

28-36616A

**AFFIDAVIT
OF ANITA F. HENSON**

20081003000392330 1/11 \$41.00
Shelby Cnty Judge of Probate, AL
10/03/2008 11:36:33AM FILED/CERT

**STATE OF ALABAMA)
COUNTY OF SHELBY)**

Before me the undersigned authority personally appeared **Anita F. Henson**, and after being by me first duly sworn deposes and saith as follows:

My name is **Anita F. Henson**, and I am over the age nineteen (19) and I reside at 550 Vicks Lane, Sylacauga, Alabama 35151. I have lived at this address for the past three (3) years, together with my husband who is now deceased, Jerry Lynn Henson. I am still living at the same address and have resided there at the time of my husband's death.

My husband died on the 11th day of August, 2007, and I have served as Executrix of his estate presently pending in Talladega County. I am familiar with and have personal knowledge of the following:

1. I am familiar with the property my husband intended to convey to Edward Smith upon payment of Fifteen Thousand and 00/100 (\$15,000), as set out in Warranty Deed from Hen-Son to Jerry Henson, dated 1/9/2002, and recorded in Instrument No. 2002-03319, and more particularly described as follows:

Lot 17, according to the survey of Whispering Pines, Phase I,
as recorded in Map Book 11, Page 66, in the Probate Office
of Shelby County, Alabama..

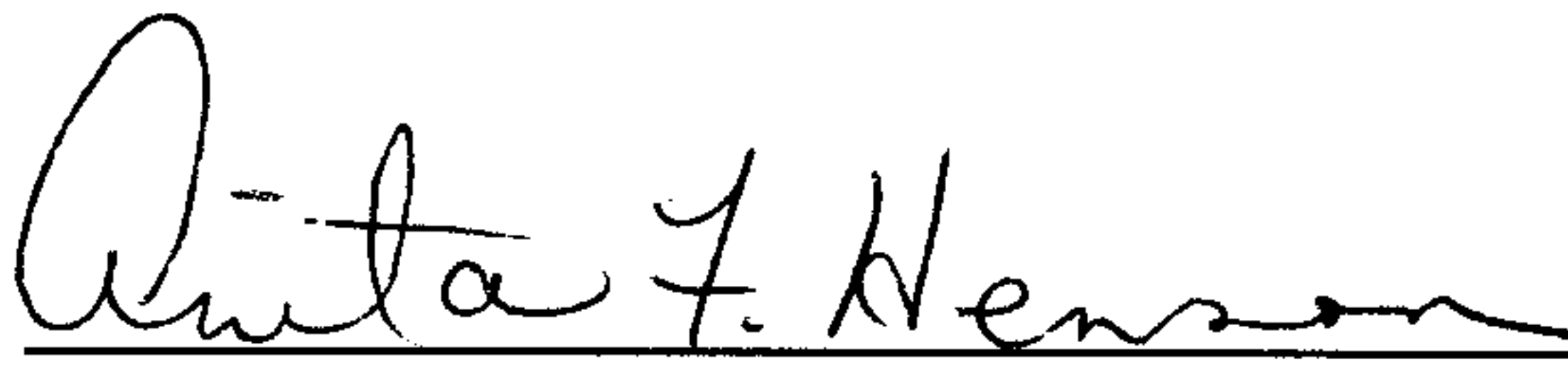
I am the rightful owner of said property which was devised to me in my husband's will which was probated in the Office of the Probate Judge of Talladega County, and recorded in Probate Book No. 313, p. 404. An ancillary proceeding was also filed in the Office of the Judge of Probate in Shelby County, Alabama, Case No. PR-2008-000256. I have a good right to sell and convey the same as aforesaid. I also know that the Map Book and Page No. in the original deed conveying the

property from HEN - Sons, Ltd., to Jerry Henson, and described as being recorded in "Map Book 11, Page 31" is erroneous, and should read: "Map Book 11, Page 66." I hereby acknowledge that this is the same property devised to me under my husband's will.

