

Joseph Bateh, Jr. )  
Deceased. )

Case No. 23178

PETITION FOR PROBATE OF WILL

JUD. 124 CALL 767

TO THE HONORABLE J. PAUL WEEKS, JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

Come now your petitioner S, Fred Bateh and Serene K. Bateh, and upon information and belief, respectfully show unto your Honor the following facts:

1. Joseph Bateh, Jr. died at Bessemer, Alabama on or about the 15th day of July, 1984, 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 petitioner S as Executors hereof, which was duly signed by said decedent when over twenty-one years of age, and was attested by the following witnesses: namely,

Name	Present Address
Arthur Green, Jr.	1722 Second Avenue, Bessemer, AL 35020
Linda McDonald	1722 Second Avenue, Bessemer, AL 35020
Jan Mackinaw	1722 Second Avenue, Bessemer, AL 35020

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

Name, age, condition, relationship	Address
Serene K. Bateh, age 39, sound mind, widow	826 Parker Road, Bessemer, AL 35020
Brian Joseph Bateh, age 8, sound mind, son	826 Parker Road, Bessemer, AL 35020

Said minor child is in the custody of his mother, Serene K. Bateh.  
Inst # 2000-33450

09/22/2000-33450  
09:59 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
021 CJ1 58.50

Wherefore, your petitioner S pray that your Honor will take jurisdiction of this petition; will cause all such notices or citations to issue to the said widow, 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 fully and legally effect the probate and record in this Court of said will as the last will and testament of said deceased.

Attorney for petitioner:	)	<u>Serene K. Bateh</u>	)
<u>Jake V. Bivona</u>	)	<u>Fred Bateh</u>	)
(name)	)		)
	)	(SKB) 826 Parker Rd. Bessemer, AL 35020	)
<u>1722 Second Ave. Bessemer, AL</u>	)	Address: (FB) 1913 Wellington Rd. Birmingham, AL 35209	)
(address)	)		)

STATE OF ALABAMA )  
JEFFERSON COUNTY )

Before me, Caroline Edwards, a notary public in and for said county in said state, personally appeared Serene K. Bateh and Fred Bateh, who, being first duly sworn, make oath that they have read the foregoing petition and know the contents thereof, and that they are informed and believe, and, upon such information and belief, aver that the facts alleged therein are (is-are) true and correct.

Subscribed and sworn to before me this 25<sup>th</sup> day of July, 1984.  
Jake V. Bivona )  
Notary Public )

Serene K. Bateh  
Fred Bateh  
Affiant-Petitioner

Filed in the office of the Judge of Probate of Jefferson County, Alabama this 27th day of July, 1984 and set hearing this 10th day of August, 1984

O. W. Flowers  
Judge of Probate

August 10, 1984

Petition heard, prayer granted, will probated and ordered recorded.

Offshore, Judge of Probate

JUD. 124 PAGE 770

IN THE MATTER OF: )  
 )  
THE ESTATE OF: JOSEPH BATEH, JR. )  
 )  
 )  
 )  
 )  
 )  
 )

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA  
**BESSEMER DIVISION**  
JULY TERM 1984  
CASE NO. 23179

ORDER PROBATING LAST WILL AND TESTAMENT

This matter coming on to be heard upon the petition of Serene K. Bateh and Fred Bateh which was heretofore filed in this Court for the probate of an instrument of writing purporting to be the Last Will and Testament of Joseph Bateh, Jr., deceased.

Come now the said petitioner and move the Court to grant said petition; and it appearing to the satisfaction of the Court that notice of the filing of said petition and of the time appointed for hearing the same has been given in pursuance of law and in strict accordance with the former order of this Court made and entered in this cause; 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, ~~are~~ 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 Joseph Bateh, Jr., 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, Aug. 10, 1984.

[Signature]  
Judge of Probate.

