

AFFIDAVIT OF FACT

Introductory Certification


20050303000100970 Pg 1/6 29.00
Shelby Cnty Judge of Probate, AL
03/03/2005 14:17:00 FILED/CERTIFIED

Carlton B. Henderson, the Undersigned Affiant, hereinafter "Affiant," does hereby solemnly swear, declare, and state as follows:

1. Affiant is competent to state the matters set forth herewith.
2. Affiant has personal knowledge of the facts stated herein.
3. All the facts stated herein are true, correct, and complete in accordance with Affiant's best firsthand knowledge and understanding, and if called upon to testify as a witness Affiant shall so state.

Plain Statement of Facts

4. I Carlton Bernard Henderson am the second son of a marriage union between William Henderson (Father) and Hazel C. McCreary (Mother). Divorced!
5. William Henderson remarried and started a second family which included Four (4) children from that union. Sharon, Votura, Mark and Idell Henderson
6. William Henderson's second wife passed in 2000.
7. Several months after his wife passed William Henderson called a family meeting of all his children to discuss his estate and assure equitable distribution of any remaining assets upon his demise.
8. My Father had a stroke in 2002 and was admitted to the hospital with a brain-stroke and dementia a pre-existing condition, incapacitated from his normal routine, to being bedridden and transported in a wheelchair. Nurses were required for his daily care. My Father begin to exhibit severe signs of dementia.
9. My Father chose his oldest daughter (Votura) to handle his day to day affairs. My brother (Mark) objected to this arrangement and stated he should be the one to handle my fathers affairs. Mark went to my fathers residence and removed him to his residence and took over his affairs, stating "he would do the right thing"
10. My father passed August 12, 2004. I asked my brother when he would call a family meeting to discuss our fathers affairs he stated he "would hold a meeting within the next thirty days, that attorney's would be present to handle equitable division of the estate". He also stated he "has power of attorney" !
11. I have called and sent letters I have copies of letters(attached) sent by my brother, sister and myself no one has received any response.
12. Before my father passed he showed me the paper work of monies in bank accounts and CD's totaling over \$200,000.00

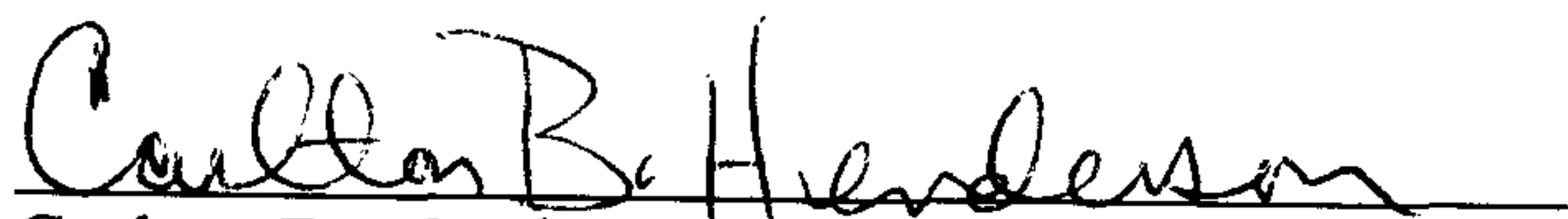
13. My sister Votura Henderson has money from my Fathers estate placed in her children's name.
14. My fathers House was sold during his illness. No one was told of this until after the sale. My brother Steven and I were not told until six months later by our sister Votura
15. My father received approximately fifteen hundred to eighteen hundred dollars a month in income from his retirement ,social security, and interest from various CD's.
16. In July 2003 my brother(Mark) cashed two CD's my father had placed in my brother's name (Steven) and myself (Carlton) , around this same time Mark paid off the house he was living in and transferred title to his daughter Markita. Several months later Mark and his wife purchased a new house in the two hundred dollar range.
17. From the day of my father's funeral to the filing date of this affidavit my brother Mark has not contacted myself or my brother Steven or sister's Votura and Idell. Mark and his wife, Alberdeina have repeatedly stated they do not have to inform anyone of the status of my father's estate and will not produce documents verifying he has an authentic Power of Attorney or was named Executor of my fathers estate.
18. The medical records from the veterans hospital will list his symptoms, conditions, and indicates not only how severe his dementia was but also that his stroke had left him mentally and physically impaired.

