

DECEASED.

158759

CASE NO.

PETITION FOR PROBATE OF WILL

TO THE HONORABLE GEORGE R. REYNOLDS,
JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA

Comes your petitioners, John Leon Kidd, Jr. and Jack Whitson Kidd, and upon information and belief, respectfully show unto your Honor the following facts:

1. Inez Rose Kidd died at Birmingham, Alabama, on or about the 27th day of January, 1997 and, at the time of such death, was an inhabitant of Jefferson County, Alabama.
2. Surrendered herewith is said decedent's Last Will and Testament, naming petitioners as Co-Executors thereof, which was duly signed by said decedent when over twenty one years of age, and was attested by the following witnesses: namely,

<u>Name</u>	<u>Address</u>
Jewell R. Brennan	128 Lakeview Circle Scottsville, KY 42164
Gerard F. Brennan	128 Lakeview Circle Scottsville, KY 42164
Douglas Bentley	510 Spring Tr. Warrior, AL 35180

3. The following is a true, correct and complete list of the names, ages, conditions, relationships and addresses of said decedent's next-of-kin; namely,

<u>Name. Age. Conditions. Relationship</u>	<u>Address</u>
John Leon Kidd, Jr., over 21, sane, son	6021 Chateau Loire Circle Mandeville, LA 70448
Jack Whitson Kidd, over 21, sane, son	5492 Highway 280 East Birmingham, AL 35242
Robert Elliot Kidd, over 21, sane, son	3030 McKenny, Apt. 405 Dallas, TX 75204

05/26/1998-19125
12:32 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
012 MCD 36.00

417533-1

Mike A.

Inst # 1998-19125

WHEREFORE, your petitioners pray that your Honor will take jurisdiction of this petition; will cause all such notices or citations to be issued to the said next of-kin, and attesting witnesses as may be proper in the premises; and will cause such proceedings to be had and done, 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 as the Last Will and Testament of said deceased.

Attorney for Petitioners:

W. Lee Thuston, Esq.
3100 SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203
(205) 251-3000

) John Leon Kidd, Jr.
) John Leon Kidd, Jr.
) 6021 Chateau Loire Circle
) Mandeville, LA 70448
) Jack Whitson Kidd
) Jack Whitson Kidd
) 5492 Highway 280 East
) Birmingham, Alabama 35242

STATE OF LOUISIANA)

ST. TAMMANY COUNTY)

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared JOHN LEON KIDD, JR., who, being first duly sworn, makes oath that he has read the foregoing petition and knows the contents thereof, and that he is informed and believes, and, upon such information and belief, avers that the facts alleged therein are true and correct.

Notary acts as witness to
signatures only, all parties here
to acknowledge Notary did not
prepare documents and hold
Notary harmless,
Signed before me this day

X Sworn to and subscribed before me this
24 day of FEB, 1997.

GARY J. BETTENCOURT
St. Tammany Parish, Louisiana
NOTARY PUBLIC

My Commission Expires: WIFE

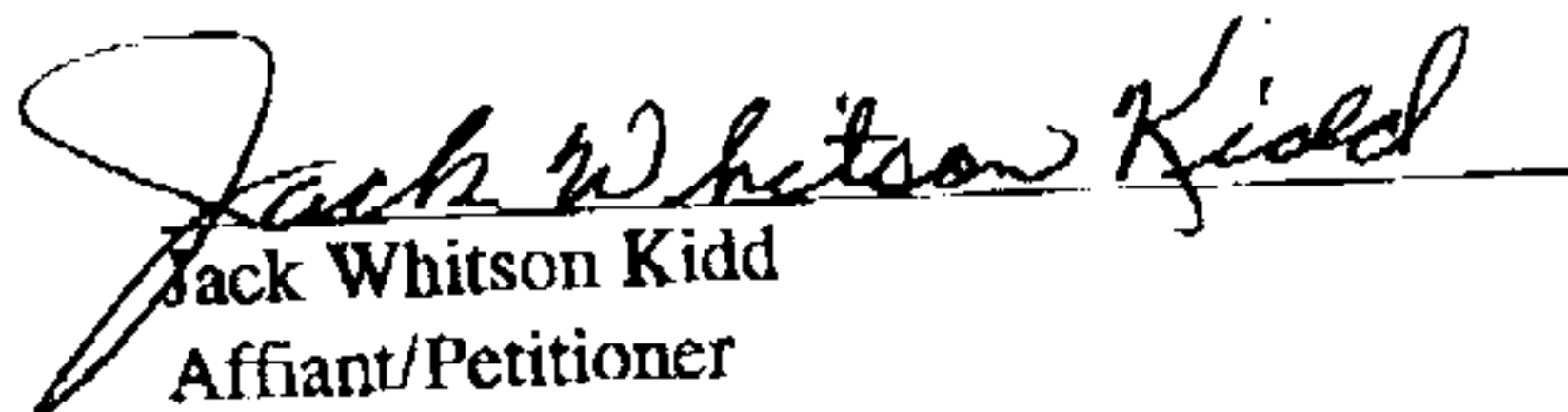
X John Leon Kidd, Jr.
John Leon Kidd, Jr.
Affiant/Petitioner

