

IN THE MATTER OF THE ESTATE OF ) PROBATE COURT  
  
Joseph Claude Smith ) JEFFERSON COUNTY, ALABAMA  
Deceased  
  
CASE NO. 192258 - -

**PETITION FOR PROBATE OF WILL  
(Self-Proved Will)**

Comes the petitioner, **Joseph S. Smith**, and shows this Court the following facts:

1. **Joseph Claude Smith** (the "decedent") died testate in Birmingham, Alabama, on or about the 9th day of February, 2006 and at the time of such death, was an inhabitant of **Jefferson County, Alabama**.

2. Surrendered herewith is the decedent's last will and testament (and all codicils thereto) naming the petitioner as Personal Representative thereof, which was duly signed by the decedent when over eighteen (18) years of age, and was attested by the following witnesses:

**Janice Culver** **Shelby County, Alabama**

**Laurie Brasher** **Shelby County, Alabama**

3. The decedent's last will and testament, as identified in paragraph 2 hereof, was self-proved in a manner substantially in accordance with the requirements of **Ala. 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:

**Peggy J. Letson** **Notary Public**

4. The following is a true, correct and complete list of the names, ages, conditions, relationships and addresses of the decedent's surviving spouse and next-of-kin (as determined by Application of **Ala. Code 43-8-42**):

**Solange Maria Smith - Spouse** **Age: Over 19 Years**  
**1011 Royal Tower Drive** **Of sound mind**  
**Birmingham, Alabama 35209**

**Sherry S. Emmerke - Granddaughter** **Age: Over 19 Years**  
**9205 Old Hwy 280** **Of sound mind**  
**Chelsea, Alabama 35043**

Joseph S. Smith - Grandson  
8939 County Road 51  
Sterrett, Alabama 35147

Age: Over 19 Years  
Of sound mind

Wherefore, the petitioner prays that this Court will take jurisdiction of this petition, will cause all 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 proceedings 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 (and all codicils thereto) as the last will and testament of the decedent. This petition is deemed to be verified pursuant to Ala. Code 43-8-22.

Attorney for Petitioner:

*[Handwritten signature]*

*[Handwritten signature of Joseph S. Smith]*

Signature of Petitioner

Mitchell & Graham, P.C.  
(Firm name)

Joseph S. Smith  
(Name of Petitioner)

P.O. Drawer 307  
Address

8939 County Road 51  
Address

Chhildersburg, Al. 35044

Sterrett, AL 35147

Telephone(256) 378-3161

**BENCH NOTE**

Filed in the Probate Court of **Jefferson County, Alabama**, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, and set for hearing the \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ M.

\_\_\_\_\_  
Judge of Probate

FILED IN OFFICE THIS 11 DAY OF April, 2006, PRAYER  
GRANTED AND PETITION ORDERED RECORDED  
*Thank Davis*  
JUDGE OF PROBATE



IN THE MATTER OF THE ESTATE OF

) PROBATE COURT

Joseph Claude Smith  
Deceased

) JEFFERSON COUNTY, ALABAMA

CASE NO. - - 192258 - -

**WAIVER OF NOTICE ON PROBATE OF WILL**

I, **Solange Maria Smith**, a resident of Jefferson County, State of Alabama being the surviving spouse or one of the next of kin (as determined by application of the *Ala. Code 43-8-41* or *43-8-2*, as appropriate) of **Joseph Claude Smith**, deceased, being over the age of nineteen (19) years, hereby accept service and waiver of notice of the filing of the petition to probate the last will and testament (including all codicils thereto) of said decedent. I do hereby waive notice either by personal service or by publication and consent and request that said will, which bears the date of **July 11, 1996** be admitted to probate without further notice of any kind to me, and the Personal Representative/Executor named in said will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am **NOT** giving up my right to contest said will or to make an objection to the handling of the administration of the estate of the deceased by the Personal Representative/Executor thereof.

Dated this the 7 day of March, 2006.