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CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama

BESSEMER DIVISION

JEFFERSON COUNTY  
CASE NO. 23179

I, O. H. Florence, 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 Joseph Bateh, Jr. Deceased and that said Will

together with the proof thereof have been recorded in my office in Judicial Record, Volume JUD. 124, Page 772.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date August 10, 1984

PROBATE-98

*O. H. Florence*, Judge of Probate.

STATE OF ALABAMA )

JEFFERSON COUNTY )

JUD. 124 PAGE 772

Vol. 23-19

# Last Will and Testament

OF

JOSEPH BATEH, JR.

I, Joseph Bateh, Jr., a resident of Jefferson County, State of Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other wills and codicils thereto heretofore made by me.

ITEM ONE: I give and bequeath all of my wearing apparel, jewelry, books, pictures, automobiles, and all other objects of my personal use, together with any insurance thereon, all club memberships and stadium certificates, to my wife, Serene K. Bateh, absolutely, if she survives me, and if not, to my children, equally. I make no disposition of the household furniture, furnishings and automobile used in and about our home inasmuch as these items are the property of my wife. If any property bequeathed under this Item is distributable to a descendant of mine who has not attained the age of twenty-one (21) years, my executor may, in his sole discretion, deliver the same directly to such descendant or to the parent, guardian, or other person having custody of such descendant. I hereby vest in my executors full power and authority to determine what objects of property are included in the foregoing descriptions.

ITEM TWO: A. If my wife survives me, I give and bequeath the Marital Share, hereinafter defined, in accordance with the provisions of Item Three hereof. The Marital Share shall be an amount equal to the maximum marital deduction allowable in determining the federal estate tax payable by

reason of my death (without application of Section 2602(c)(5)(A) of the Internal Revenue Code, as amended from time to time) minus the value for federal estate tax purposes of all other property or interests in property that pass or have passed to my wife under other provisions of this will or outside of this will which are includable as part of my gross estate for federal estate tax purposes and which qualify for the estate tax marital deduction, and minus the amount, if any, required to increase my taxable estate to the largest amount that will, after taking into account the Unified Credit and all other allowable credits, results in no federal estate tax being imposed on my estate.

This bequest may be satisfied in cash or in kind, or partly in each, and the decision of my executors as to the property or interests in property to be allocated to it shall be final and conclusive and shall not be subject to question by any beneficiary, legatee or devisee; provided, however, that property or interests in property so allocated (1) shall qualify for the estate tax marital deduction, and (2) shall be valued at their respective values on the date, or dates, of distribution. No adjustment shall be made for a disproportionate allocation of unrealized gain for federal income tax purposes.

If my wife does not survive me, this bequest shall lapse and shall become a part of my residuary estate.

B. All the rest, residue and remainder of my property of whatever kind and character and wherever situated (excluding any property over which I have only a general or limited power of appointment exercisable by will, deed or otherwise) shall be referred to as the Family Share and shall be held or disposed of in accordance with the provisions of Item Four hereof.

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ITEM THREE: The Marital Share, hereinafter referred to as the Marital Trust, I give, devise and bequeath to my Trustees, who shall hold the same in trust for the use and benefit of my wife as hereinafter provided:

(a) During the lifetime of my wife, the Trustees shall pay to her the entire net income from said trust in convenient installments, but at least annually. If at any time during such period the net income from said trust is insufficient for the health, maintenance and support of my wife, taking into account other resources available to her and known to the Trustees, the Trustees shall pay to her such additional sum or sums out of the principal of said trust as the Trustees may deem necessary or desirable.

(b) Upon the death of my wife the Marital Trust shall terminate, and the surviving Trustee shall transfer and pay over the property then constituting said trust and any accrued or unpaid income thereof to such person or persons, including the estate of my wife, as she may by her last will and testament appoint and direct, making specific reference to this general power of appointment hereby granted. The Trustee shall hold or dispose of any unappointed portion of the Marital Trust as part of the Family Share in accordance with the provisions of Item Four hereof, the share of any person entitled thereto to be merged with such other share, if any, as may then be held thereunder for the benefit of such person.

