. WHITLEY, as guardian of my minor son, BEN CLEARY. I hereby make this request because my former husband, JACK CLEARY, has not since we have been divorced supported BEN CLEARY in any way or provided me any help in raising said child, and I am satisfied that it is to the best interest of BEN CLEARY that my mother be the one to be entrusted to raising and supporting him, in the event that something happens to me. I feel that she is able to raise him in her home, as this child has learned to love her, having been in her home for a number of years now, and that she is as interested in his welfare and his education as I am. I also request the Court to allow her to adopt BEN CLEARY in the event that she wishes to and that she not only be his guardian but also be the one whose home he will live in and the one who will see that he is taken care of and raised in the manner that I know will be to his best interest.

Doris W. Cleary
Page One of Two Pages

FILED IN OFFICE THIS 20th DAY OF
September 1958, FOR PROBATE
AND RECORD
George L. Rogers
JUDGE OF PROBATE

JR 1329 PG 389

FOURTH: I hereby constitute and appoint my mother,
BONNIE M. WHITLEY, as Executrix of my estate, and I expressly re-
lieve her from giving any bond in that capacity or from making and filing
any inventory or accounting of my estate in any court.

IN WITNESS WHEREOF, I have hereunto affixed my hand and
seal this 21st day of January 1967.

Doris W. Cleary (Seal)

The foregoing was signed, sealed, published and declared by
Doris W. Cleary to be her Last Will and Testament in our presence and
we, at her request and in her presence, and in the presence of each
other, have hereunto set our signatures as attesting witnesses, on the
day the said instrument bears date.

WITNESSES

ADDRESSES

Melba M. Brock

702 City Federal Bldg.

Birmingham, Ala.

Milton A. Brock

1515 Bank for Savings Bldg.

Birmingham, Ala.

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 _____ Doris W. Cleary _____ Deceased and that said Will _____ together with the proof thereof have been recorded in my office in Judicial Record, Volume 1329, Page 382-391.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date October 13, 1994

George R. Reynolds, Judge of Probate.

IN THE MATTER OF:

THE ESTATE OF:

DORIS W. CLEARY,
DECEASEDIN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NUMBER 149250

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

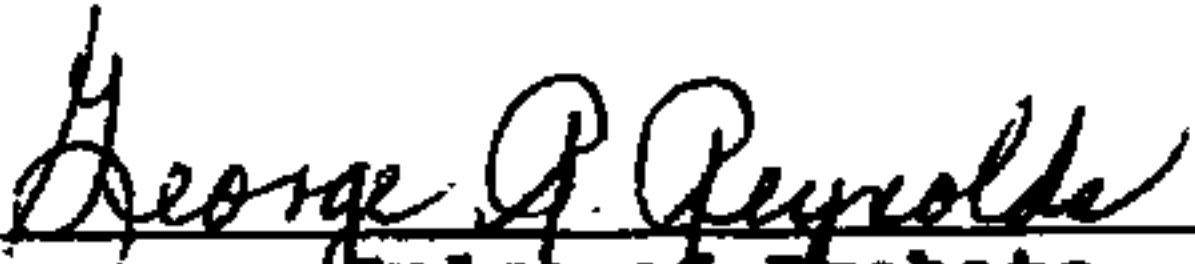
Heretofore on September 20, 1994 came Bonnie M. Whitley and filed a petition in writing, under oath, therewith producing and filing in this Court an instrument of writing purporting to be the Last Will and Testament of Doris W. Cleary, deceased, said will bearing date, January 21, 1967, and attested by Mildred W. Brock and Milton H. Brock; and praying that the same be probated as provided by law; that petitioner is the mother of said deceased, and is named in said will as executrix thereof; that the next of kin of said deceased is Ben Cleary, son, Rome, GA, each of whom is over nineteen years of age and of sound mind.

And thereupon comes Ben Cleary 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 affixed to said waiver of notice and acceptance of service is the genuine signature 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 Doris W. Cleary, 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, October 13, 1994.



Judge of Probate

IN THE MATTER OF THE ESTATE OF)

PROBATE COURT

DORIS W. CLEARY)

Deceased)

OF JEFFERSON COUNTY, ALABAMA

149250

CASE NO. _____

PETITION FOR LETTERS TESTAMENTARY WITHOUT BOND

Comes the petitioner, BONNIE M. WHITLEY, and shows this Court the following facts:

1. In the last will and testament of DORIS W. CLEARY, deceased (the "decedent"), 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 \$50,000.00.

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. Ackerman

HAROLD T. ACKERMAN
(Firm Name)

P. O. BOX 9407
Address

BIRMINGHAM, AL 35220-0407

zip code

Telephone (205) 853 - 6896

Bonnie M. Whitley
Signature of Petitioner

BONNIE M. WHITLEY
(Name of Petitioner)

2332 3RD WAY NE
Address

BIRMINGHAM, AL 35215

zip code

FILED IN OFFICE THIS 17th DAY OF
October, 19 94. PRAYER GRANTED
AND PETITION ORDERED RECORDED

George P. Reynolds
JUDGE OF PROBATE

IN THE MATTER OF:

THE ESTATE OF:

**DORIS W. CLEARY,
DECEASED**

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

CASE NUMBER 149250

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

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

It is therefore **ORDERED** and **DECREED** by the Court that Letters Testamentary upon said will be granted to Bonnie M. Whitley, 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, October 17, 1994.

George P. Reynolds
Judge of Probate

LETTERS TESTAMENTARY

PROBATE — 60

IN THE MATTER OF THE ESTATE OF**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA**DORIS W. CLEARY**CASE NO.** 149250Deceased**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 Bonnie M. Whitley

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, October 17, 1994.


George A. 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

Inst # 1996-12349

04/16/1996-12349
11:33 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
012 MCD 36.00

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 Doris W. Cleary, deceased,
With the Certificate to the Probate thereof, Order on Filing and
Probating Last Will and Testament, Petition for Probate of Will,
Petition for Letters Testamentary wo bond, Order Granting Letters
Testamentary wo bond, Decree on Final Settlement by Executrix who is
Sole Beneficiary
in the matter of _____ Estate of Doris W. Cleary, deceased

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