WITNESS: (Required)

x Joseph S. Smith  
Signature of Witness

Solange M. Smith  
Signature of Person Making Waiver

Joseph S. Smith  
Name of Witness

Solange M. Smith  
Name of Person Making Waiver

<b>BENCH NOTE</b>	
Filed in the Probate Court of <b>Jefferson</b> County, Alabama, on the _____ day	
of _____, 2006, at _____ M.	
_____ Judge of Probate	

FILED IN OFFICE THIS 11 DAY  
OF April, 2006  
AND ORDERED RECORDED.  
Mark Haines  
JUDGE OF PROBATE



IN THE MATTER OF THE ESTATE OF

) PROBATE COURT

Joseph Claude Smith  
Deceased

) JEFFERSON COUNTY, ALABAMA

CASE NO. - - 1 9 2 2 5 8 - -

**WAIVER OF NOTICE ON PROBATE OF WILL**

I, **Sherry S. Emmerke**, a resident of Shelby County, State of Alabama being the surviving spouse or one of the next of kin (as determined by application of the **Ala. Code 43-8-41** or **43-8-2**, as appropriate) of **Joseph Claude Smith**, deceased, being over the age of nineteen (19) years, hereby accept service and waiver of notice of the filing of the petition to probate the last will and testament (including all codicils thereto) of said decedent. I do hereby waive notice either by personal service or by publication and consent and request that said will, which bears the date of **July 11, 1996** be admitted to probate without further notice of any kind to me, and the Personal Representative/Executor named in said will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am **NOT** giving up my right to contest said will or to make an objection to the handling of the administration of the estate of the deceased by the Personal Representative/Executor thereof.

Dated this the 7 day of March, 2006.

WITNESS: (Required)

x Joseph A. Smith  
Signature of Witness

Sherry S. Emmerke  
Signature of Person Making Waiver

Joseph S. Smith  
Name of Witness

Sherry S. Emmerke  
Name of Person Making Waiver

<b>BENCH NOTE</b>	
Filed in the Probate Court of <b>Jefferson County</b> , Alabama, on the _____ day	
of _____, 2006, at _____ M.	
_____ Judge of Probate	

FILED IN OFFICE THIS 11 DAY  
OF April, 2006  
AND ORDERED RECORDED.  
Mark Davis  
JUDGE OF PROBATE



20091112000422160 4/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

IN THE MATTER OF THE ESTATE OF

) PROBATE COURT

Joseph Claude Smith  
Deceased

) JEFFERSON COUNTY, ALABAMA

- - 192258 - -

CASE NO. \_\_\_\_\_

**WAIVER OF NOTICE ON PROBATE OF WILL**

I, **Joseph S. Smith**, a resident of Shelby County, State of Alabama being the surviving spouse or one of the next of kin (as determined by application of the **Ala. Code 43-8-41** or **43-8-2**, as appropriate) of **Joseph Claude Smith**, deceased, being over the age of nineteen (19) years, hereby accept service and waiver of notice of the filing of the petition to probate the last will and testament (including all codicils thereto) of said decedent. I do hereby waive notice either by personal service or by publication and consent and request that said will, which bears the date of **July 11, 1996** be admitted to probate without further notice of any kind to me, and the Personal Representative/Executor named in said will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am **NOT** giving up my right to contest said will or to make an objection to the handling of the administration of the estate of the deceased by the Personal Representative/Executor thereof.

Dated this the 10th day of March, 2006.

WITNESS: (Required)

X [Signature]  
Signature of Witness

[Signature]  
Signature of Person Making Waiver

Gregory S. Cook  
Name of Witness

Joseph S. Smith  
Name of Person Making Waiver

<b>BENCH NOTE</b>	
Filed in the Probate Court of <b>Jefferson</b> County, Alabama, on the _____ day	
of _____, 2006, at _____ M.	
_____ Judge of Probate	

FILED IN OFFICE THIS 11 DAY  
OF April, 2006  
AND ORDERED RECORDED.

\_\_\_\_\_  
JUDGE OF PROBATE



# Last Will and Testament

OF

JOSEPH CLAUDE SMITH

--102858--

STATE OF ALABAMA

SHELBY COUNTY

I, JOSEPH CLAUDE SMITH, of 2825 Vestavia Forest Place, Birmingham, Alabama, being of sound mind and disposing memory, do hereby make, publish and declare this my Last Will and Testament, hereby revoking all other or former wills or testamentary dispositions which might have been made by me at any time heretofore:

FIRST: I will and direct that my just debts and funeral expenses be paid as soon after my decease as is convenient.