Verification

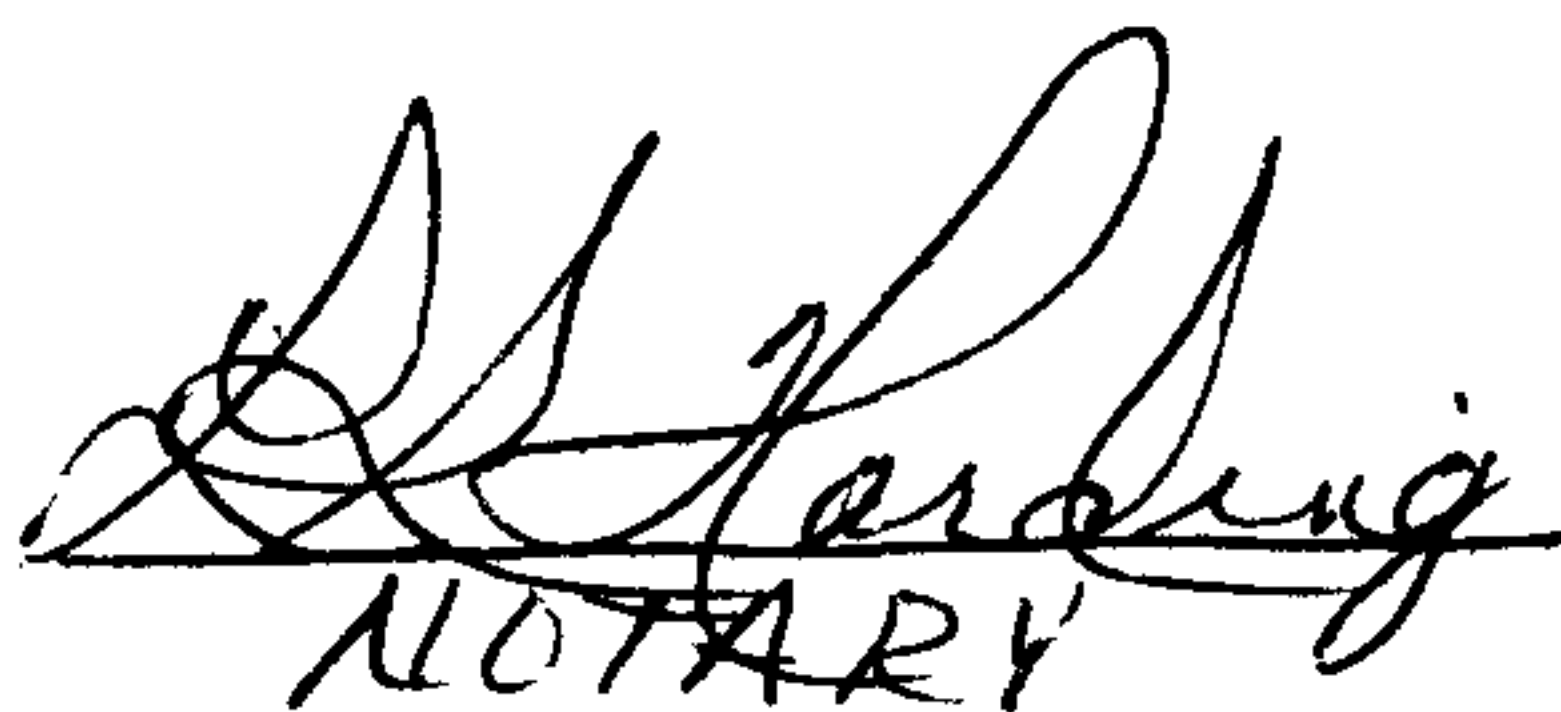
The Undersigned Affiant, Carlton B. Henderson , does herewith swear, declare, and affirm that Affiant issues this Affidavit of Fact with sincere intent, that Affiant is competent to state the matters set forth herein, that the contents are true, correct, complete, and certain, admissible as evidence, and reasonable and just in accordance with Affiant's best firsthand knowledge and understanding.

Further Affiant Saith Naught.