(c) My wife shall have the right at any time, by giving ninety (90) days written notice to the Trustees of her intention to do so, to withdraw any part of the principal of the Marital Trust that she may elect.

ITEM FOUR: The Family Share, hereinafter referred to as the Family Trust, I give, devise and bequeath to my Trustees, who shall hold the same in trust for the uses and purposes as

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hereinafter provided:

(a) During the lifetime of my wife, the Trustees shall pay to her the entire net income from said trust in convenient installments. If at any time during such period the net income from said trust is insufficient for the health, maintenance and support of my wife, taking into account other resources available to her and known to the Trustees, the Trustees shall pay to her such additional sum or sums out of the principal of said trust as the Trustees may deem necessary or desirable, provided, however, that no principal shall be paid from the Family Trust for her benefit until the Marital Trust shall have been exhausted.

(b) Upon the death of my wife, or upon my death if she shall not survive me, the surviving Trustee shall apportion the Family Trust into so many equal parts that there will be one share for each child of mine then living, and one share for the then living descendants of each deceased child of mine.

The Trustee shall transfer and pay over, subject to subsection (e) of this Item, any share set aside for the living descendants of a deceased child of mine, to such descendants, per stirpes.

(c) The Trustee shall transfer and pay over all of the share allocated to any child of mine to such child free of trust when he or she attains the age of twenty-one (21) years, or upon apportionment, whichever later occurs.

During the continuance of the trust for any child of mine, the Trustee shall pay to or for the benefit of such child so much of the income and principal of such child's share as the Trustee deems necessary or desirable to provide for the health, maintenance, support and education of such child. Any part of the net income not so used may be accumulated and added

to the principal of said share, being thereafter invested and treated in all respects as a part thereof, or may be distributed in such manner as the Trustee deems to be in the best interests of such child.

(d) Upon the death of any child of mine prior to attaining the age for final distribution of his or her share, the Trustee shall transfer and pay over said share to the descendants of such child in such manner and proportions as he or she may by last will and testament appoint and direct, making specific reference to this limited power of appointment hereby granted. The Trustee shall transfer and pay over, subject to subsection (e) of this Item, any unappointed portion of such child's share to his or her then living descendants, per stirpes, the share of any such descendant to be merged with, administered and disposed of as a part of such other share, if any, as may then be held hereunder for the benefit of such descendant.

If any such child is not survived by descendants of him or her, or of me, the Trustee shall transfer and pay over the share of said trust then held for such child, to such persons as would be entitled to inherit the property constituting said share and in the proportions in which they would be entitled to inherit the same, from me under the laws of Alabama then in force, had I died at said time a resident of Alabama intestate and owned said property.

(e) If any share of this trust becomes distributable, other than by exercise of a power of appointment granted hereunder, to a descendant of mine who is under the age of twenty-one (21) years and for whom no other share is then being held in trust, then though his or her share shall be vested in him or her, the Trustee shall continue to hold the same in trust with all of the powers and authority given him with respect to other trust property held hereunder, until he or she shall attain the age of

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twenty-one (21) years, using and applying for his or her health, maintenance, support and education such part of the income and principal of such share as the Trustee deems necessary or desirable for said purposes, accumulating and adding to the principal any income not so used or distributing the same in such manner as the Trustee deems to be in the best interests of such descendant. When such descendant shall attain the age of twenty-one (21) years, the Trustee shall transfer and pay over said share to him or her free of trust. If any such descendant shall die prior to attaining the age of twenty-one (21) years, the Trustee shall transfer and pay over said share to his or her executor or administrator.

(f) If I am survived neither by my wife nor by any descendant of me, I give, devise and bequeath my entire estate to such persons as would be entitled to inherit the same and in such proportions as they would be entitled to inherit the same, from me under the laws of Alabama had I died a resident of Alabama intestate.