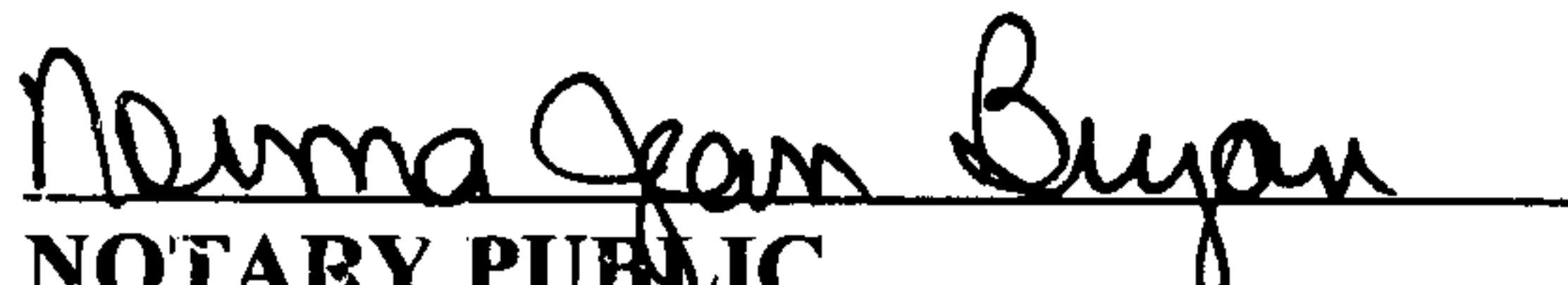
2. I also have personal knowledge that the outstanding judgment against one Jerry Henson, dated 09/25/03, recorded in the Circuit Court of Shelby County, in Case No. CV-200-000979,00, whose address appears on record as 109 Belvedere Place, Alabaster, AL 35007-3134, is not the same person as my husband, Jerry Lynn Henson. My husband and I have never resided in Alabaster, neither did my husband ever reside in Alabaster. Before our marriage, both my husband and I have always resided in Sylacauga, Alabama, for our entire lives.

This Affidavit is given to induce Alabama Title Company to issue a policy of title insurance on the property of Jerry Henson, now deceased.

FURTHER DEPONENT SAITH NOT.


ANITA F. HENSON, Affiant

SWORN TO and subscribed before me
the undersigned authority this the
30 day of June, 2008.


NOTARY PUBLIC
My Commission Expires: 10-8-2011

IN THE PROBATE COURT OF TALLADEGA COUNTY, ALABAMA

STATE OF ALABAMA)
(
TALLADEGA COUNTY)

PROBAT 313 16
Recorded In Above Book and Page
10/04/2007 03:28:19 PM
Billy Atkinson
Probate Judge
Talladega County, AL

PETITION FOR PROBATE OF WILL

PETITION of ANITA F. HENSON for the Probate of the Will of JERRY LYNN HENSON, deceased.

To The Honorable Billy L. Atkinson, Judge of Probate, Talladega County.

The Petition of the undersigned Anita F. Henson respectfully represents unto this Court that Jerry Lyn Henson who was at the time of her death an inhabitant of Talladega County, departed this life at Sylacauga, Alabama, on or about the 11th day of August, 2007, leaving assets in this State, and leaving a Last Will and Testament duly signed and published by Jerry Lynn Henson and attested by Anita Henson and Lister H. Proctor.

That your petitioner as widow verily believes is named in said Will as Personal Representative and does now herewith surrender said Will to the Court and pray that after proper proceedings and proofs, it may be probated and admitted to record as the true Last Will and Testament of said deceased. Your petitioner represents that the widow of said deceased, and the names, ages, residences and condition of the next of kin are as follows:

- ✓ Anita F. Henson, widow, over 19 years of age and of sound mind, residing at 550 Vicks Lane, Sylacauga, Alabama 35151;
- ✓ John Roland Henson, son, over 19 years of age and of sound mind, residing at 550 Vicks Lane, Sylacauga, Alabama 35151; and
- ✓ Audrey Ruth Henson, a minor, residing at 550 Vicks Lane, Sylacauga, Alabama 35151.

Your petitioner would further represent that the said attesting witnesses are residents

of this county and State. Your petitioner further prays that this Court will take jurisdiction of this petition and cause all such notices or citations to issue to the said next of kin and to said witnesses, and cause all such proceedings to be had and done and render all necessary orders and decrees in the premises as will duly and legally affect the probate and record of said Will in this Court.

Anita F. Henson
Anita F. Henson

STATE OF ALABAMA)
 (
TALLADEGA COUNTY)

PROBAT 313 17
Recorded In Above Book and Page
10/04/2007 03:28:19 PM
Billy Atkinson
Probate Judge
Talladega County, AL

Anita F. Henson being duly sworn, deposes and says that the facts set forth in the above petition are true.

Anita F. Henson
Anita F. Henson

Subscribed and sworn to before me this 14th day of September, 2007.

Mark W. Henderson
Notary Public

A TRUE COPY
Billy H. Atkinson
JUDGE OF PROBATE

IN THE PROBATE COURT OF TALLADEGA COUNTY, ALABAMA

STATE OF ALABAMA)
 (
TALLADEGA COUNTY)

PROBAT 313 32
Recorded In Above Book and Page
10/04/2007 03:28:19 PM
Billy Atkinson
Probate Judge
Talladega County, AL

LETTERS TESTAMENTARY

The Will of **Jerry Lynn Henson** having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to **Anita F. Henson**, 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 Code of Alabama (1975, as amended) Section 43-8-76, the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers, without limitation, authorized in transactions under Code of Alabama (1975, as amended) Section 43-2-843, as follows:

1. Retain assets owned by the decedent pending distribution or liquidation including those in which the representative is personally interested or which are otherwise improper for trust investment.
2. Receive assets from fiduciaries, or other sources.
3. Perform, compromise, or refuse performance of the decedent's contracts that continue as obligations of the estate, as the personal representative may determine under the circumstances. In performing enforceable contracts by the decedent to convey or lease land, the personal representative, among other possible courses of action, may do either of the following:
 - a. Execute and deliver a deed of conveyance for cash payment of all sums remaining due or the purchaser's note for the sum remaining due secured by a mortgage or deed of trust on the land.