SECOND: I will, devise, and bequeath all of my property and estate, of every kind and character, real, personal, or mixed, wheresoever situate, of which I may die seized and possessed or to which I may be entitled at the time of my decease as follows:

A. I will and devise my farm property in the Westover community located on Shelby County Highway 51 North consisting of approximately 97 acres to my grandson, JOSEPH S. SMITH, per stirpes. In the event my grandson, JOSEPH S. SMITH, predeceases me leaving no lineal descendants, then I will and devise my farm property to my granddaughter, SHERRY S. EMMERKE, per stirpes.

B. I will and devise my rental house in Westover, my rental house in Sterrett, my three bedroom rental house in Chelsea, my four bedroom rental house in Chelsea, and my Post Office building and property in Westover to my granddaughter, SHERRY S. EMMERKE, per stirpes. In the event my granddaughter, SHERRY S. EMMERKE, predeceases me leaving no lineal descendants, then I will and devise my rental property as described herein to my grandson, JOSEPH S. SMITH, per stirpes.

C. I will, devise, and bequeath all of the residue and remainder of my property and estate, of every kind and character, real, personal, or mixed, wheresoever situate, of which I may die seized and possessed or to which I may be entitled at the time of my decease to my wife, SOLANGE MARIA SMITH. In the event that the death of my said wife shall occur prior to my death, or at approximately the same time as a result of a common disaster or calamity, I will, devise, and bequeath all of the residue and remainder of my property and estate, of every kind and character, real, personal, or mixed, wheresoever situate, of which I may die seized and possessed or to which I may be

*Joseph Claude Smith*



entitled at the time of my decease to my grandchildren, JOSEPH S. SMITH and SHERRY S. EMMERKE, share and share alike, per stirpes. In the event my grandson, JOSEPH S. SMITH, predeceases me leaving no lineal descendants, then I will, devise, and bequeath all of the residue and remainder of my property and estate to my granddaughter, SHERRY S. EMMERKE, per stirpes. In the event my granddaughter, SHERRY S. EMMERKE, predeceases me leaving no lineal descendants, then I will, devise, and bequeath all of the residue and remainder of my property and estate to my grandson, JOSEPH S. SMITH, per stirpes.

THIRD: I nominate and appoint my grandson, JOSEPH S. SMITH, to be the Executor of this my Last Will and Testament. However, in the event my said grandson shall predecease me or be unable or unwilling to serve for any reason, then I nominate and appoint CONRAD M. FOWLER, JR. to be the sole Executor of this my Last Will and Testament. It is my will and desire that my Executor, regardless of which of those named above shall so serve, shall not be required to give any bond or security for the performance of his duties as such Executor, or to account to any court for his acts and doings as such Executor, and that he is hereby expressly exempted from filing an inventory or making any report of final settlement of my estate. Said Executor shall have full power, without the necessity for any order from any court, to sell (for payment of debts and all other purposes), exchange, convey, lease, invest, reinvest, mortgage or encumber all or any portion of my estate in such manner and upon such terms and conditions as he may approve.

FOURTH: In the event my death and the death of my said wife, SOLANGE MARIA SMITH, shall occur simultaneously, or approximately so, under circumstances causing doubt as to which of us survived the other, then I direct that it be presumed that my said wife survived me.

I, JOSEPH CLAUDE SMITH, the testator, sign my name to this instrument this 11 day of July, 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 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.

  
Joseph Claude Smith

--192258--



20091112000422160 7/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

We, Jamie Culver and Laurie Brasher, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby 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 eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Jamie Culver  
Laurie Brasher

STATE OF ALABAMA)  
SHELBY COUNTY )

Subscribed, sworn to and acknowledged before me by JOSEPH CLAUDE SMITH, the testator, and subscribed and sworn to before me by Jamie Culver and Laurie Brasher, witnesses, this the 11<sup>th</sup> day of July, 1996.

