

IN THE PROBATE COURT OF MARSHALL COUNTY, ALABAMA

CASE NO. 93-223

IN THE MATTER OF THE ESTATE OF EMMA LORENE 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. EMMA LORENE PARTRIDGE (the "Decedent"), who was a resident of this county, departed this life on or about June 18, 1993, leaving assets in this state and leaving a last will and testament, which was duly signed and published by the Decedent and attested by Gina Matthews and Brynette M. Mathis which said will is herewith delivered to the Court.

2. The Decedent left no surviving spouse and the following is a true and correct list of the heirs at law and next of kin of the Decedent, all of whom are over the age of 19 years and of sound mind, viz:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
Emma Frances P. Tuck	P.O. Box 499 1609 Bethsadia Road Boaz, AL 35957	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

05/04/1998-16148
03:27 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 MCD 21.00

Inst # 1998-16148

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 30 day of July, 1992

Robert DeLong
Notary Public

My commission expires: 3-24-96

FILED IN OFFICE

AUG 04 1993

**TIM MITCHELL
JUDGE OF PROBATE**

Last Will and Testament

OF

EMMA LORENE PARTRIDGE

I, EMMA LORENE 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:

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.

THIRD:

In the event my beloved daughter, EMMA FRANCES P. TUCK, does 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

Emma Lorene Partridge

said grandchild's body living at the time of my death.

FOURTH: I hereby name, nominate and appoint my Daughter, EMMA FRANCES P. TUCK, 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 JAMES THEODORE TUCK, the Executor of this my Last Will and Testament who shall have all of the same rights, powers and exemptions hereinabove granted.

I, EMMA LORENE PARTRIDGE, the Testator, sign my name to this instrument this the 5th day of August, 1987, and being first duly sworn, do hereby declare to the undersigned authority that I sign and 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.

FILED IN OFFICE

AUG 04 1987

TIM MITCHELL
JUDGE OF PROBATE

Emma Lorene Partridge
EMMA LORENE 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 her Last Will and that she 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.

Brynnette M. Mathis

Gina Matthews

STATE OF ALABAMA)
)
MARSHALL COUNTY)

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

Teresa Mosley
Notary Public

Emma Lorene Partridge

FILED IN OFFICE

AUG 04 1993

TIM MITCHELL
JUDGE OF PROBATE

IN THE PROBATE COURT OF MARSHALL COUNTY, ALABAMA

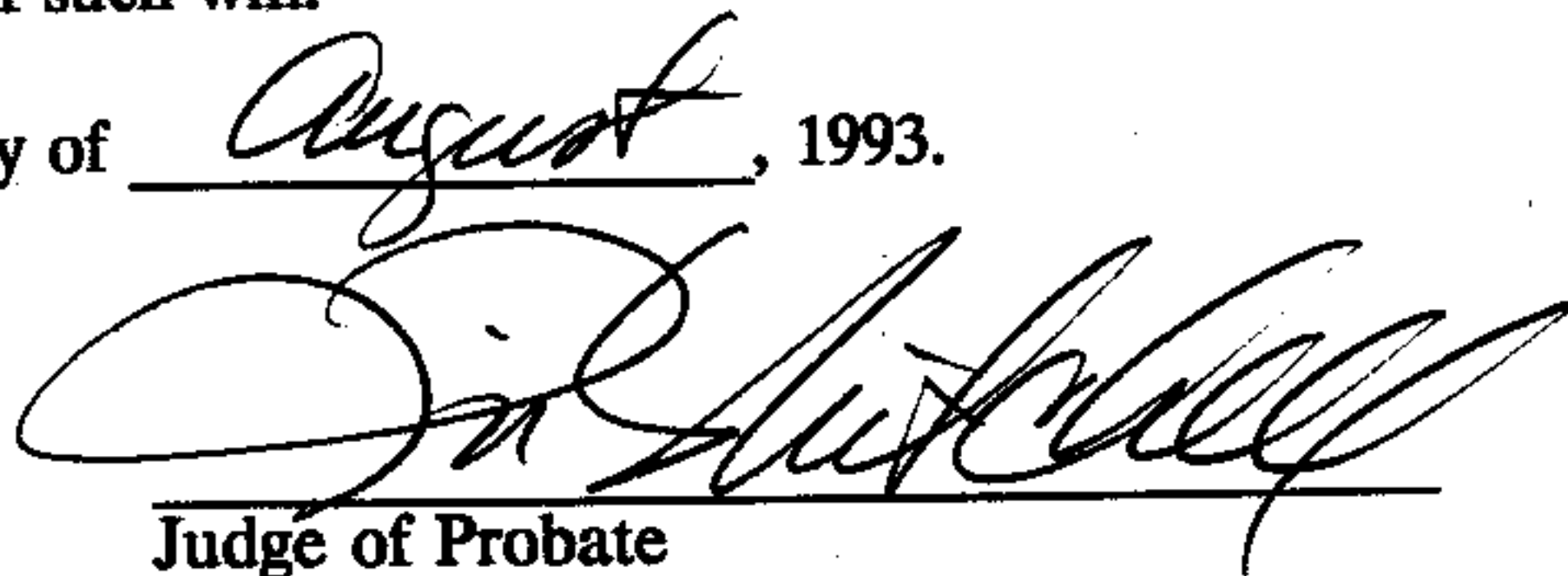
CASE NO. 93-223

IN THE MATTER OF EMMA LORENE PARTRIDGE, DECEASED

LETTERS TESTAMENTARY

The will of EMMA LORENE 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 4th day of August, 1993.


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 EMMA LORENE 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 _____, 1993.

Judge of Probate

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