

IN THE PROBATE COURT FOR JEFFERSON COUNTY,
ALABAMA

IN THE MATTER OF:

THE ESTATE OF
MELIA A. WARRINGTON,

deceased.

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20040723000411730 Pg 1/9 35.00
Shelby Cnty Judge of Probate, AL
07/23/2004 03:40:00 FILED/CERTIFIED

CASE NO. **184361**

PETITION FOR PROBATE OF PHOTOGRAPHIC COPY OF WILL
(Self-Proved Will)

Comes now the Petitioner, **EDWARD L. WARRINGTON**, and respectfully shows the Court the following facts:

1. **MELIA A. WARRINGTON** (the "Decedent") died testate at **Vestavia Hills, Alabama**, on or about **December 10, 2003**, and, at the time of such death, was an inhabitant of **Jefferson County, Alabama**.
2. The original Last Will and Testament of the Decedent has been lost and after a diligent search, cannot be located. It is the Petitioner's opinion that the attached copy is a true and exact copy of the lost original of the Last Will and Testament.
3. Attached hereto is the Affidavit of **EDWARD L. WARRINGTON**, as spouse of the Decedent, as evidence.
4. Surrendered herewith is the photographic copy of the Decedent's Last Will & Testament naming the Petitioner as Executor thereof, which was duly signed by the Decedent when over eighteen (18) years of age, and was attested by the following witnesses:

<u>NAME</u>	<u>PRESENT ADDRESS</u>
JOSEPH A. FAWAL	1330-21st Way South, Suite 200 Birmingham, Alabama 35209
ANDI BARTON	7726 Helton Drive Foley, Alabama 36535

5. The Decedent's Last Will & Testament, as identified in Paragraph 2 hereof, was self-proved in a manner substantially in accordance with the requirements of Alabama Code §43-8-132. The name and present address of the officer authorized to administer oaths before whom said Will was acknowledged are as follows:

NEVIS GOGGINS	Post Office Box 928 Calera, Alabama 35040
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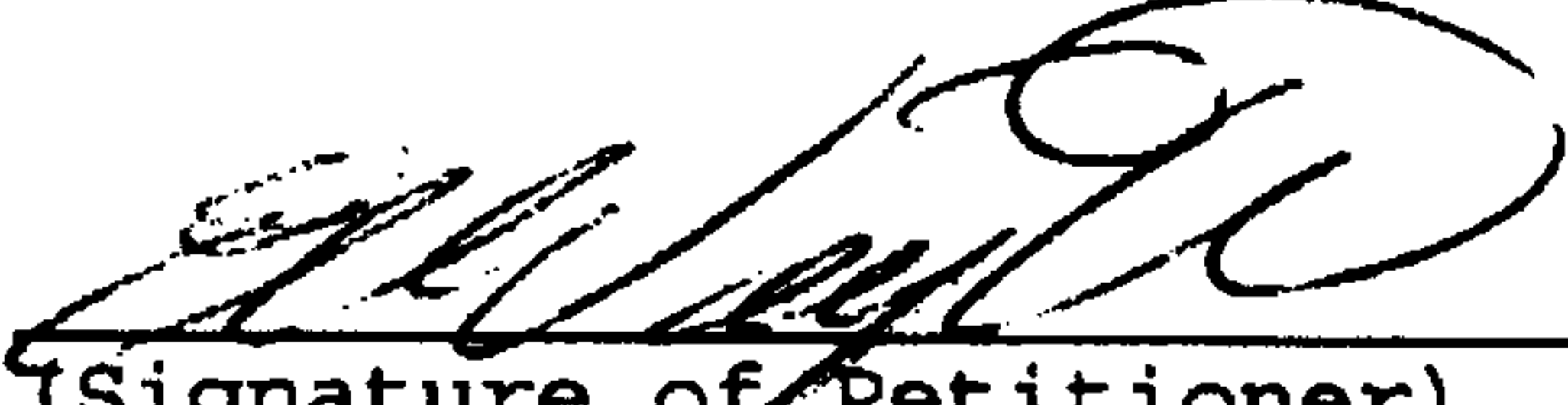
6. The following is a true, correct and complete list of names, ages, condition, relationships and addresses of the Decedent's surviving spouse and next-of-kin, who are mentally competent (as determined by Application of Alabama Code §43-8-42):