Regina J. Letson  
Notary Public

FILED IN OFFICE THIS THE 11 DAY  
OF April, 20 06  
FOR PROBATE AND RECORD.  
Mark Davis  
JUDGE OF PROBATE

*Joseph Claude Smith*

JOSEPH CLAUDE SMITH

192258

**CERTIFICATE TO THE PROBATE OF WILL**

**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 is of writing ha \_\_\_\_\_ 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 JOSEPH CLAUDE SMITH Deceased and that said Will \_\_\_\_\_

together with the proof thereof have been recorded in my office in Judicial Record, Volume JR 2487, Page 357-359

In witness of all which I have hereto set my hand, and the seal of the said Court, this date 4/11/06

Mark Gaines, Judge of Probate.

PROBATE - 98

  
20091112000422160 9/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

IN THE MATTER OF:

THE ESTATE OF:

JOSEPH CLAUDE SMITH  
DECEASED

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)  
)  
)  
)

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA

CASE NUMBER 192258

**ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT**

This day came Joseph S. Smith and filed a petition in writing, under oath, therewith producing and filing in this Court an instrument of writing purporting to be the Last Will and Testament of Joseph Claude Smith, deceased, said will bearing date, July 11, 1996, and attested by Janice Culver and Laurie Brasher; and praying that the same be probated as provided by law; that the petitioner is the grandson of said deceased, and is named in said Will as executor thereof; and that the next of kin of said deceased are as follows, to-wit: Solange Maria Smith, spouse, Birmingham, Alabama, Sherry S. Emmerke, granddaughter, Chelsea, Alabama, Joseph S. Smith, grandson, Sterrett, Alabama, each of whom is over nineteen years of age and of sound mind.

And thereupon comes each of the above named next of kin expressly waiving all notice of the petition to probate said will and consenting that the same be probated at once, and the court having ascertained by sufficient evidence that the signatures affixed to said waivers of notice and acceptance of service are the genuine signatures of said next of kin; now on motion of said petitioner, the Court proceeds to hear said petition; and, after due proof and hearing had according to the laws of this state, the court is satisfied and is of the opinion that said instrument is the genuine Last Will and Testament of said deceased, and that such instrument should be probated as the Last Will and Testament



of said deceased. It is, therefore,

**ORDERED, ADJUDGED AND DECREED** by the Court that said instrument be duly admitted to probate as the Last Will and Testament of Joseph Claude Smith, deceased, and **ORDERED** to be recorded together with the proof thereof and all other papers on file relating to this proceeding. It is further **ORDERED** that petitioner pay the costs of this proceeding.

**DONE** this date, April 11, 2006.

*Mark Davies*

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**Judge of Probate**



20091112000422160 11/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

IN THE MATTER OF THE ESTATE OF

) PROBATE COURT

**Joseph Claude Smith**  
Deceased

) JEFFERSON COUNTY, ALABAMA

CASE NO. - - 1 9 2 2 5 8 - -

**PETITION FOR LETTERS FOR TESTAMENTARY WITHOUT BOND**

Comes now the petitioner, **Joseph S. Smith**, and shows this Court the following facts:

1. In the last will and testament of **Joseph Claude Smith**, deceased (the "decedent"), which will has been or shall be duly probated and admitted to record in this Court, the petitioner is named Personal Representative thereof.

2. The petitioner is an inhabitant of the State of **Alabama**, above the age of nineteen (19) years, and is not disqualified under the law from serving as Personal Representative. Under the terms of the decedent's will, her Personal Representative(s) is (are) exempted from giving bond as such Personal Representative(s).

3. The decedent died seized and possessed of certain real and personal property, the value of which is estimated, in the aggregate, to be \$300,000.00.

WHEREFORE, to the end that the properties constituting said estate may be collected and preserved for those who appear to have a legal interest therein, and that said will may be executed according to the requests and directions of the decedent, the petitioner prays that the Probate Judge of this Court will grant letters testamentary to the petitioner (and if appropriate, the other Personal Representative(s) named in said will) without entering into bond, as is provided by the terms of said Will and authorized by **Ala. Code 43-2-81**. This Petition does not require verification under the applicable statues.