This Affidavit of Fact is dated the twenty fifth Day of the second Month in the Year of our Lord Two Thousand Five.



Carlton B. Henderson ©
C/o 4805 Lawrenceville Hwy
Lilburn, GA. [30047]


NOTARY

NOTICE AND DEMAND

TO:

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**MARK E. HENDERSON
684 WYNLAKE COVE
MONTEVALLO, AL 35115**

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PLAINTIFF

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FROM:

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**Carlton B. Henderson
4805 LAWRENCEVILLE HWY
LILBURN, GA 30047**

(1)

NOTICE AND DEMAND

02-24-05

I am therefore demanding and accounting of my fathers affairs from the first day you assumed control of affairs until his passing.

I am demanding that you produce your credentials (P.O.A)(EOE) for inspection and authentication by family members and an attorney for proof of your authority.

I am demanding that you produce the following documents and paperwork and a detailed accounting of his estate and finances.

1. Father's last will and testament.
2. Copies of any probate documents
3. Copies of deeds to properties that were transferred and filed prior to my father's death.
4. Record of transactions made involving his bank account (deposits/withdrawals)
5. Original and valid records of expenditures
6. Records of all certificates of deposits (CD's)
7. Records of sale of properties
8. Records of all monies spent on his care
9. Record of his pension and social security benefits
10. Records of his asbestos award monies
11. Records of medical history
12. Power of Attorney
13. Executor of estate
14. Bond for power of attorney
15. Bond for Executor

This Notice and Demand is to alleviate any concerns of misconduct, foul play or fraud.
Stewart v. Phoenix Nat. Bank, 54 P.2nd 101, 49 Ariz. /U.S. vs Pruddden, 424 F. 2d 1021
Leigh v. Loyd, 244 P.2d 356, 74 Ariz. 84. / U.S. vs. Throckmorton, 98 U.S. 61. " Contracts"

Failure to respond to this Notice and Demand in a timely manner will escalate this matter to the level of criminal charges and civil penalties. Legal remedy will be sought!

EVANS, LOEWENSTEIN, SHIMANOVSKY & MOSCARDINI, LTD.

ATTORNEYS AT LAW

130 S. JEFFERSON STREET, SUITE 500

CHICAGO, ILLINOIS 60661

FAX (312) 466-0823

TELEPHONE (312) 762-2585

December 29, 2004

Personal and Confidential

Mr. Mark E. Henderson
684 Wynlake CV
Alabaster, Alabama 35007

Re: *William D. Henderson*
Our File No.: 255650

Dear Mr. Henderson:

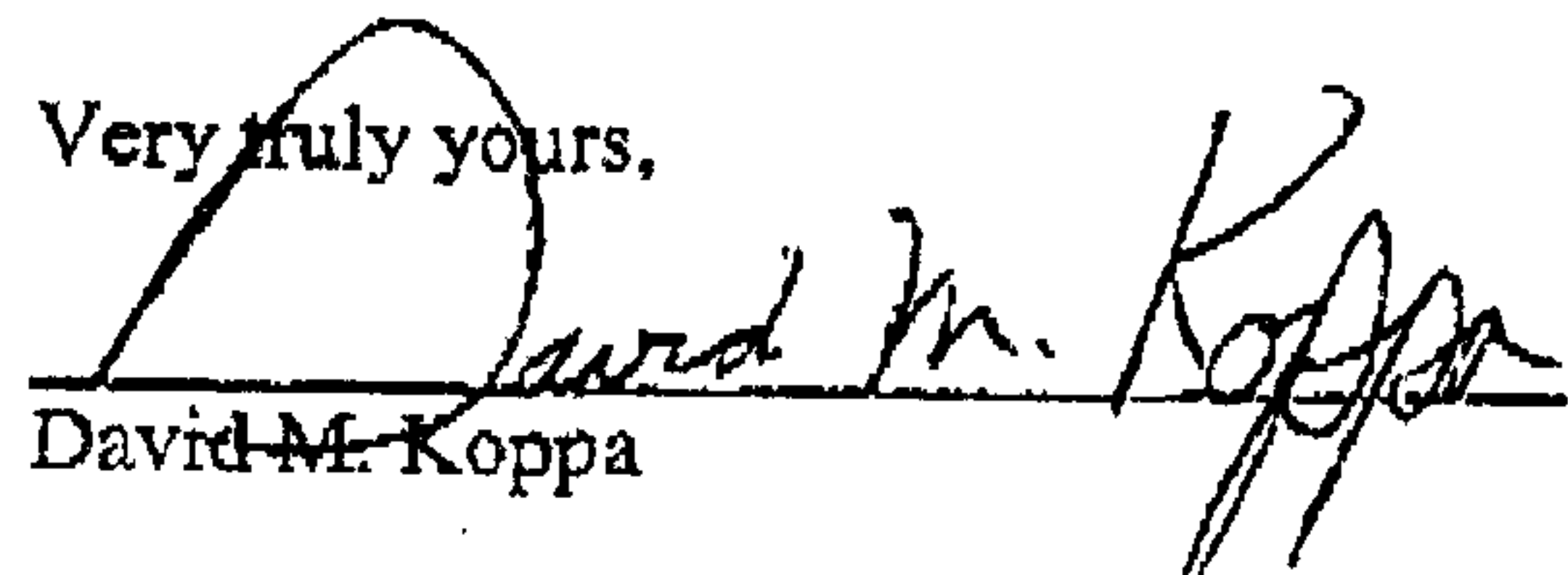
Please be advised that Mr. Steven M. Henderson of 1632 North Luma Avenue, Chicago, Illinois 60639 has contacted this office to assist him in determining if a Will existed and a probate was opened upon the death of your father, William D. Henderson.