NAME & ADDRESS	AGE	CONDITION	RELATION
EDWARD L. WARRINGTON 700 Regency Crown Condominium 1200 Beacon Parkway East Birmingham, Alabama 35209	65	Competent	Husband
SYBIL POWELL 1295 7th Street, S.W. Alabaster, Alabama 35007	73	Competent	Mother
FRED M. POWELL 1295 7th Street, S.W. Alabaster, Alabama 35007	74	Competent	Father

WHEREFORE, the Petitioner prays that this Court will take jurisdiction of this Petition, will cause such notice or citations to issue to the said surviving spouse, next-of-kin, attesting witnesses, and oath-administering officer, as may be proper in the premises; and will cause such proceeding to occur, 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 & Testament of the Decedent. This Petition is deemed to be verified pursuant to Alabama Code §43-8-22.

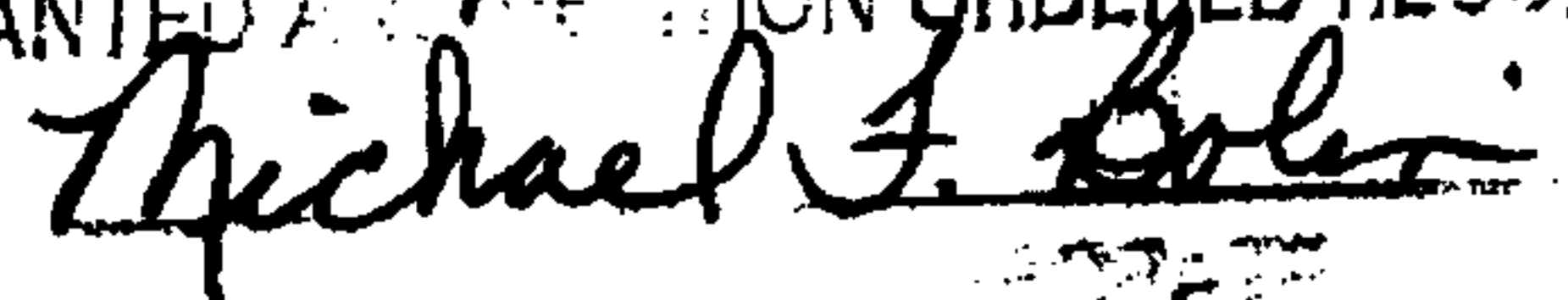
Attorney for Petitioner:

Joseph A. Fawal, Esquire
FAWAL & SPINA
1330 - 21st Way South, Suite 200
Birmingham, Alabama 35205
(205) 939-1330


(Signature of Petitioner)
EDWARD L. WARRINGTON
700 Regency Crown Condominium
1200 Beacon Parkway East
Birmingham, Alabama 35209

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, and ordered recorded this the ____ day of _____, _____, and set for hearing the ____ day of _____, _____, at ____ o'clock ____m.

FILED IN OFFICE THIS 26 DAY OF JANUARY, 2007 JUDGE OF PROBATE
GRANTED AND PETITION ORDERED RECORDED

CLERK

184361

Last Will and Testament

FILED IN OFFICE THIS THE
26 DAY OF January, 2003
FOR PROBATE AND RECORD.

OF

JR 2281 PG 296

MELIA ANNETTE WARRINGTON

Michael J. Belin
JUDGE OF PROBATE

KNOW ALL MEN BY THESE PRESENTS, that I, MELIA ANNETTE WARRINGTON, a resident of Jefferson County, Alabama, being of sound mind and disposing memory, and being over the age of Nineteen (19) years, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other testamentary dispositions heretofore made by me.