ITEM FIVE: The Trustees shall hold and manage the said trust or trusts and all shares thereof, with all of the powers and authority they would have if they were the absolute owners thereof, including but not limited to the following powers:

1. To collect the income therefrom.
2. To compromise, adjust and settle in their discretion any claim in favor of or against the trust.
3. To hold any property or securities originally received by them as a part of the trust or to which they become entitled by virtue of incorporation, liquidation, reorganization, merger, consolidation or change of charter or name, including any stock or interest in any family corporation, partnership or enterprise, so long as they shall consider the retention for the best interests of the trust.
4. To sell, auction, convey, exchange, lease or rent for a period beyond the possible termination of the trust (or for a less period) for improvement or otherwise, or to grant options, or otherwise dispose of, all or any portion of the trust, in such manner and upon such terms and conditions

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as the Trustees may approve.

5. To invest and reinvest the trust and the proceeds of sale or disposal of any portion thereof, in such loans, bonds, stocks, mortgages, common trust funds, securities, or other property, real or personal, or to purchase options for such purposes, or to exercise options, rights, or warrants, to purchase securities or other property, as the Trustees may deem suitable.
6. To hold, retain or acquire property or securities which in their opinion is for the best interests of the trust, without regard to any statutory or constitutional limitation applicable to the investment of trust funds.
7. To vote any corporate stock held hereunder in person, or by special, limited or general proxy, with or without power of substitution, or to refrain from voting the same, and to waive notice of any meeting and to give any consent for or with respect thereto.
8. To continue or dispose of any business enterprise without liability therefor, whether such enterprise be in the form of a sole proprietorship, partnership, corporation or otherwise, and to develop, add capital to, expand or alter the business of such enterprise, to liquidate, incorporate, reorganize, manage or consolidate the same, or change its charter or name, to enter into, continue or extend any voting trust for the duration of or beyond the term of the trust, to appoint directors and employ officers, managers, employees or agents (including any trustee or directors, officers or employees thereof) and to compensate and offer stock options and other employee or fringe benefits to them, and in exercising the powers in relation to such business enterprise, to receive extra or extraordinary compensation therefor.
9. To subdivide or otherwise develop, and to change the use or purpose of, any real estate constituting a part of the trust into residential, recreational, commercial, cemetery, or other usage, to construct, alter, remodel, repair or raze any building or other improvement located thereon, to release, partition, vacate, abandon, dedicate or adjust the boundaries as to any such property.
10. To operate farms and woodlands with hired labor, tenants or sharecroppers, to acquire real estate, crop allotments, livestock, poultry, machinery, equipment, materials, and any other items of production in connection therewith, to clear, drain, ditch, make roads, fence and plant part or all of such real estate, and to employ or enter into any practices or programs to conserve, improve or regulate the efficiency, fertility and production thereof, to improve, sell auction or exchange crops, timber or other product thereof, to lease or enter into other management, cutting, production or sales contracts for a term beyond the possible termination of the trust or for a less period, to employ the methods of carrying on agriculture, animal husbandry and silviculture which are in use in the vicinity of any of such real estate or which the Trustees deem other-

wise appropriate, to make loans or advances at interest for production, harvesting, marketing or any other purpose hereunder, in such manner and upon such terms and conditions as the Trustees may approve, and in general to take any action which the Trustees deem necessary or desirable in such operation of farms and woodlands.

11. To drill, explore, test, mine or otherwise exploit oil, gas, or other mineral or natural resources, to engage in absorption, repressuring, and other production, processing or secondary recovery operations, to install, operate and maintain storage plants and pipelines or other transportation facilities, to engage in any of the above activities directly under such business form as the Trustees may select or to contract with others for the performance of them, and to enter into and execute oil, gas and mineral leases, division and transfer orders, grants, farm-out, pooling or unitization agreements, and such other instruments or agreements in connection therewith as the Trustees deem necessary or desirable.

12. To borrow money for such time and upon such terms as the Trustees see fit, without security on or mortgage of any real estate or upon pledge of any personal property held hereunder, and to execute mortgages or collateral agreements therefor as necessary.