Mr. Henderson alleges that you were named your father, William D. Henderson's agent under a Power of Attorney for property, and that you have been handling your father's estate since his death. Mr. Steven Henderson alleges he has not seen a copy of your father's will.

Please forward a copy of the Will and/or copies of any Probate documents, copies of any deeds to properties that were transferred and filed prior to your father's death to Mr. Steven M. Henderson at the above-listed address. Please forward these documents within ten (10) business days from receipt of this letter. If you fail to do so, we will advise Mr. Henderson to move forward and pursue all remedies available to him under the law to determine if a probate estate has been opened and properly followed.

I appreciate your cooperation in this matter.

Very truly yours,


David M. Koppa

DMK/mja
Enclosure

cc: Steven M. Henderson

September 10, 2004

Submitted via e-mail
Certified Mail and
Federal Express

Mark Henderson 684
Wynlake Cove
Montevallo, AL 35115

Mark,

The transition of our father (the late Willie Henderson) has been completed and several weeks have passed since that time. We (his children) have yet to be contacted and provided a status of his financial affairs and estate. (Our previous requests that you meet with us and discuss this matter were *not* honored.)

Our father set the example on many occasions by informing each of his children as to how he wanted his affairs handled, what to do in the event of his death, and by calling all of us to meet together and discuss his financial affairs shortly after the death of our mother four years ago. We firmly and sincerely believe that, while you have stated you were given power of attorney over his affairs (we have *not* received proof of this authority), it was *not* his intent that we be alienated and kept in the dark regarding his estate while he lived and was in your care, and indeed, after his death.

We (Idell and Votura) are requesting at this time that you call a meeting with all known children of Willie Henderson (our father) and provide us with a copy of his Will and Testament as well as a full detailed accounting of his estate and finances to include (but *not* limited to) the original, legitimate and valid records of expenditures, transactions made on his bank accounts, certificates of deposit (CD's), sales of properties, purchases relating to transportation, any and all monies spent for his care, new accounts that were established on his behalf, insurance payments, his asbestos awards, his pension and disability income. The documentation should begin with the period in which you assumed power of attorney for his affairs. We also request that this meeting be called as soon as possible. It is long overdue. Ten days from the date of this correspondence allows sufficient time for you to arrange a meeting. We will make ourselves available via telephone and/or in person. We expect you to do what is honorable.

This correspondence was drafted to make known our simple request that you carry out your stated responsibility in a manner that is just and inclusive of the sons and daughters (rightful heirs) of our late parent(s) and their estate. It is written without malice or hostility.

Respectfully,

Idell Henderson -daughter of Willie Henderson

Votura Henderson Mack - daughter of Willie Henderson