

STATE OF ALABAMA )  
JEFFERSON COUNTY )

CASE 31415

LAST WILL AND TESTAMENT OF  
JAMES E. BACON

I, James E. Bacon, a resident of the County of Jefferson, State of Alabama, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament and do hereby expressly revoke any and all former wills and codicils thereto which may have been at any time heretofore made by me.

Item One

I direct that my just debts and all lawful charges and claims against my estate, including the expenses of my last illness and burial, shall be paid by my Executor, herein named, as soon after my death as it may deem practicable. I further direct that my Executor place a suitable marker at my grave at Cedar Hill Cemetery, Bessemer, Alabama, within a reasonable time after my burial.

Item Two

I give, devise and bequeath my residence situated at 1816 and 1816 1/2 Twenty-ninth Avenue, North, Hueytown, Alabama, to my cousin, Emry S. Dilday, per stirpes, together with all clothing, jewelry, household goods, personal effects, automobiles, and all other tangible personal property not otherwise specifically bequeathed owned by me at the time of my death, but excluding cash on hand, or deposit, securities, choses in action or other intangibles.

Item Three

I give and devise my land situated in Bibb County, Alabama, which is a portion of the West 1/2 of the Northeast 1/4 and the East 1/2 of the East 1/2 of the Northwest 1/4 of Section 7, Township 23, Range 12 East, or whatever portion of same that has not been disposed of at the time of my death, to the First

James E. Bacon  
James E. Bacon

Inst # 1996-35640

10/28/1996-35640

10:14 AM CERTIFIED

SEELY COUNTY JUDGE OF PROBATE

008 REC 25.00

Presbyterian Church of Bessemer, Alabama. I direct that any income from the property or proceeds from the sale of the property shall be used for the maintenance of the Church's building and property in Bessemer.

Item Four

I give, devise and bequeath my condominium at 905 Gables Drive, Hoover, Alabama to my friend, Beatrice Marlow, together with all household goods and personal effects therein. If the foregoing beneficiary shall not survive me, then this gift shall lapse and become a part of my residuary estate.

Item Five

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises, I bequeath and devise in fee the portion set out opposite the name:

Emry S. Dilday .....	Twenty Percent (20%)
Thomas Emry Dilday .....	Twenty Percent (20%)
William Dilday (of California)...	Twenty Percent (20%)
Carolyn Lollar .....	Fifteen Percent (15%)
Beatrice Marlow .....	Five Percent (5%)
Charles Vining .....	Five Percent (5%)
Walter Knight .....	Five Percent (5%)
Marie Knight .....	Five Percent (5%)
Shrine Hospitals Crippled Children Endowment Fund .....	Five Percent (5%)

If any of the individual beneficiaries named in this Item shall not survive me, or if the institution named in this Item shall not be in existence at the time of my death, the bequest to such individuals or institution shall lapse and the same is given and bequeathed unto Emry S. Dilday, Thomas Emry Dilday and William Dilday (of California), share and share alike, per capita, to be

  
James E. Bacon

theirs absolutely or to the survivors or survivor thereof of the said Dildays.


Item Six

I constitute and appoint AmSouth Bank, N.A. (and such successor corporation having trust powers as shall succeed to the business of said bank by purchase, merger, consolidation or change or charter or name) as Executor of this my Last Will and Testament. I direct that my Executor shall not be required to furnish any bond, file any inventory of the property coming into its hands, or make any report of final settlement to any court of proceedings hereunder. I vest my Executor with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death, or to which it may thereafter acquire, at such time and price and upon such terms and conditions (including credit) as it may determine, and to do every other act and thing necessary or appropriate for the complete administration of my estate.

IN WITNESS WHEREOF, I hereunto set my hand and seal to this my Last Will and Testament, on this the 15<sup>th</sup> day of April, 1992.

 (SEAL)  
James E. Bacon

I, James E. Bacon, the Testator, sign my name to this instrument on this the 15<sup>th</sup> day of April, 1992, 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, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am over the age of nineteen (19) years, of sound mind and under no constraint or undue influence.

 (SEAL)  
James E. Bacon

we, James B. Kierce, Jr. and Victoria S. Echols,  
 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, that each of us, in the  
 presence and hearing of the Testator, hereby signs this Will as  
 witness to his signing, and that to the best of our knowledge, the  
 Testator is over the age of nineteen (19) years, of sound mind,  
 and under no constraint of undue influence.

118 North 18th Street  
 Bessemer, Alabama

118 North 18th Street  
 Bessemer, Alabama

James B. Kierce, Jr.  
Victoria S. Echols

STATE OF ALABAMA )

JEFFERSON COUNTY )

Subscribed, sworn to, and acknowledged before me by James E.  
 Bacon, the Testator, and subscribed and sworn to before me by  
James B. Kierce, Jr. and Victoria S. Echols,  
 witnesses, on this the 15<sup>th</sup> day of April, 1992.

Mildred A. Kelso  
 Notary Public

My Commission Expires: 1-21-95  
 (Affix Seal)

This instrument was prepared by:

James B. Kierce, Jr.  
 Stone, Patton, Kierce & Freeman  
 118 North 18th Street  
 Bessemer, Alabama 35020  
 Telephone: (205) 424-1150

Filed in office this the 17<sup>th</sup> day  
 of June, 1995, for probate  
 and record.

