20070214000069390 1/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

LETTERS TESTAMENTARY PROBATE - 60

IN THE MATTER OF THE ESTATE OF

ESTELLE O. CAIN

Deceased

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

CASE NO. 190832

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 MARTHA J. BABB AKA MARTHA C. HOWARD 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, NOVEMBER 09. 2005.

(SEAL)

ALAN L. KING
Judge of Probate

I, S. J. RHODES ACTING, 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 14, 2007

S J Rhodes
Chief Clerk acting chief clerk

20070214000069390 2/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

Last Will and Testament

of
ESTELLE O. CAIN

JR 2455 PG 225

190832

STATE OF ALABAMA)
SHELBY COUNTY)

I, Estelle O. Cain, a resident of Jefferson County, Alabama, and over the age of eighteen years, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament, revoking all former wills and codicils which may have been made at any time heretofore by me.

FIRST: I hereby direct the personal representative of my estate to pay all funeral expenses and other debts as soon as practicable after my decease.

SECOND: I will, bequeath, and devise all property which may be mine at the time of my death, of whatsoever kind and character and wheresoever situated, to my husband, Troy W. Cain to be his absolutely, to have and to hold, in fee simple forever.

THIRD: In the event that the death of my said husband, Troy W. Cain, should occur prior to my death, or simultaneously with the time of my death, I will, bequeath, and devise all property which may be mine at the time of my death, of whatsoever kind and character and wheresoever situated, to my daughter, Martha C. Howard, and my grandson, Christopher Wayne Howard, share and share alike, per stirpes, to be theirs absolutely, to have and to hold, in fee simple forever.

FOURTH: I hereby nominate and appoint my said husband, Troy W. Cain, to be Executor of this Will, without bond, and hereby direct that he shall not be required to file an inventory or final settlement, or to report his acts and proceedings as such Executor to any Court, and I hereby grant to and vest in my said Executor full power and authority to sell, at private sale, and to convey, lease, exchange, mortgage, pledge, and otherwise alienate any or all of the assets of my estate, on such terms as he deems to be proper in his sole discretion, without the order of any Court, and to borrow money on behalf of my estate, and to continue to operate any business in which I may be engaged at the time of my death, either individually or as a member of a partnership, or otherwise. I further vest in and grant to my said Executor authority to do each and every act or thing that he may consider to be necessary, convenient, or proper in and about the administration and management of my estate, it being my purpose and intention to grant to him all of the powers over said property and estate that I am capable of granting to him as such Executor.

In the event that my said husband should not be living at the time an Executor is appointed for my estate, or if he should for any reason, fail to act, or resign, I nominate and appoint the said Martha C. Howard, to be Executrix of this Will, with all the powers duties, and exemptions granted to and vested in my said husband as such Executor.

In the event that my said grandchild, is still a minor or under any other legal disability at the time of my death, I nominate and appoint Martha C. Howard as Testamentary Guardian for said child, and I hereby direct that such Testamentary Guardian shall not be required to file bond for the performance of her duties as such Testamentary Guardian. I give and grant to my said Testamentary Guardian, full power and authority to expend

20070214000069390 3/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

all of the assets of my estate, including corpus as well as interest, for the use and benefit of said child, for the support and maintenance, and for the educational needs of said child, upon such terms, and for such purposes, as my said Testamentary Guardian shall deem to be proper in her sole discretion, without the order or authority of any court.

I, Estelle O. Cain, the testator, sign my name to this instrument this 5th day of February, 1987, 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.

Estelle O. Cain
Estelle O. Cain

We, Paula R. Thompson and Lanie Brasher, the witnesses, sign our name to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator 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 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.

Paula R. Thompson

Lanie Brasher

STATE OF ALABAMA)
SHELBY COUNTY)

Subscribed, sworn to and acknowledged before me by Estelle O. Cain, the testator, and subscribed and sworn to before me by Paula R. Thompson and Lanie Brasher, witnesses, this the 5th day of February, 1987.

Notary Public

FILED IN OFFICE THIS THE 9TH DAY OF NOVEMBER 20 05
FOR PROBATE AND RECORD.
Mark Gaines
JUDGE OF PROBATE

190832

20070214000069390 4/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

FIRST CODICIL TO

Last Will and Testament

JR 2455 PG 227

OF

ESTELLE O. CAIN

190832

I, Estelle O. Cain, residing in Jefferson County, Alabama, being of sound mind and disposing memory and over the age of Nineteen (19) years, do make, publish, and declare this to be the First Codicil to my Last Will and Testament of the 5th day of February, 1987.