--192258--

Attorney for Petitioner:

*[Handwritten signature]*

*[Handwritten signature]*  
Signature of Petitioner

Mitchell & Graham, P.C.  
(Firm name)

Joseph S. Smith  
(Name of Petitioner)

P.O. Drawer 307  
Address

8939 County Rd. 51  
Address

Chhildersburg, Al. 35044

Sterrett, AL 35147

Telephone(256) 378-3161

**BENCH NOTE**

Filed in the Probate Court of **Jefferson** County, Alabama, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006, and set for hearing the \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ M.

\_\_\_\_\_  
Judge of Probate

RELEASED THIS 11 DAY OF April, 2006, PRAYER  
*Mark Lewis*  
 PETITION ORDERED RECORDED  
 JUDGE OF PROBATE



IN THE MATTER OF:

THE ESTATE OF:

JOSEPH CLAUDE SMITH  
DECEASED

)  
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)  
)  
)

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA

CASE NUMBER 192258

**ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND**

Now on this day comes Joseph S. Smith and files in this Court his petition in writing, under oath, praying that Letters Testamentary upon the Will of Joseph Claude Smith, deceased, be issued to him.

It is therefore **ORDERED** and **DECREED** by the Court that Letters Testamentary upon said will be granted to Joseph S. Smith, and that said letters issue without bond or security being required, in accordance with the terms of said will. It is further **ORDERED** that the petition in this behalf be recorded.

**DONE** this date, April 11, 2006.

*Mark Daines*

\_\_\_\_\_  
Judge of Probate



LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA

JOSEPH CLAUDE SMITH

CASE NO. 192258

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  
**JOSEPH S. SMITH**

hereby granted to \_\_\_\_\_  
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).

April 11, 2006

WITNESS my hand this date, \_\_\_\_\_

*Mark Jones*  
\_\_\_\_\_  
Judge of Probate

I, Joy E. Cooper, Provisional 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, \_\_\_\_\_

\_\_\_\_\_  
Provisional Chief Clerk

20091112000422160 15/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

IN THE MATTER OF THE ESTATE OF )

PROBATE COURT

JR 2612 PG 449

Joseph Claude Smith )

JEFFERSON COUNTY,

Deceased

CASE NO. 192258

### PETITION FOR CONSENT SETTLEMENT OF DECEDENT'S ESTATE

Comes the petitioner, **Joseph S. Smith**, as **Personal Representative** of the estate of **Joseph Claude Smith**, deceased, and shows this Court the following facts:

1. By letters **Testamentary**, granted on **April 11, 2006**, **Joseph S. Smith** was appointed as **Personal Representative** of the estate of the decedent; and notice of said appointment was given as required by law.

2. More than six months have elapsed since said appointment, notice to creditors pursuant to **ALA. CODE SECTION 43-2-61** has been given, and all debts of the decedent and all legal charges against said estate have been paid in full.

3. The following is a true and correct list of all the **devisees and distributees under the Will** of the decedent; and each is over the age of nineteen (19) years of age and consents to this Petition:

Sherry S. Emmerke  
9205 Old Highway 280 ✓  
Chelsea, AL 35043

Joseph S. Smith  
8939 County Road 51 ✓  
Sterrett, AL 35147

Solange Maria Smith  
1010 Royal Towers Drive ✓  
Birmingham, Alabama 35209

4. In said fiduciary capacity the decedent's personal representative has received and collected all properties of said estate and turned over and paid the net estate to the above-named persons strictly according to the terms of the decedent's Will as is shown by the receipts and consents which are attached hereto and made a part hereof by reference.



20091112000422160 16/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

WHEREFORE, the petitioner prays that this Petition and the attached consents be taken and accepted as, for and in lieu of, a formal report for final settlement, and that the personal representative be discharged from all other or further liability for or on account of the administration of said Estate.

*Gregory S. Graham*  
Gregory S. Graham

*Joseph S. Smith*  
Signature of Petitioner

Mitchell & Graham, P.C.  
(Name of Firm)

Joseph S. Smith  
(Name of Petitioner)

P.O. Drawer 307  
Address

8939 County Road 51  
Address

Childersburg, AL 35044  
Telephone (256) 378-3161

Sterrett, AL 35147

\_\_\_\_\_  
Judge of Probate

**BENCH NOTE**

Filed in the Probate Court of Jefferson County, Alabama, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, and set for hearing the \_\_\_\_\_ day of \_\_\_\_\_, 2007, at \_\_\_\_\_ M.

