


THIS INSTRUMENT PREPARED BY:  
Robert O. Driggers  
Attorney at Law  
2820 Columbiana Road, Suite 210  
Birmingham, AL 35216

SEND TAX NOTICE TO:  
  
FRANK W. DONALDSON  
107 Lucerne Blvd.  
Birmingham, AL 35209

STATUTORY WARRANTY DEED

STATE OF ALABAMA )  
JEFFERSON COUNTY )

  
20030501000268280 Pg 1/9 36.00  
Shelby Cnty Judge of Probate, AL  
05/01/2003 13:02:00 FILED/CERTIFIED

KNOW ALL MEN BY THESE PRESENTS,

That pursuant to the terms of the Will of VIVIAN M. EVANS, Deceased,  
Jefferson County Probate Court Case # 180973, the undersigned Grantor,

JAMES G. EVANS, as Personal Representative under the Will of VIVIAN M.  
EVANS, Deceased

(herein referred to as Grantor) does grant, bargain, sell and convey unto

JAMES G. EVANS, Successor Trustee of the DECEDENT'S TRUST of the JAMES  
G. EVANS AND VIVIAN M. EVANS FAMILY TRUST, Dated July 2, 1999

(herein referred to as Grantee) an undivided one-third interest in the  
following described real estate situated in Shelby County, Alabama, to-wit:

Lot 5-A, Block 1, of a Resurvey of Lots 5, 6, and 7, Mullins East  
Side Addition to Helena, as recorded in Map Book 19, Page 40, in  
the Office of the Judge of Probate of Shelby County, Alabama.


This conveyance is subject to the following:

1. Taxes for the year 2003 and thereafter.
2. Easements, rights of way, restrictions and limitations of record,  
if any, in the Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD TO THE SAID Grantee, his successors and assigns forever.

And the Grantor does hereby covenant with the Grantee, except as above  
noted that, at the time of the delivery of this Deed, the property was free  
from all encumbrances made by him, and that he will warrant and defend the  
same against the lawful claims and demands of all persons claiming by,  
through, or under him as Personal Representative, but against none other.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day  
of April, 2003.

  
JAMES G. EVANS, as Personal  
Representative under the Will of  
VIVIAN M. EVANS, Deceased

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public for the State of Alabama at large,  
hereby certify that JAMES G. EVANS, as Personal Representative under the Will  
of VIVIAN M. EVANS, Deceased, (Jefferson County Probate Court Case # 180973),  
whose name is signed to the foregoing conveyance as Personal Representative  
under the Will of VIVIAN M. EVANS, Deceased, and who is known to me,  
acknowledged before me on this day that, being informed of the contents of  
the conveyance, he in his capacity as such Personal Representative, executed  
the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30th day of April, 2003.

MY COMMISSION EXPIRES 5/11/06

  
Notary Public/Robert O. Driggers

# Last Will and Testament

OF

VIVIAN M. EVANS

180973

I, **VIVIAN M. EVANS**, of Jefferson County, Alabama, declare this to be my Will, and I revoke all my prior wills and codicils.

## ARTICLE I

A. In the trust referred to in Article III of this Will, I have directed the trustee to provide for payment of all (a) my legally enforceable debts, including debts owed by me to a trustee individually, (b) the expenses of my last illness and funeral, (c) the administration expenses payable by reason of my death, and (d) the estate and inheritance taxes (including interest and penalties, if any) payable in any jurisdiction by reason of my death (including those taxes and expenses payable with respect to assets which do not pass under that trust), without proration or any charge therefor against any devise hereunder, or against any assets not included in my probate estate.

B. Despite the provisions of paragraph A of this Article, my Personal Representative shall pay the amount of those debts, expenses, and taxes referred to in paragraph A of this Article directed to be paid by the trustee but certified by the trustee as exceeding the principal out of which the trustee is directed to provide for payment. Any such amount payable by my Personal Representative because of any such certification by the trustee shall be paid out of and charged generally against the principal of my residuary estate, without apportionment and without seeking reimbursement, recovery, or contribution from any person.

FILED IN OFFICE THIS THE 11<sup>th</sup> DAY  
OF February, 1983  
FOR PROBATE AND RECORD.  
Michael J. Golen  
JUDGE OF PROBATE

## ARTICLE II

A. I give all the tangible personal property that I own at my death, including any household furniture and furnishings, automobiles, books, pictures, jewelry, art objects, hobby equipment and collections, wearing apparel, and other articles of household or personal use or ornament, together with any insurance on any specific item, to JAMES G. EVANS ("my spouse"), if my spouse survives me, or if my spouse does not survive me, to my then living descendants, per stirpes, to be divided in such manner as they shall agree or, if they shall fail to agree upon a division within six months after the date of my death, as my Personal Representative shall determine.