- b. Deliver a deed in escrow with directions that the proceeds when paid in accordance with the escrow agreement, be paid to the successors of the decedent, as designated in the escrow agreement.
4. Satisfy written charitable pledges of the decedent irrespective of whether the pledges constituted binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges completed under the circumstances.
 5. If funds are not needed to meet debts and expenses currently payable and are not immediately distributable, deposit or invest liquid assets of the estate, including moneys received from the sale of other assets, in federally insured interest-bearing accounts, readily marketable secured loan arrangements, or other prudent investments which would be reasonable for use by trustees generally.
 6. Abandon personal property when in the opinion of the personal representative, it is valueless, or is so encumbered, or is in condition that it is of no benefit to the estate.
 7. Vote stocks or other securities in person or by general or limited proxy.
 8. Pay calls, assessments, and other sums chargeable or accruing against or on account of securities, unless barred by the provisions relating to claims.
 9. Hold a security in the name of a nominee or in other form without disclosure of the interest of the estate but the personal representative is liable for any act of the nominee in connection with the security so held.
 10. Insure the assets of the estate against damage, loss, and liability and the personal representative against liability as to third persons.
 11. Borrow money without security or with security of personal property to be repaid from the estate assets or otherwise; and advance money for the protection of the estate.
 12. Effect a fair and reasonable compromise with any debtor or obligor, or

Recorded In PROBATE BK 313 PG 33, 10/04/2007 03:28:19 PM
Billy Atkinson, Probate Judge, Talladega County, AL

extend, renew, or in any manner modify the terms of any obligation owing to the estate. If the personal representative holds a mortgage, pledge, or other lien upon property of another person, the personal representative may, in lieu of foreclosure, accept a conveyance or transfer of encumbered assets from the owner thereof in satisfaction of the indebtedness secured by the lien.

13. Pay taxes, assessments, and other expenses incident to the administration of the estate.
14. Sell or exercise stock subscription or conversion rights; consent, directly or through a committee or other agent, to the reorganization, consolidation, merge, dissolution, or liquidation of a corporation or other business enterprise.
15. Enter for any purpose into a lease as lessor or lessee, with or without option to purchase or renew, for a term not to exceed one year.
16. Allocate items of income or expense to either estate income or principal, as permitted or provided by law.
17. Employ necessary persons, including appraisers, attorneys, auditors (who may include certified public accountants, public accountants, or internal auditors), investment advisors, or agents, even if they are associated with the personal representative, to advise or assist the personal representative in the performance of administrative duties; act without independent investigation upon recommendations of agents or advisors; and instead of acting personally, employ one or more agents to perform any act of administration, whether or not discretionary.
18. Prosecute or defend claims or proceedings in any jurisdiction for the protection or benefit of the estate and of the personal representative in the performance of duties of the personal representative.
19. Continue any unincorporated business or venture in which the decedent was engaged at the time of death as provided in any of the following:
 - a. In the same business form for a period of not more than one year from the date of appointment of a general personal representative if continuation is a reasonable means of preserving the value of the

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Bally Atkinson, Probate Judge, Talladega County, AL

business including good will.

- b. In the same business form for any additional period of time that may be approved by order of the court in a proceeding to which the persons interested in the estate are parties.
- c. Throughout the period of administration if the business is incorporated by the personal representative and if none of the probable distributees of the business who are competent adults object to its incorporation and retention in the estate.
20. Incorporate any business or venture in which the decedent was engaged at the time of death.
21. Provide for exoneration of the personal representative from personal liability in any contract entered into on behalf of the estate.
22. Satisfy and settle claims and distribute the estate as provided in Title 43 of the Code of Alabama 1975.

WITNESS my hand, and dated this 27 day of September 2007.