13. To advance money to any trust for any purpose of the trust, and the Trustees shall reimburse themselves for the money so advanced with reasonable interest thereon from the trust or from any funds belonging thereto.

14. To hold money in their custody while awaiting distribution or investment under the terms hereof, even though such money be commingled with their funds (in which case the Trustees shall keep a separate account of the same on their books), and the Trustees shall not be required to pay interest thereon.

15. To appoint, employ, remove and compensate such attorneys, agents and representatives, individual or corporate, as the Trustees deem necessary or desirable for the administration of the trust, and to treat as an expense of the trust any compensation so paid.

16. To hold property or securities in bearer form, in the name of the Trustees, or in the name of their nominee, without disclosing any fiduciary relation.

17. To keep any property constituting a part of said trust properly insured against hazards, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon said property, and to create reserves for depreciation, depletion

or such other purposes as the Trustees deem necessary or desirable.

18. To determine whether any money or property coming into their hands shall be treated as a part of the principal of the trust or a part of the income therefrom, and to apportion between principal and income any loss or expenditure in connection with the trust as the Trustees may deem just and equitable; provided, however, that such power shall be exercised in accordance with the provisions of the Alabama Principal and Income Act.

19. To pay from income any expenses reasonably necessary for the administration of the trust, and in the event the income is insufficient for such payments, the same shall be paid from the principal thereof.

20. To exercise any power hereunder, either acting alone or jointly with others.

21. To pay the funeral and burial expenses of any beneficiary from the principal of the trust from which income has been payable to such beneficiary.

22. To divide or distribute the trust property as provided for hereunder in cash or in kind, or partly in each, and for such purposes, to determine the value of the trust property, and to determine the share and identity of persons entitled to take hereunder.

ITEM SIX: It is my intention that, if my wife survives me, my estate shall become entitled to the marital deduction provided for by the United States Internal Revenue Code, as amended to the date of my death, with respect to the value of the Marital Trust. Accordingly, the Marital Trust shall be a separate trust for the sole benefit of my wife and shall be set aside and treated as such, effective from my death. It shall not include, and my Executors shall not allocate to it, any property with respect to which no marital deduction would be allowed, any property with respect to which a credit against the Federal Estate Tax would be forfeited by such allocation, or any income in respect of decedent.

My Executors and Trustees, regardless of any adverse interest, shall construe all provisions of my will which may require construction in order that my estate may become and remain entitled to said marital deduction, and they are hereby authorized

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to adopt, agree to or acquiesce in, such construction thereof as they may from time to time deem necessary or advisable in order to obtain such deduction for my estate.

My wife shall have the general power of appointment over the Marital Trust as is provided for in Item Three to be exercised by her last will and testament in favor of such person or persons, including her estate, as she may appoint and direct, whether she dies before, during or after a division of my property into the Marital Share and the Family Share. The Marital Share shall vest in the Trustees immediately upon my death, and income therefrom shall be distributed at least annually.

ITEM SEVEN: I direct that all estate or other tax levied against my estate by reason of my death shall be paid by my Executors solely out of the property designated as the Family Share, and that none of such taxes shall be paid out of the property designated as the Marital Share or property otherwise qualifying for the marital deduction for federal estate tax purposes.

ITEM EIGHT: If an election is available to take certain deductions as income tax deductions or as estate tax deductions, such election shall be made as the Executors, in their discretion, may determine, and no adjustment between principal and income shall be required as a result of such election.

ITEM NINE: Additional property of any kind and character may be added to any trust hereunder, with the consent of the Trustees, by me or any person or fiduciary, by will or otherwise, and such property so received by my Trustees shall be added to, merged with and become a part of the property held in such trust hereunder, and thereafter shall be administered and disposed of in accordance with the terms of such trust. However, if any proceeds of a qualified pension or profit sharing plan are received by my Trustees, said proceeds shall not be

used to pay any estate, inheritance or other tax, any claims or debts, or to satisfy any other obligation of my estate.

