

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

§
§
§

AFFIDAVIT OF
MELFORD EDWARD ESPEY, JR.

Before me, the undersigned authority, personally appeared the Affiant, who being known to me and being first duly sworn, deposes and says as follows:

My name is Melford Edward Espey, Jr. I am over the age of nineteen, and I am a resident of Tuscaloosa County, Alabama. I am the son of Melford Edward Espey, Sr., deceased, a resident of Shelby County, Alabama, whose date of death was December 16, 1989. Attached to this affidavit is a true and correct copy of the Last Will and Testament of Melford Edward Espey, Sr. Said will was probated in the Probate Office of Shelby County, Case No. 28-251. Said will granted a life estate to Mildred Espey, the surviving spouse of Melford Edward Espey, Sr., with a remainder interest to Melford Edward Espey, Jr., in the following property:

Commence at the Southwest corner of the NE 1/4 of SW 1/4 of Section 11, Township 24 North, Range 12 East, then run East along the South line of said 1/4 1/4 Section for a distance of 624.25 feet; thence turn left an angle of 149 deg. 21 min. for a distance of 269.75 feet; thence turn left an angle of 22 deg. 10 min. for a distance of 415.78 feet; thence turn left an angle of 104 deg. 0 min. for a distance of 200.0 feet to the point of beginning, this parcel of property located in the NE 1/4 of the SW 1/4 of Section 11, Township 24 North, Range 12 East, Shelby County, Alabama.

All of the above statements are true and correct and stated as facts based upon my own personal knowledge.

Melford E. Espey, Jr.
Affiant

SWORN TO and SUBSCRIBED before me on this the 19th day of January, 2001.

Michael Moul (Harris)
Notary Public
My Commission Expires: 4-2-02

Source of Title: Deed Book 264 at Page 72

Probate Case No. 28-251

I:\buddy\Clients\Espey, Mel\Espey Affidavit.wpd

Inst # 2001-02268
01/22/2001-02268
10:42 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 HMB 20.00

Last Will and Testament

OF

MELFORD EDWARD ESPEY, SR.

STATE OF ALABAMA

SHELBY COUNTY

I, MELFORD EDWARD ESPEY, SR., of P.O. Box 389, Montevallo, Alabama, being of sound mind and disposing memory, do hereby make, publish and declare this my Last Will and Testament, hereby revoking all other or former wills or testamentary dispositions which might have been made by me at any time heretofore:

FIRST: I will and direct that my just debts and funeral expenses be paid as soon after my decease as is convenient.

SECOND: I will, devise, and bequeath all my property and estate, of every kind and character, real, personal, or mixed, wheresoever situate, of which I may die seized and possessed or to which I may be entitled at the time of my decease as follows:

A. I will and bequeath to my wife, MILDRED ESPEY, my 1984 Ford pickup truck, Model 150. In the event that the death of my said wife shall occur prior to my death, or at approximately the same time as a result of a common disaster or calamity, I will and bequeath my said pickup truck to my son, MELFORD EDWARD ESPEY, JR., per stirpes.

B. It is my intention that at the time of my death if my wife, MILDRED ESPEY, shall survive me, then she shall have the right to occupy, use, and possess my home and two acres of my land which adjoins my said residence as long as she shall live, to be used, occupied, and possessed by her as her residence with all appurtenances and improvements used in connection therewith. My wife, MILDRED ESPEY, shall be solely responsible for the payment of the ad valorem taxes and the repair and maintenance of said properties as long as she lives. Upon the death of my said wife, the property used, occupied, and possessed as herein provided shall be willed and devised to my son, MELFORD EDWARD ESPEY, JR., per stirpes.

COPY

Melford Edward Espey Sr.

C. I will, devise, and bequeath all of the residue and remainder of my property and estate, of every kind and character, real, personal, or mixed, wheresoever situate, of which I may die seized and possessed or to which I may be entitled at the time of my decease to my wife, MILDRED ESPEY. In the event that the death of my said wife shall occur prior to my death, or at approximately the same time as a result of a common disaster or calamity, I will and bequeath all of the residue and remainder of my property and estate, of every kind and character, real, personal, or mixed, wheresoever situate, of which I may die seized and possessed or to which I may be entitled at the time of my decease to my son, MELFORD EDWARD ESPEY, JR., per stirpes.

THIRD: I nominate and appoint my wife, MILDRED ESPEY, to be the Executrix of this my Last Will and Testament. However, in the event my said wife shall predecease me or be unable or unwilling to serve for any reason, then I nominate and appoint my son, MELFORD EDWARD ESPEY, JR., to be the sole Executor of this my Last Will and Testament. It is my will and desire that my Executrix or Executor, regardless of which of those named above shall so serve, shall not be required to give any bond or security for the performance of her or his duties as such Executrix or Executor, or to account to any court for her or his acts and doings as such Executrix or Executor, and that she or he is hereby expressly exempted from filing an inventory or making any report of final settlement of my estate. Said Executrix or Executor shall have full power, without the necessity for any order from any court, to sell (for payment of debts and all other purposes), exchange, convey, lease, invest, reinvest, mortgage or encumber all or any portion of my estate in such manner and upon such terms and conditions as she or he may approve.

FOURTH: In the event my death and the death of my said wife, MILDRED ESPEY, shall occur simultaneously, or approximately so, under circumstances causing doubt as to which of us survived the other, then I direct that it be presumed that my said wife survived me.

COPY

Melford E. Espey Jr.

Inst # 2001-02268

01/22/2001 02268
10:42 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MMB 20.00

I, MELFORD EDWARD ESPEY, SR., the testator, sign my name to this instrument this 20 day of Sept, 88, 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 eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Melford Edward Espey, Sr.
Melford Edward Espey, Sr

We, Dorothy Jackson and Peggy J. Letson, the 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 eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Dorothy Jackson
Peggy J. Letson

STATE OF ALABAMA)
SHELBY COUNTY)

Subscribed, sworn to and acknowledged before me by MELFORD EDWARD ESPEY, SR., the testator, and subscribed and sworn to before me by Dorothy Jackson and Peggy J. Letson, witnesses, this the 20 day of September, 1988.

Conrad M. Fowler Jr.
Notary Public

COPY

Filed this 5th day of Jan 1990
THOMAS A. SNOWDEN JR.
Judge of Probate