ITEM ONE

I direct that all of my debts, including the expense of my last illness and funeral, shall first be paid out of my estate by my Executor, hereinafter named, as soon as practicable after my death.

ITEM TWO

To my Mother and Father, SYBIL POWELL and FRED POWELL, share and share alike, or to the survivor thereof I specifically bequeath and devise absolutely the following items of real and personal property: Lot 8 Block 3, Indian Wood Forest, Third Sector as recorded in Map Book 7, Page 104 in the Probate Office of Shelby County, Alabama; all of my jewelry of any kind; my 1992 Lexus automobile or any automobile which I may own at the time of my death; any and all fur coats which I may own at the time of my death; and any and all sums of money which I may have on deposit at America's First Credit Union and all photographs which I may have at the time of my death. In the event that I am not survived by either of my Mother or Father, then I specifically bequeath and devise said items of real and personal property to my brothers and sisters, absolutely, share and share alike, or to the survivor or survivors thereof. I hereby vest in my Executor full power and authority to determine what items of personal property pass under the provisions of this Item of My Last Will and Testament in the

event of a dispute regarding this bequest and devise.

ITEM THREE

All of the rest, residue and remainder of my estate of whatsoever kind and character, and wherever situated, I hereby give, bequeath and devise to my husband, EDWARD LEE WARRINGTON, absolutely, and to his children, if he fails to survive me, DANA ANN WARRINGTON and JOSEPH HAROLD WARRINGTON, share and share alike, or to the survivor thereof.

ITEM FOUR

To the extent permitted by law, no beneficiary shall have any power to dispose of or to charge by way of anticipation any interest given to him or her, and all sums payable to any beneficiary shall be free and clear of his or her debts, contracts, dispositions and anticipations, and shall not be taken or reached by any legal or equitable process in satisfaction thereof.

ITEM FIVE

I hereby nominate and appoint my husband, EDWARD LEE WARRINGTON, as Executor of this my Last Will and Testament. In the event EDWARD LEE WARRINGTON does not survive me, or shall fail to qualify for any reason as my Executor, or having qualified, shall die, resign or otherwise cease to act as my Executor, then I appoint my brother, TERRY ALAN POWELL, as my successor Executor. I direct that my Executor and successor shall not be required to give bond or other security or file an inventory or an appraisal of my estate, though he 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 he shall be free from the control and supervision of any court.

Without in any way limiting the generality of the foregoing, I hereby grant to my Executor and successor the following specific powers conferred by law:

(a) To compromise, settle or adjust any claim or demand by or against my estate or agree to any rescission or modification of any contract or agreement.

(b) To sell, exchange, assign, transfer and convey any

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security or property, real or personal, held in my estate at public or private sale, at such time and price and upon such terms and conditions as he may determine.

(c) Whenever required or permitted, to divide and distribute my estate, and to make such division and distribution in money or in kind and partly in money and partly in kind in conjunction with all other powers conferred herein.

(d) Said Executor and successor shall not be individually liable on any contract entered into in their fiduciary capacity in the course of the administration of my estate unless he expressly agrees to be individually liable. For loss or damage occasioned to my estate by my said Executor or successor's conduct as fiduciary, they shall not be liable individually unless their conduct constitutes gross negligence and willful wrongdoing.