X

STATE OF ALABAMA)

JEFFERSON COUNTY)

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared JACK WHITSON KIDD, who, being first duly sworn, makes oath that he has read the foregoing petition and knows the contents thereof, and that he is informed and believes, and, upon such information and belief, avers that the facts alleged therein are true and correct.


Jack Whitson Kidd
Affiant/Petitioner

Sworn to and subscribed before me this
20 day of February 1997.


NOTARY PUBLIC

My Commission Expires: 12/5/97

Filed in the Office of the Judge of Probate of Jefferson County, Alabama, this _____
day of _____, 1997.

Judge of Probate

Last Will and Testament

OF

INEZ ROSE KIDD

I, Inez Rose Kidd, domiciled and residing in Jefferson County, Alabama, being of sound mind and disposing memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all prior Wills and Codicils made by me.

ITEM ONE

Identity of Testator's Family:

I declare that I am married to John Leon Kidd, and that all references in this Will to "my spouse" are references to him. I have three children, now living, whose names are: John Leon Kidd, Jr., Jack Whitson Kidd, and Robert Elliot Kidd.

ITEM TWO

Expenses, Debts and Taxes:

I direct that the cost of administering my Estate, all expenses of and in connection with my last illness and funeral, all lawfully assessed and imposed taxes shall be paid out of my Estate by my Executor(s) herein named as soon after my death as may be practicable.

ITEM THREE

Disposition of Estate:

A. I give, bequeath and devise my interest in the "log cabin" in Harpersville, Alabama, which I own one-half of with my son, Jack Whitson Kidd, together with thirty (30) acres of land adjoining said cabin, which I own in fee, to my son, Jack Whitson Kidd, or if he predeceases me, to his children, in equal shares, per stirpes.

B. I give, devise and bequeath all of the rest and remainder of my property, of whatever description, whether real, personal, mixed, tangible or intangible, of every kind, nature,

and description whatsoever, including lapsed legacies and devises, and wheresoever situated, which I may now own or hereafter acquire, or have the right to dispose of at the time of my death, to my beloved spouse absolutely and in fee simple. However, I elect not to exercise any power of appointment I now have or may hereafter acquire and this Will shall be so construed.

In the event my spouse should predecease me, I give, devise and bequeath all of the rest and remainder of my property of whatever description, whether real, personal, mixed, tangible or intangible, of every kind, nature, and description whatsoever, including lapsed legacies and devises, and wheresoever situated, which I may now own or hereafter acquire, or have the right to dispose of at the time of my death, to my children, in equal shares. If any of said children predecease me his share thereof shall pass to his then living issue, per stirpes, and, if none, then the whole thereof shall pass to the other named beneficiaries, if living, and if none, to their living issue, per stirpes. Provided, however, that Jack Whitson Kidd shall have the option to elect to receive his entire one-third share of my residual Estate from the Harpersville Farm properties. If the Harpersville Farm properties are less than Jack Whitson Kidd's one-third of the Estate, he shall receive, at his option, the entirety of the Harpersville Farm properties and shall receive the remaining part of his one-third share from my other Estate properties.

ITEM FOUR

Common Disaster:

If my spouse and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, or if my spouse should for any reason die within a period of six months after the date of my death, then all bequests, devises and provisions made herein to or for my spouse's benefit shall be void; and my Estate shall be administered and distributed, in all respects, as though my said spouse had not survived me.

ITEM FIVE

Appointment of Co-Executors:

I appoint John Leon Kidd, Jr. and Jack Whitson Kidd, to be the Co-Executors of this Will. If either Co-Executor should predecease me or for any reason fail to qualify or cease to serve as Executor of my Will, then I appoint Robert Elliot Kidd as Co-Executor of this Will and he shall have the same power, authority and privileges as the original Co-Executors. If only one named Executor or successor Executor shall remain, for whatever reason, that Executor shall have the same power, authority and privileges as Executor as would any of the Co-Executors named herein. I direct that my Executors and any successor shall be exempt from posting bond, filing any inventory of the property coming into his hands as Executors, and making any report or final settlement to any court of his proceedings hereunder.