\_\_\_\_\_  
Judge of Probate

FILED IN OFFICE THIS 4<sup>th</sup> DAY OF  
Feb, 2008, PRAYER  
GRANTED AND PETITION ORDERED RECORDED  
*Alan R. King*  
JUDGE OF PROBATE

no claims  
no cost  
\$400 decree



IN THE MATTER OF THE ESTATE OF )  
Joseph Claude Smith )  
Deceased

PROBATE COURT  
JEFFERSON COUNTY  
CASE NO. 192258

**CONSENT TO SETTLEMENT OF DECEDENT'S ESTATE**

I, Sherry S. Emmerke, the undersigned, constituting one of the devisees and distributees named in the Will, of Joseph Claude Smith, the deceased, and being over nineteen (19) years of age, do hereby acknowledge receipt in full of the property devised to me under the Will of said decedent; do hereby accept service of notice of the filing of the petition for consent settlement by Joseph S. Smith as Personal Representative of said estate, and waive all other or further notice thereof, either by publication or otherwise; do enter my appearance in Court upon the date for hearing said petition; and do consent and request that without filing of any vouchers or further account or report, an order be made and entered discharging Joseph S. Smith from said fiduciary capacity, and from all other or further liability on account of the administration of said estate.

Sherry S. Emmerke  
SIGNATURE OF CONSENTING PERSON

Sherry S. Emmerke  
(NAME OF CONSENTING PERSON)

9205 Old Hwy 280  
ADDRESS

Cherka AL 35042

STATE OF ALABAMA,  
Shelby COUNTY.

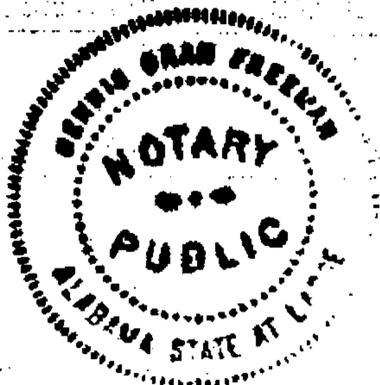
FILED IN OFFICE THIS 4<sup>th</sup> DAY  
OF February, 2008  
AND ORDERED RECORDED.

Alan L. King  
JUDGE OF PROBATE

I, the undersigned authority, in and for said County, in said State, hereby certify that, Sherry S. Emmerke, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 5 day of January, 2007 ~~2008~~

Dann A. Freeman  
NOTARY PUBLIC  
My Commission Expires: 4/6/08



IN THE MATTER OF THE ESTATE OF )  
Joseph Claude Smith )  
Deceased

PROBATE COURT  
JEFFERSON COUNTY  
CASE NO. 192258

**CONSENT TO SETTLEMENT OF DECEDENT'S ESTATE**

I, **Solange Maria Smith**, the undersigned, constituting one of the **devisees and distributees named in the Will**, of **Joseph Claude Smith**, the deceased, and being over nineteen (19) years of age, do hereby acknowledge receipt in full of **the property devised to me under the Will** of said decedent; do hereby accept service of notice of the filing of the petition for consent settlement by **Joseph S. Smith** as **Personal Representative** of said estate, and waive all other or further notice thereof, either by publication or otherwise; do enter my appearance in Court upon the date for hearing said petition; and do consent and request that without filing of any vouchers or further account or report, an order be made and entered discharging **Joseph S. Smith** from said fiduciary capacity, and from all other or further liability on account of the administration of said estate.

Solange Maria Smith  
SIGNATURE OF CONSENTING PERSON

Solange  
(NAME OF CONSENTING PERSON)

1010 Royal Towers Dr  
ADDRESS

Bham, AL 35209

STATE OF ALABAMA,  
Jefferson COUNTY.

FILED IN OFFICE THIS 4<sup>th</sup> DAY  
OF February, 2008  
AND ORDERED RECORDED.