ITEM TEN: The following provisions shall govern for all purposes of this will, wherever they may be applicable:

(a) Any payment of income or discretionary payment of principal from any trust other than the Marital Trust to or for any beneficiary may be made to any person or organization (including the beneficiary or anyone having custody of him or her), who shall apply such payment for the use and benefit of the beneficiary as provided for hereunder.

(b) Upon making any payment or transfer hereunder, the Executors and Trustees shall be discharged as to such payment or transfer without liability for the subsequent application thereof, and when the final payment or transfer is made from the principal of any trust, such trust shall terminate and the Trustees shall be fully discharged as to such trust.

(c) Wherever the word "Trustee", "Trustees", "Executor" or "Executors" is used, it shall be construed either as singular or plural, and masculine or feminine, whichever is proper in accordance with the context.

(d) It is my intention that any reference herein made to child or children shall include any child or children born to my wife and me after the execution of this will.

(e) Any adopted person, including any person adopted by me, and his or her descendants, shall be considered to be descendants of the adoptive parents and of the ancestors of such adoptive parents, for all purposes hereunder, whether such adoption occurs before or after the execution of this will.

ITEM ELEVEN: I hereby designate and appoint my wife and my brother, Fred Bateh, as Executors and Trustees hereunder. If my wife should resign or for any reason fail or cease to serve as an Executor or Trustee, my brother, Fred Bateh, shall serve as the sole Executor or Trustee, as the case may be. If my brother should resign or for any reason fail or cease to serve as Executor and Trustee, then I hereby designate and appoint my attorney, Jack G. Paden, of the law firm of Paden, Green & Paden to serve with my wife as Executor or Trustee.

I direct that my Executors and Trustees shall not be required to give bond or to file an inventory or appraisal of my estate or of any trust or share thereof in any court, though they shall make out and keep an inventory and shall exhibit the same to any party in interest at any reasonable time, and I direct that they shall be free from the control and supervision of any court. I hereby vest in my Executors the same full powers of management, control and disposition of my estate as are given to the Trustees under Item Five with respect to the trust or trusts hereunder.

ITEM TWELVE: In the event that my wife and I shall die simultaneously, or under any circumstances creating any doubt as to which of us survived the other, my wife shall be presumed to have survived me for all purposes of this will.

ITEM THIRTEEN: The provisions herein made for my wife are in lieu of dower and any and all other rights in my estate, statutory or otherwise.

ITEM FOURTEEN: If the happening of any future event may cause the ultimate vesting of any trust or of any share therein to be extended under the provisions hereof to a time beyond that within which the same is required by law to become vested, then such trust or share therein shall continue only for

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as long a period of time as is allowed by law, at the end of which period the said trust or share therein shall terminate. In such case said trust or share therein shall be vested in and distributed to those persons enjoying the use and benefit of said trust or share therein at the expiration of such period, in the proportion in which they are so enjoying the same, irrespective of their attained ages.

ITEM FIFTEEN; As to the net income which by any of the provisions of this will may be payable to any child of mine, or to any descendant of a deceased child of mine, he or she shall have no right or power either directly or indirectly to anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell or otherwise dispose of same, or of any part thereof, until the same shall have been actually paid in hand to him or her by the Trustees. Nor shall such income, nor the principal or corpus of said trust estate, nor any part of, or interest in either of them be liable for or to any extent subject to any debts, claims or obligations of any kind or nature whatsoever, or to any legal process in said thereof, contracted or incurred by or for any such child or descendant, before or after my death.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10<sup>th</sup> day of April, 1980.

 (SEAL)  
Joseph Baten, Jr.

CASE 28179

We, the undersigned, hereby certify that the above named testator subscribed his name to the foregoing instrument in our presence, and published and declared the same to be his last will and testament, and we, at the same time, at his request, in his presence and in the presence of each other, have hereunto signed our names as subscribing witnesses.