A. Rynolds  
 Judge of Probate

James E. Bacon  
 James E. Bacon

STATE OF ALABAMA )  
JEFFERSON COUNTY )

CASE 91415

**FIRST CODICIL TO THE  
LAST WILL AND TESTAMENT OF  
JAMES E. BACON**

I, James E. Bacon, a resident of the County of Jefferson, State of Alabama, being of sound mind and disposing memory, do hereby make, publish and declare this to be the First Codicil to the Last Will and Testament executed by me on the 15th day of April, 1992, in the presence of James B. Kierce, Jr., Victoria S. Echols, and Mildred S. Kelso, Notary Public.

I revoke and annul Item Three of my said Will.

I revoke and annul from Item Five of my said Will the following:

Walter Knight .....	Five Percent	(5%)
Marie Knight .....	Five Percent	(5%)

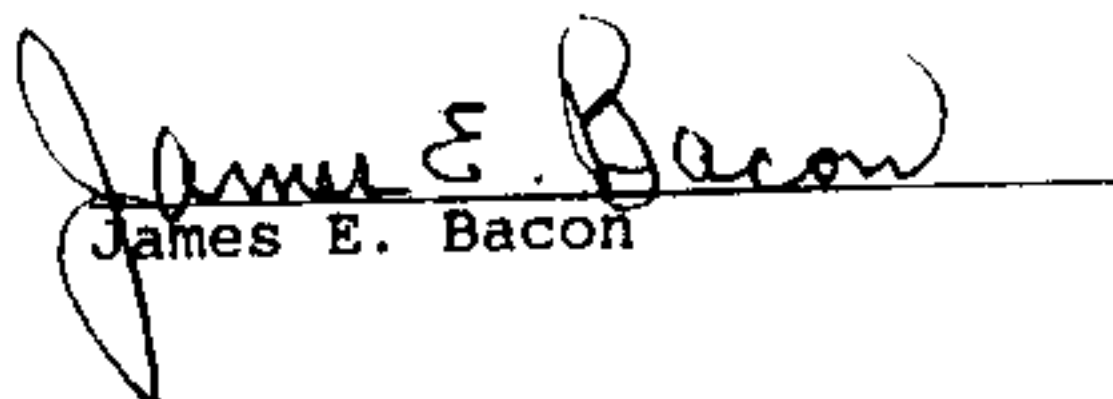
and in lieu and substitution thereof I insert the following:

Walter and Marie Knight, or the survivor thereof, notwithstanding anything else to the contrary contained in my Will dated April 15, 1992 .....	Five Percent	(5%)
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First Presbyterian Church of Bessemer, Alabama .....	Five Percent	(5%)
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In all other respects, I ratify and confirm all of the provisions of my said Will dated April 15, 1992.

IN WITNESS WHEREOF, I hereunto set my hand and seal to this my First Codicil to my Last Will and Testament, on this the 13th day of September, 1993.

 (SEAL)  
James E. Bacon

I, James E. Bacon, the Testator, sign my name to this instrument on this the 13th day of September, 1993, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my First Codicil, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am over the age of nineteen

CASE 91415

(19) years, of sound mind and under no constraint or undue influence.

James E. Bacon (SEAL)  
James E. Bacon

We, James B. Kierce, Jr. and Victoria S. Echols, 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 First Codicil and that he signs it willingly, that each of us, in the presence and hearing of the Testator, hereby signs this First Codicil as witness to his signing, and that to the best of our knowledge, the Testator is over the age of nineteen (19) years, of sound mind, and under no constraint of undue influence.

118 North 18th Street  
Bessemer, Alabama 35020

510 Ridge Avenue  
Bessemer, Alabama 35020

James B. Kierce Jr.  
Victoria S. Echols

STATE OF ALABAMA )

JEFFERSON COUNTY )

Subscribed, sworn to, and acknowledged before me by James E. Bacon, the Testator, and subscribed and sworn to before me by James B. Kierce, Jr. and Victoria S. Echols, witnesses, on this the 13th day of September, 1993.

James M. Backus  
Notary Public  
My Commission Expires: 10-28-96  
(Affix Seal)

This instrument was prepared by:

James B. Kierce, Jr.  
Stone, Patton, Kierce & Freeman  
118 North 18th Street  
Bessemer, Alabama 35020  
Telephone: (205) 424-1150

Filed in office this the 17th day  
of June, 1995, for record  
and record.

W. G. Reynolds  
Judge of Probate

CERTIFICATE TO THE PROBATE OF WILL AND CODICIL

**The State of Alabama**

**JEFFERSON COUNTY  
BESSEMER DIVISION**

CASE NO. 31415

I, George R. Reynolds, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument S of writing ha ve 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 and First Codicil of James E. Bacon Deceased and that said Will and Codicil together with the proof thereof have been recorded in my office in Judicial Record, Volume       , Page       .

In witness of all which I have hereto set my hand, and the seal of the said Court, this date June 29, 1995.

**PROBATE COURT, BESSEMER DIVISION**

said State hereby certify that the foregoing contains a full, true and correct copy of the Last Will and  
Testament, First Codicil to the Last Will and Testament, Certificate to  
the Probate of will and codicil on the Estate of James E. Bacon, deceased,  
Case No. 31415

in the matter of                     

Given under my hand and official seal, this

the 17th day of July, 1995

George R. Reynolds  
Judge of Probate.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-19-2007 BY 60322 UCBAW

Inst # 1996-330-1  
10/28/1996-35640  
10:14 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PRIVATE  
008 MCD 26.00