ITEM SIX

Power of Executor:

My Executor(s) appointed hereunder and any successor shall have the continuing, absolute, discretionary power to deal with any property, real or personal, tangible or intangible, held in connection with the settlement of my Estate, and to perform all acts which I might or could do, if living. Such power may be exercised independently and without the prior or subsequent approval of any court or judicial authority, and no person dealing with the Executor(s) shall be required to inquire into the propriety of any of their actions. Without in any way limiting the generality of the foregoing, I grant to my Executor(s) complete power and authority as set out by statute in any jurisdiction of probate and as follows:

My Executor(s) shall hold and manage the property constituting the Estate, and such other property as may be subsequently acquired for said Estate pursuant to power and authority herein given with full power to compromise, adjust and settle, in their discretion, any claim in favor of or against the Estate; to insure, improve, encumber, borrow on the security of, or otherwise dispose of, at public or private sale, all or any portion of

the Estate in such manner and upon such terms and conditions as they may approve; to conduct any business; to bring and defend actions at law or equity; and with full power to invest and reinvest the Estate and the proceeds of sale or disposal of any portion thereof in such loans, bonds, stocks, securities or other property, real or personal, as to my Executor(s) may seem suitable, and to exchange investments from time to time as they may deem necessary or desirable.

My Executor(s), with or without consideration, may consent to gifts made by my spouse or my spouse's estate, and may incur liability or receive refund or credit for my Estate with respect to any such taxes and interest and penalties thereon. My Executor(s) shall select the time for the valuation of the property in my gross estate for state and federal estate tax purposes. My Executor(s) shall use administration expenses as income tax deductions and/or as estate tax deductions at their discretion, and shall make no consequent adjustment of income and principal accounts. Any decision made by my Executor(s) under this paragraph shall be conclusive on all persons, and no person shall be entitled to reimbursement or contribution by reason thereof, whether or not any distribution to such person hereunder shall be diminished thereby.

ITEM SEVEN

Liability of Executor/Executrix:

No Executor(s) of this Will shall be liable for any act or omission in connection with the administration of any of the powers hereunder or for any loss or injury to any property held in or under my Estate, except for their own willful defaults or actual fraud; and no Executor(s) shall be responsible for any act or omission of any other Executor(s); and, in any event, no Executor(s) shall be liable for any act or omission if, prior to such act or omission, said Executor(s) obtains a written opinion from competent legal counsel as to the legality of such act or omission and acts and relies on such written opinion, whether or not such written opinion is at a later time held to be wrong by a court.

In this instrument the masculine shall be deemed to include the feminine or neuter, the singular the plural, and vice versa.

IN WITNESS WHEREOF, I have hereafter signed my name, and publish and declare this to be my Last Will and Testament in the presence of persons witnessing it at my request, this the 27 day of Dec _____, ~~1985~~ 1987 I R K.

Inez Rose Kidd

Inez Rose Kidd

The foregoing instrument contained on this and the preceding four (4) pages, on the _____ day of _____, 1985, was signed and declared by Inez Rose Kidd, the Testatrix, to be her Last Will and Testament; in our presence who, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses.

WITNESS

PERMANENT HOME ADDRESS AT DATE OF

ATTESTATION:

Jewell R. Brennan 138 Lakewood Circle
Signature Scottsville, Ky 42162

JEWELL R. BRENNAN SSN: _____
Printed Name

Grand F. Brennan 128 Lakewood Circle
Signature Scottsville, Ky 42162

Grand F. Brennan SSN: _____
Printed Name

Douglas Bentley

Signature

510 Spring Tr.

Warrior AL 35120

Douglas Bentley

Printed Name _____

SSN:

PROBATE - 60

LETTERS TESTAMENTARY

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMAINEZ ROSE KIDD

Deceased

CASE NO. 158759**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 John Leon Kidd, Jr. and Jack Whitson Kidd

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, March 6, 1997

(seal)

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, March 6, 1997Peggy A. Proctor
Chief Clerk

DECEASED

CASE NO. 158759

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that said petition be and the same is granted and ordered recorded and said Executors discharged and released.

PAGE 2

CASE NUMBER: 158759

DONE this 1st day of October, 1997.

s/ GEORGE R. REYNOLDS
JUDGE OF PROBATE

Inst # 1998-19125

05/26/1998-19125
12:32 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
012 HCD 36.00