*Robert Feen Jr*

1722 Second Avenue  
Bessemer, Alabama 35020

*Linda McDonald*

1722 Second Avenue  
Bessemer, Alabama 35020

*Jan Mackinaw*

1722 Second Avenue  
Bessemer, Alabama 35020

Filed in office of  
of *July* 19*84*  
and received

27<sup>th</sup>

*O. H. Flowers*

Joseph Bateh, Jr.

Deceased.

Case No. 28179

JUD. 124 AUG 787

PETITION FOR LETTERS TESTAMENTARY

TO THE HONORABLE O. H. FLORENCE, JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

Come now your petitioner S Serene K. Bateh and Fred Bateh and, upon information and belief, respectfully show unto your Honor the following facts:

1. In the last will and testament of Joseph Bateh, Jr., deceased, which said will has been or shall be duly probated and admitted to record in this Court, your petitioner S are named as the Executors thereof.

2. Your petitioner S are inhabitant S of the State of Alabama, above the age of twenty-one years, and in no respect disqualified under the law from serving as such Executors.

3. Under said will your petitioner S are exempted from giving any bond as such Executors. The said decedent died seized and possessed of certain real and personal property, the value of which is estimated, in the aggregate, to be Eight hundred thousand (\$800,000.00) dollars.

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 said decedent, your petitioner S pray that your Honor will take judicial notice of the probate of the will of the decedent, and will grant letters testamentary to petitioner S in this matter - without entering into bond, as is provided by the terms of said will, upon entering into bond in such sum as is required by statute and with security or securities to be approved by your Honor.

Attorney for petitioner: Jake V. Bivona (name) 1722 Second Ave. Bessemer, AL 35020 (address)

Serene K. Bateh Fred Bateh Petitioner (SKB) 826 Parker Rd. Bessemer, AL 35020 (FB) 1913 Wellington Rd. Birmingham, AL 35209 Address:

STATE OF ALABAMA JEFFERSON COUNTY Before me, Caroline Edwards, a notary public in and for said county in said state, personally appeared Serene K. Bateh and Fred Bateh who, being first duly sworn, make oath that they have read the foregoing petition and know the contents thereof, and that they are informed and believe, and, upon such information and belief, aver that the facts alleged therein are true and correct. Subscribed and sworn to before me this 25th day of July, 1984. Notary Public

BENCH NOTE Filed in the office of the Judge of Probate of Jefferson County, Alabama, prayer granted, and petition ordered recorded this 10th day of August, 1984. Judge of Probate



CASE NO. 23179

BESSEMER DIVISION

THE STATE OF ALABAMA,  
Jefferson County

Probate Court JULY Term, 19 84  
August 10, 19 84

The will of Joseph Bateh, Jr., deceased of the said

County having been duly admitted to record, in said County, LETTERS TESTAMENTARY, are hereby granted to \_\_\_\_\_