B. All costs of safeguarding, insuring, packing, and storing my tangible personal property before its distribution and of delivering each item to the place of residence of the beneficiary of that item shall be deemed to be expenses of administration of my estate.

## ARTICLE III

I give all my residuary estate, which shall not include any property over which I have a power of appointment, to the trustee of that certain trust already created by me and known as the JAMES G. EVANS and VIVIAN M. EVANS FAMILY TRUST DATED JULY 2, 1999, and having been signed prior to this Will by me, as in effect at my death, of which I and my spouse, JAMES G. EVANS, now are cotrustees. It is my intent that this shall also include any future amendments to the JAMES G. EVANS and VIVIAN M. EVANS FAMILY TRUST DATED JULY 2, 1999, which may be implemented. I direct that all of the assets of my Estate shall be added to and commingled with the Trust property of such Trust and shall be held, managed, administered, and distributed under the terms and provisions of such Trust Agreement and any amendments thereto made prior to my death, it being my intention not to create a separate or testamentary trust nor to subject such Trust to the jurisdiction of the Probate Court.



ARTICLE IV

JR 1989 PG 725

I appoint my spouse, JAMES, as Personal Representative of this Will. If my spouse, for any reason fails or ceases to act as Personal Representative, I appoint my children to act jointly and in the order named, JAMES F. EVANS ("JIM") and JANELL E. YOUNG ("JANELL"), or MARILYN E. CROTTY ("MARILYN"), or CHERYL E. LEA ("CHERYL"). It is my intent and I direct that if either JIM or JANELL shall for any reason cease to act as my Personal Representative, then MARILYN shall succeed the one ceasing to act as my Personal Representative. And, if either of those two shall for any reason cease to act as my Personal Representative, then CHERYL shall succeed the one ceasing to act as my Personal Representative.

I direct that my Personal Representative, including any successor, shall not be required to furnish any bond, file any inventory of the property coming into his or her hands, or make any report or final settlement to any court of his or her proceedings hereunder.

ARTICLE V

In addition to any powers granted by law, I give my Personal Representative (including any successor), said Personal Representative being hereinafter referred to as "fiduciary," the following authority:

To hold and manage said property and such other property as the fiduciary may subsequently acquire pursuant to the power and authority herein given, with full power to collect the income therefrom and from time to time to sell, convey, exchange, lease for a period beyond the possible termination of the administration of my estate or for a less period, improve, encumber, or otherwise dispose of all or any portion of said property in such manner and upon such terms and conditions including credit, as to the fiduciary shall seem advisable, with full power to invest and reinvest said receipts of sale or disposal of any portion of such property in such loans, stocks, bonds, or other securities, mortgages, common trust funds, or other property, real or personal, as suitable to the fiduciary,

and to change investments and make new investments from time to time as to the fiduciary may seem necessary or desirable, without regard to any statutory or constitutional limitation applicable to the investment of trust funds; and whenever required or permitted to divide and distribute my estate, the fiduciary shall be vested with powers and authority to make such division or distribution in money or in kind or partly in money and partly in kind and to do every other act necessary or appropriate for the complete administration of my estate.

#### ARTICLE VI

A. For purposes of this Will, the use of the masculine shall include the feminine, the feminine shall include the masculine, and the use of the singular and the plural shall be interchangeable.

B. I empower my Personal Representative to make such elections under the tax laws as my Personal Representative deems advisable, in each case without regard to the relative interests of the devisees; however, my Personal Representative shall not make adjustments between principal and income, or in the interests of the devisees, to compensate for the effects of such elections. Any decision made by my Personal Representative with respect to the exercise of any tax election shall be binding and conclusive on all persons.

I signed this Will on July 2, 1999.

Vivian M. Evans  
VIVIAN M. EVANS

I, VIVIAN M. EVANS, the Testatrix, sign my name to this instrument this 2nd day of July, 1999, 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.

Vivian M. Evans  
Testatrix

We, Patricia A. Driggers and David E. Riley, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix 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 Testatrix, hereby signs this will as witnesses to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

## WITNESSES:

Patricia A. Driggers  
Patricia A. Driggers

David E. Riley  
David E. Riley

## ADDRESSES:

2820 Columbiana Road, Suite 210

Birmingham, AL 35216

2820 Columbiana Road, Suite 210

Birmingham, AL 35216

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

Subscribed, sworn to and acknowledged before me by VIVIAN M. EVANS, the Testatrix, and subscribed and sworn to before me by Patricia A. Driggers and David E. Riley, witnesses, this 2nd day of July, 1999.

