

IN THE PROBATE COURT OF MARSHALL COUNTY, ALABAMA
CASE NO. 92-007

IN THE MATTER OF THE ESTATE OF CHARLES FRANKLIN PARTRIDGE, DECEASED

PETITION FOR PROBATE OF WILL

Comes now EMMA FRANCES P. TUCK (the "Petitioner"), by the Petitioner's attorney, Danny L. Smith and respectfully represents unto the court as follows:


1. CHARLES FRANKLIN PARTRIDGE (the "Decedent"), who was a resident of this county, departed this life on or about May 16, 1991, leaving assets in this state and leaving a last will and testament, which was duly signed and published by the Decedent and attested by Brynette M. Mathis and Gina Matthews which said will is herewith delivered to the court.

2. The Decedent was survived by EMMA LORENE PARTRIDGE, his spouse and the following is a true and correct list of the heir at law and next of kin of the Decedent, who is over the age of 19 years and of sound mind, viz:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
Emma Frances P. Tuck	1609 Bethsaida Rd. Boaz, Alabama	Daughter

3. The Decedent's will is a self-proved will executed pursuant to Section 43-8-132 Code of Alabama 1975, however, both of the attesting witnesses are available to testify in person before the court if required.

Wherefore, the Petitioner prays that the court will take jurisdiction hereof and after such proceedings as may be required by law, enter such orders as may be required to duly and legally affect the probate and record of the Decedent's will.



Danny L. Smith
Attorney for Petitioner
Post Office Box 249
Boaz, Alabama 35957
(205) 593-4009

Inst # 1998-16147 **FILED IN OFFICE**

JAN 13 1992

05/04/1998-16147
03:27 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 NCD 21.00
TIM MITCHELL
JUDGE OF PROBATE

Inst # 1998-16147

STATE OF ALABAMA)

MARSHALL COUNTY)

Before me, the undersigned authority, personally appeared the Petitioner in the above styled cause, and who by me first being duly sworn, did depose and say that the facts alleged in the above petition are true, according to the best of Petitioner's knowledge, information and belief.

Emma Frances P. Duck
Petitioner

Sworn to and subscribed before me this the 10 day of January, 1992.

[Signature]
Notary Public

My commission expires: 6-5-94

FILED IN OFFICE

JAN 13 1992

TIM MITCHELL
JUDGE OF PROBATE

By _____

Last Will and Testament

OF

CHARLES FRANKLIN PARTRIDGE

I, CHARLES FRANKLIN PARTRIDGE, being of sound mind and disposing memory, do hereby make, declare and publish this my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me:

FIRST: I direct that as soon as practical and lawful after my death that all of my just and legal debts be paid, including those of my last illness and burial, and that a monument or marker, suitable to my estate's means, be placed upon the site of my burial and paid for by my estate.

SECOND: In the event my beloved Wife, EMMA LORENE PARTRIDGE, survives me, I hereby devise and bequeath unto my said beloved Wife, EMMA LORENE PARTRIDGE, all of my property, of every kind and description, wherever located, in fee simple absolute.

THIRD: In the event my beloved Wife, EMMA LORENE PARTRIDGE, does not survive me, I hereby devise and bequeath unto my beloved daughter, EMMA FRANCES P. TUCK, all of my property of every kind and description, wherever located, in fee simple absolute.

FILED IN OFFICE

JAN 13 1992

TIM MITCHELL
JUDGE OF PROBATE

By _____

FOURTH:

In the event my beloved Wife, EMMA LORENE PARTRIDGE, and my beloved daughter, EMMA FRANCES P. TUCK, do not survive me, I hereby devise and bequeath unto my beloved grandchildren, JAMES THEODORE TUCK, JR., and JOHN TODD TUCK, all of my property of every kind and description, wherever located, in fee simple absolute, share and share alike. If one of the aforementioned grandchildren does not survive me, I hereby direct that child's share shall inure to the benefit of the other grandchild in the event there are no heirs of that said grandchild's body living at the time of my death.

FIFTH:

I hereby name, nominate and appoint my Wife, EMMA LORENE PARTRIDGE, the Executrix of this Will. I hereby relieve her of the obligation to make any bond, inventory, appraisal, settlement or accounting to any Court as such Executrix. I further give her the right and power to sell any and all of my property, real or personal, at public or private sale, at such times, for such prices, to such persons, for cash, or upon terms as my said Executrix may see fit, and to make good and sufficient deeds, bills of sale or other conveyances thereof, all without the order, direction or approval of any Court.

In the event that the said Executrix for any reason fails, refuses, is disqualified or ceases to so serve, then I hereby name, nominate and appoint my daughter, EMMA FRANCES P. TUCK, as the Executrix of this my Last Will and Testament who shall have all of the same rights, powers and exemptions hereinabove granted.

I, CHARLES FRANKLIN PARTRIDGE, the Testator, sign my name to this instrument this the 3rd day of August, 1987, and being first duly sworn, do hereby declare to the undersigned authority that I sign and

FILED IN OFFICE

JAN 13 1992

1 VOL 20 PAGE 247

TIM MITCHELL
JUDGE OF PROBATE

execute this instrument as my Last Will 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 19 years of age or older, of sound mind and under no constraint or undue influence.


CHARLES FRANKLIN PARTRIDGE

ATTESTATION

We, Brynette M. Mathis and Gina Matthews, 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 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's signing, and that to the best of our knowledge, the Testator is 19 years of age or older, of sound mind, and under no constraint or undue influence.

Brynette M. Mathis

Gina Matthews

STATE OF ALABAMA)
)
MARSHALL COUNTY)

Subscribed, sworn to and acknowledged before me by CHARLES FRANKLIN PARTRIDGE, the Testator, and subscribed and sworn to before me by Brynette M. Mathis and Gina Matthews, witnesses, this the 5th day of August, 1987.

Jessa Mosley
Notary Public

FILED IN OFFICE

JAN 13 1992

TIM MITCHELL
JUDGE OF PROBATE

20 PAGE 248

LVOL

By _____

NOTARY
SEAL
PUBLIC

IN THE PROBATE COURT OF MARSHALL COUNTY, ALABAMA

CASE NO. 92-007

IN THE MATTER OF THE ESTATE OF CHARLES FRANKLIN PARTRIDGE, DECEASED

LETTERS TESTAMENTARY

The will of CHARLES FRANKLIN PARTRIDGE having been duly admitted to probate and record, in this court, Letters Testamentary are hereby granted to EMMA FRANCES P. TUCK who has complied with the requirements of the law, and who is authorized to take upon herself the execution of such will.

Witness my hand this 13 day of January, 1992.


Judge of Probate

STATE OF ALABAMA)

MARSHALL COUNTY)

I, Tim Mitchell, Judge of the Probate Court of Marshall County, Alabama, hereby certify that the foregoing is a true and correct copy of the Letters Testamentary heretofore issued out of the Probate Court of Marshall County, Alabama, on the last will and testament of the said CHARLES FRANKLIN PARTRIDGE to EMMA FRANCES P. TUCK as the executrix thereof, as the same appears on file and of record in this office.

Given under my hand and the seal of said court, this the _____ day of January, 1992.

Judge of Probate

Inst # 1998-16147

05/04/1998-16147
03:27 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
006 HCD 21.00