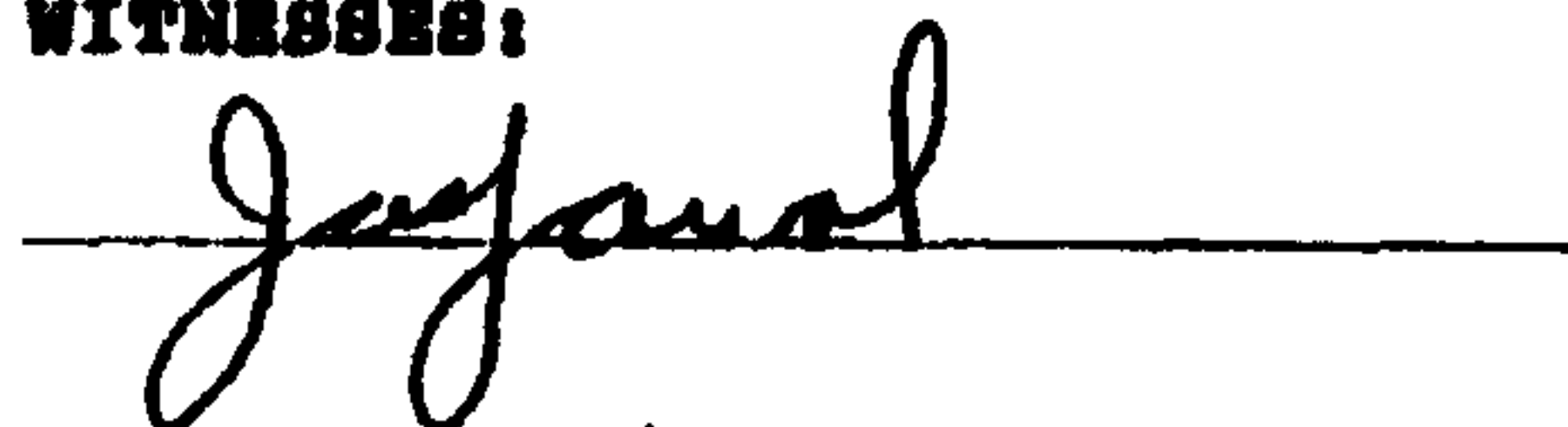
(e) My Executor and successor shall be authorized to employ and rely upon the advice of counsel from time to time in any legal matter arising in connection with the administration of my estate and pay such counsel a reasonable compensation for such services out of the income or principal of my estate.

I, MELIA ANNETTE WARRINGTON, the Testator, sign my name to this instrument this the 2nd day of May, 1996, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am 19 years of age or older, of sound mind, and under no constraint or undue influence.


MELIA ANNETTE WARRINGTON
Testatrix

We, the witnesses, 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 Testament and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby sign this Will as witnesses to the Testatrix's signing, and that to the best of our knowledge, the Testatrix is nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

WITNESSES:



ADDRESS:

1330 21st Way Dr.
Blount, Ala. 35205



5951 Joe Nail Road
Mt Olive, Al 35117

new

STATE OF ALABAMA)

JEFFERSON COUNTY)

SWORN TO AND SUBSCRIBED before me by MELIA ANNETTE WARRINGTON,
and subscribed and sworn to before me by the above witnesses, this
2nd day of May, 1996.

(SEAL)

[Signature]
Notary Public

Commission Expires: 08/29/99

184361

[Handwritten mark]

JR 2281 PG 300

CASE #184361

CERTIFICATE TO THE PROBATE OF WILL

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 MELIA A. WARRINGTON Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume JR 2281 . Page 296-299 .

In witness of all which I have hereto set my hand, and the seal of the said Court, this date JANUARY 26, 2004 .

PROBATE - 98

Michael F. Bolin , Judge of Probate.

LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF THE ESTATE OF**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA****MELIA A. HARRINGTON****CASE NO. 184361****Deceased****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 EDWARD L. HARRINGTON
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, January 26, 2004



Judge of Probate

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, _____

Chief Clerk

give to Peggy
Bhm 0411 0416

20040723000411730 Pg 9/9 35.00
Shelby Cnty Judge of Probate, AL
07/23/2004 03:40:00 FILED/CERTIFIED

State of Alabama
Jefferson County

I, the Undersigned, as Judge of Probate Court in and
for Jefferson County, Alabama, hereby certify that
the foregoing is a full, true and correct copy of the
instrument with the filing of same as appears of record
in this office. Given under my hand and official seal,
this the 22nd day of July, 2004.

Michael F. Bolen

JUDGE OF PROBATE