Billy L. Atkinson
Billy L. Atkinson, Judge of Probate

A TRUE COPY
Billy L. Atkinson
JUDGE OF PROBATE

PROBAT 313 36
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10/04/2007 03:28:19 PM
Billy Atkinson
Probate Judge
Talladega County, AL

Recorded In PROBAT BK 313 Pg
Billy Atkinson, Probate Judge

Date of Death:
8/11/07

LAST WILL AND TESTAMENT

OF

JERRY LYNN HENSON

UNPMIL 35 404
Recorded In Above Book and Page
09/27/2007 12:23:49 PM
Billy Atkinson
Probate Judge
Talladega County, AL

20081003000392330 9/11 \$41.00
Shelby Cnty Judge of Probate, AL
10/03/2008 11:36:33AM FILED/CERT

I, JERRY LYNN HENSON, a resident of Talladega County, Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my Last Will and Testament hereby revoking any and all other Wills and Codicils thereto heretofore made by me.

I

I hereby direct that all of my just debts, including the expense of my last illness and funeral shall be paid by my Personal Representative hereinafter named as soon as practicable after my death.

II

I give, bequeath and devise my 1992 Jeep Cherokee and all my work tools to my son, John Roland Henson.

III

All the rest, residue and remainder of my property of whatsoever kind and character and wheresoever situated, I give, bequeath and devise to my wife, Anita F. Henson, absolutely.

IV

I hereby nominate and appoint Anita F. Henson as Personal Representative of this my Last Will and Testament, and I direct that my said Personal Representative shall not be required to give bond or file an inventory or appraisal of my estate in any Court. I hereby direct that my said Personal Representative

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Billy Atkinson, Probate Judge, Talladega County, AL

A TRUE COPY

Billy L. Atkinson
JUDGE OF PROBATE

2/10/08
Q.H.
85 H.

UNPWIL 35 405
 Recorded In Above Book and Page
 09/27/2007 12:21:49 PM
 Billy Atkinson
 Probate Judge
 Talladega County, AL

shall have full power and authority to determine what property, or undivided interest in property shall pass under each of the provisions of this Will, to be evidenced by bills of sale or conveyance or other evidence of title to each of the beneficiaries herein, such decision to be final in each case for all purposes under this Will, and except for property specifically bequeathed or devised hereunder, the particular property to pass under any provision of this Will shall be that property so determined and as evidenced by such instruments. I specifically authorize my Personal Representative to sell any or all of my property of whatsoever kind and character and wheresoever situated to effectuate the provisions of this my Last Will & Testament.

20081003000392330 10/11 \$41.00
 Shelby Cnty Judge of Probate, AL
 10/03/2008 11:36:33AM FILED/CERT

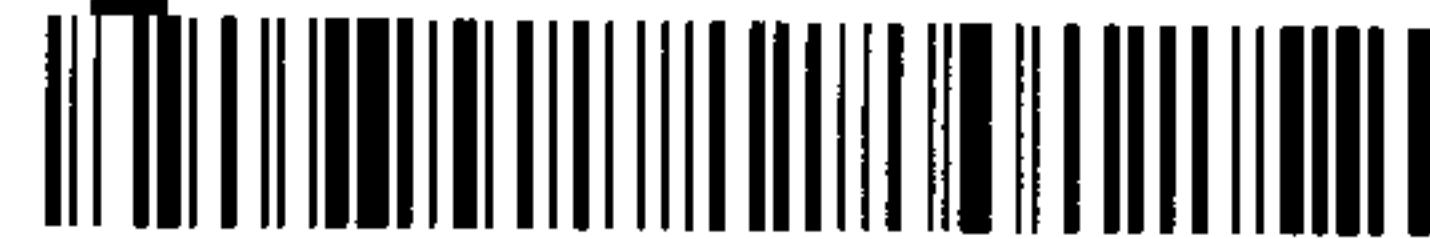
IN WITNESS WHEREOF and in accordance with Section 43-8-132 of the CODE OF ALABAMA, 1975, I, JERRY LYNN HENSON, the testator, sign my name to this instrument this 19 day of February, 2007, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument 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 nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Jerry Lynn Henson
 Jerry Lynn Henson

We, Antonia Henson, Lester H. Pector the witnesses, sign our names to this instrument, being first duly sworn, and do hereby

A TRUE COPY
Billy R. Atkinson
 JUDGE OF PROBATE

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Billy Atkinson
Probate Judge
Talladega County, AL



20081003000392330 11/11 \$41.00
Shelby Cnty Judge of Probate, AL
10/03/2008 11:36:33AM FILED/CERT

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 nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Jerry Lynn Henson
Witness
John H. Proctor
Witness

STATE OF ALABAMA)
(
TALLADEGA COUNTY)

PROBATE 313 23
Recorded In Above Book and Page
10/04/2007 03:28:19 PM
Billy Atkinson
Probate Judge
Talladega County, AL

Subscribed, sworn to and acknowledged before me by Jerry Lynn Henson, the testator and subscribed and sworn to before me by *John H. Proctor* and *John H. Proctor*, witnesses, this the 19th day of February, 2007.

Carmela L. Proctor
Notary Public

A TRUE COPY

Billy B. Atkinson
JUDGE OF PROBATE