Robert D. Driggers  
Notary Public

MY COMMISSION EXPIRES: 5/11/02

180973

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**CERTIFICATE TO THE PROBATE OF WILL**

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**The State of Alabama**  
**JEFFERSON COUNTY**

I, Michael F. Bolin, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument \_\_\_\_\_ of writing ha s 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 VIVIAN M. EVANS Deceased and that said Will \_\_\_\_\_

together with the proof thereof have been recorded in my office in Judicial Record, Volume JR 1989, Page 723-727.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date 2/11/2003.

PROBATE - 98

Michael F. Bolin, Judge of Probate.

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**The State of Alabama**  
**JEFFERSON COUNTY**

**PROBATE COURT**

**180973**

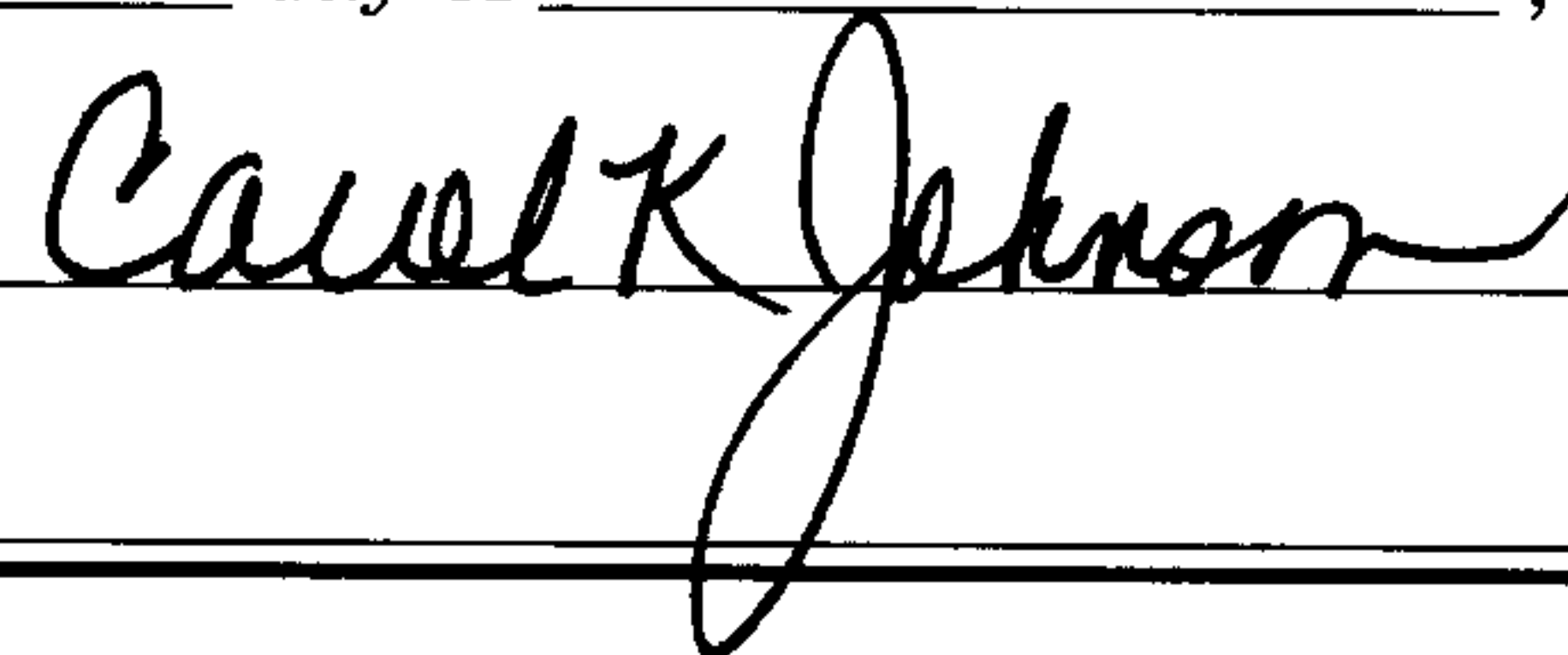
I, Carol K. Johnson, Chief Clerk of the Court of Probate, in and for said County in said State hereby certify  
that the foregoing contains a full, true and correct copy of the **Last Will and Testament and**  
**Certificate to the Probate of Will**

in the matter of **The Estate of Vivian M. Evans Case# 180973**

as the same appears on file and of record, in this office.

Given under my hand and seal of said Court, this

the **14th** day of **March**, 20 **03**



Chief Clerk



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LETTERS TESTAMENTARY

PROBATE - 60

**IN THE MATTER OF THE ESTATE OF**

**IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA**

VIVIAN M. EVANS

**Deceased**

**CASE NO.** 180973

***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 JAMES G. EVANS  
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 this date, February 11, 2003

(SEAL)

MICHAEL F. BOLIN

Judge of Probate

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I, Carol K. Johnson, 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, February 11, 2003

Carol K Johnson  
Chief Clerk

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