Alan L King  
JUDGE OF PROBATE

I, the undersigned authority, in and for said County, in said State, hereby certify that, **Solange Maria Smith**, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 4<sup>th</sup> day of September 2007.

Maurice L. Lomax  
NOTARY PUBLIC  
My Commission Expires: 1-24-09



IN THE MATTER OF THE ESTATE OF )  
Joseph Claude Smith )  
Deceased

PROBATE COURT  
JEFFERSON COUNTY  
CASE NO. 192258

**CONSENT TO SETTLEMENT OF DECEDENT'S ESTATE**

I, **Joseph S. Smith** the undersigned, constituting one of the **devisees and distributees named in the Will**, of **Joseph Claude Smith**, the deceased, and being over nineteen (19) years of age, do hereby acknowledge receipt in full of **the property devised to me under the Will** of said decedent ; do hereby accept service of notice of the filing of the petition for consent settlement by **Joseph S. Smith** as **Personal Representative** of said estate, and waive all other or further notice thereof, either by publication or otherwise; do enter my appearance in Court upon the date for hearing said petition; and do consent and request that without filing of any vouchers or further account or report, an order be made and entered discharging **Joseph S. Smith** from said fiduciary capacity, and from all other or further liability on account of the administration of said estate.

x Joseph S. Smith  
SIGNATURE OF CONSENTING PERSON

Joseph S. Smith  
(NAME OF CONSENTING PERSON)

8939 County Rd 51  
ADDRESS

Stemelt, al 35147

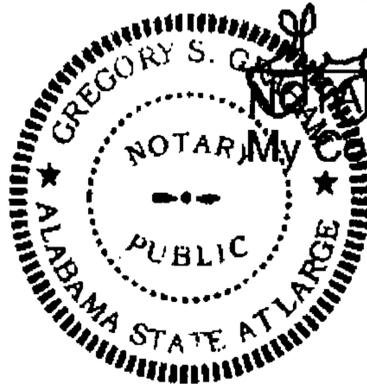
FILED IN OFFICE THIS 4<sup>th</sup> DAY  
OF February, 2008  
AND ORDERED RECORDED.

Alan L. King  
JUDGE OF PROBATE

STATE OF ALABAMA,  
Talladega COUNTY.

I, the undersigned authority, in and for said County, in said State, hereby certify that, **Joseph S. Smith** whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18<sup>th</sup> day of Jan, 2007.



[Signature]  
NOTARY PUBLIC  
My Commission Expires: 9/18/07



IN THE MATTER OF:  
THE ESTATE OF:  
JOSEPH CLAUDE SMITH  
DECEASED

)  
)  
)  
)  
)  
)  
)

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA  
CASE NO. 192258

**DECREE ON FINAL SETTLEMENT**

This day comes Joseph S. Smith, as Personal Representative of the estate of Joseph Claude Smith, deceased, and presents to the Court, under oath, a petition for final settlement of said estate, together with consents to this settlement by the legatees under said will, executed and acknowledged by each of them as required by law and moves the Court to proceed with the hearing of said petition.

It appearing to the Court that more than six months have elapsed since the appointment of said Personal Representative, and that no claims have been filed in this Court within the time required by law.

It further appearing to the Court that Sherry S. Emmerke, Joseph S. Smith and Solange Marie Smith are all the beneficiaries named in the will of said deceased, and that the Personal Representative has complied with the terms of said will by paying over and delivering to said beneficiaries, all property and assets belonging to said estate, as shown by receipt and release made a part of said petition.

It is therefore **ORDERED, ADJUDGED AND DECREED** by the Court that said petition be and the same is granted and ordered recorded and said Personal Representative discharged and released from all

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liability as such Personal Representative.

**DONE AND ORDERED** this 4th day of February, 2008.

*Alan S. King*  
\_\_\_\_\_  
JUDGE OF PROBATE



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Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

20091112000422160 23/23 \$77.00  
Shelby Cnty Judge of Probate, AL  
11/12/2009 12:24:09 PM FILED/CERT

**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 30<sup>th</sup> day of October 2009.

\_\_\_\_\_  
JUDGE OF PROBATE