Serene K. Bateh and Fred Bateh, the Execut ors named

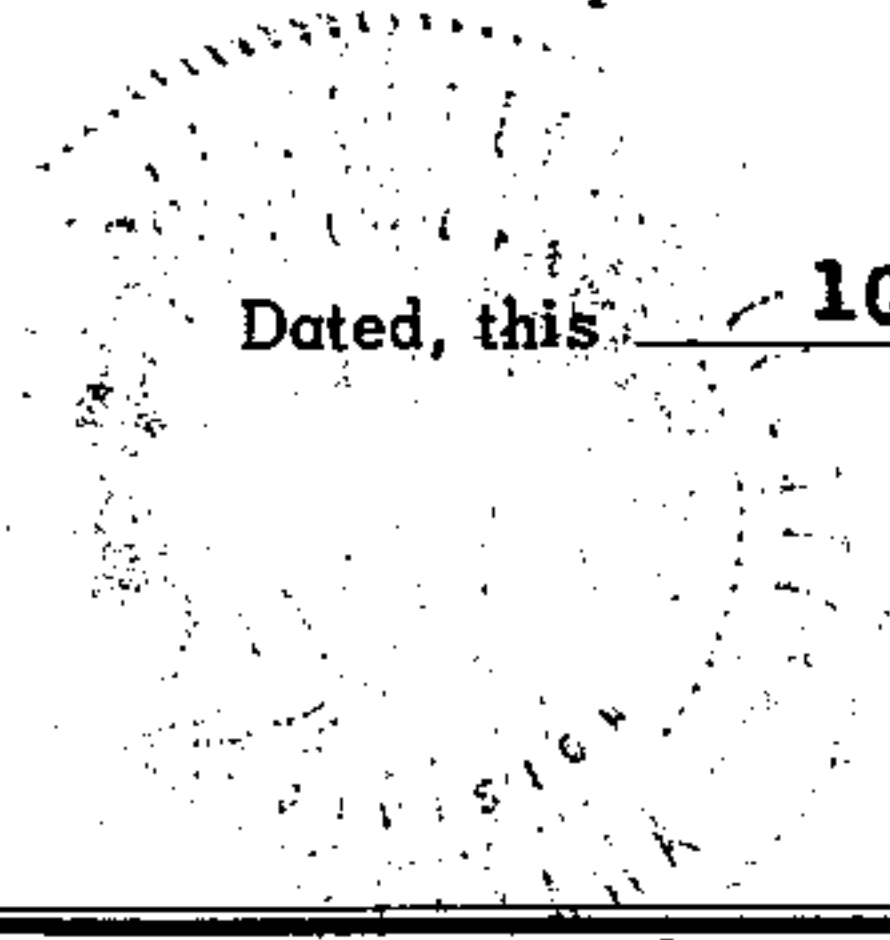
in said will, who ha ve complied with the requisitions of the law and hereby are

authorized to take upon themselves the execution of such will.

Dated, this 10th day of August, 19 84

*O. H. Florenza*

Judge of Probate.



**The State of Alabama**

**JEFFERSON COUNTY  
BESSEMER DIVISION**

I, Peggy A. Proctor, Chief Clerk of the Probate Court of said County and State, do hereby certify the foregoing papers to be, and contain a full, true and correct copy of the Petition for probate of will, Order Probating Last Will and Testament, Last Will and Testament, Certificate to the Probate of Will, Petition for Letters testamentary, Order Granting Letters Testamentary without bond, and Letters testamentary on the estate of Joseph Bateh, Jr., deceased, Case 23179 as appears on file and of record in this Court.

Witness my hand and seal of said Court, this the 19th day of September 2000 ~~19~~ <sup>xxx</sup>.

*Peggy A. Proctor*

Chief Clerk

**The State of Alabama**

**JEFFERSON COUNTY  
BESSEMER DIVISION**

I, Michael F. Bolin, Judge of the Probate Court of said County and State, do hereby certify that, Peggy A. Proctor, whose name is signed to the preceding certificate of exemplification, is the Chief Clerk of the Probate Court of Jefferson County, Alabama, duly appointed and sworn, and that said Court is a Court of Record, and that full faith and credit are due to her official acts.

I further certify that the seal affixed to the said exemplification is the seal of the said Probate Court of Jefferson County, Alabama, and that the attestation thereof is in due form of law.

This the 19th day of September 2000, ~~19~~ <sup>xxx</sup>

*Michael F. Bolin*

Judge of Probate

**The State of Alabama**

**JEFFERSON COUNTY  
BESSEMER DIVISION**

I, Peggy A. Proctor, Chief Clerk of the Probate Court of said County and State, do hereby certify that Michael F. Bolin, whose name is signed to the foregoing certificate, is the Judge of the Probate Court of Jefferson County, Alabama, duly elected and sworn, and that the signature of said Judge is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this the 19th day of September 2000, ~~19~~ <sup>xxx</sup>

Inst. # 2000-33450

*Peggy A. Proctor*

Chief Clerk

09/22/2000-33450  
09:59 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
021 031 58.50