I hereby amend the "THIRD" Item of my said Last Will and Testament by adding thereto another paragraph. Said paragraph shall read as follows:

> This paragraph shall govern all of my directions in this Will, anything to the contrary notwithstanding. My residence is at 4000 White Oak Drive, Birmingham, Alabama 35243. The deed to this property to my recollection would include title to my homeplace at 4000 White Oak Drive, a vacant lot located next to this house and another house and real estate across the road from this homeplace where I live. Many years back the county put a road through our property which road is White Oak Drive. I direct that and I so devise all real property on the side of White Oak Drive where my house at 4000 White Oak Drive is located including my said homeplace at 4000 White Oak Drive, Birmingham, Alabama 35243, the vacant lot next door to my said homeplace, all improvements on any of said aforementioned real estate, and all household furniture and furnishings located in or about my said homeplace to my grandson, Christopher Wayne Howard, as a part of his aforementioned share which is one-half (1/2) of my estate which he would receive

Estelle O Cain
ESTELLE O. CAIN

FILED IN OFFICE THIS THE
9TH DAY OF NOV, 2005
FOR PROBATE AND RECORD.
Mark Gaines

20070214000069390 5/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

equally with my daughter, Martha C. Howard. I further direct that these devises heretofore mentioned to my grandson not be transferred or encumbered in any form or fashion by my grandson, any conservator or guardian of his, my executor or any other fiduciary, person, court or entity that might have some authority over these devises to him, until my grandson becomes 25 years of age. I direct that this devise in this amendment to my said grandson shall be vested in him as of the time of my death. This entire amendment applies only if the Third Item in my Will so applies at the time of my death.

Except as changed by this First Codicil amending the aforementioned, I hereby ratify and confirm my said Will of February 5, 1987.

I, Estelle O. Cain, the Testatrix, sign my name to this instrument this 14th day of April, 1993, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as the First Codicil to my Last Will and Testament of February 5, 1987, 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 nineteen (19) years of age or older, of sound mind and under no constraint or undue influence.

Estelle O Cain
ESTELLE O. CAIN

We, Douglas Rogers and Phillip J. Sarris, 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 the First Codicil to her Last Will and Testament of February 5, 1987, and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this First Codicil to her Will as witness to the Testatrix's signing, and that to the best of

20070214000069390 6/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

our knowledge, the Testatrix is nineteen (19) years of age or older, of sound mind and under no constraint or undue influence.

Douglas Rogers 2600 Ranger Lane Bham. AL 35226
NAME ADDRESS CITY STATE AND ZIP

Phillip J. Sarris 1845 Montclaire Dr. Bham. Ala 35216
NAME ADDRESS CITY STATE AND ZIP

STATE OF ALABAMA

COUNTY OF JEFFERSON

Subscribed, sworn to and acknowledged before me by Estelle O. Cain, the Testatrix, and subscribed and sworn to before me by Douglas Rogers and Phillip J. Sarris witnesses, this the 14th day of April, 1993.

Barbara Whitlett
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER 24, 1994

Estelle O Cain
ESTELLE O. CAIN

190832

20070214000069390 7/8 $32.00
Shelby Cnty Judge of Probate, AL
02/14/2007 04:03:02PM FILED/CERT

JR 2455 PG 230

CASE NO. 190832

CERTIFICATE TO THE PROBATE OF WILL & CODICIL

The State of Alabama

JEFFERSON COUNTY

I, Mark Gaines, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument s____ of writing have____ 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 & Codici l of ESTELLE O. CAIN, Deceased and that said Will and Codicil together with the proof thereof have been recorded in my office in Judicial Record, Volume JR2455, Page 225-229.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date NOVEMBER 9, 2005.

Mark Gaines, Judge of Probate.

PROBATE – 98

20070214000069390 8/8 $32.00
Shelby Cnty Judge of Probate,AL
02/14/2007 04:03:02PM FILED/CERT

CERTIFICATE TO COPIES

PROBATE 67

The State of Alabama

JEFFERSON COUNTY

PROBATE COURT

190832

I, S. J. Rhodes, Acting, 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 **CODICIL AND LAST WILL AND TESTAMENT OF ESTELLE O. CAIN AND THE CERTIFICATE TO PROBATE OF WILL THEREOF:**

in the matter of **THE ESTATE OF ESTELLE O. CAIN -- DECEASED**

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 **FEBRUARY**, 20 **07**

SJ Rhodes
Acting Chief Clerk