

**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA**

IN THE MATTER OF THE ESTATE)

OF ABNER C. JOHNSON,)

Deceased.)

CASE NO. 184295

PETITION FOR PROBATE OF WILL

Comes the Petitioner, Samuel C. Johnson and shows this Court the following facts:

1. Abner C. Johnson died testate at Birmingham, Alabama on or about the 6th day of October, 2003, 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 naming the Petitioner as Executor thereof, along with the First Codicil to said Will, which were duly signed by the decedent when over eighteen (18) years of age, and was attested by the following witnesses:

NAME

PRESENT ADDRESS

Will:

Cheryl A. Robinson

400 Shades Creek Parkway
Birmingham, AL 35209

Sarah D. Beasley

400 Shades Creek Parkway
Birmingham, AL 35209

Codicil:


Gloria D. Johnson

217 26th Street, S.W.
Birmingham, AL 35211

Tami Jones

3918 Montclair Road
Birmingham, AL 35213

3. The decedent's Last Will and Testament and First Codicil, as identified in paragraph 2 hereof, were self-proved in a manner substantially in accordance with the requirements of Alabama Code Section 43-8-132. The name and present address of the officer


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Shelby Cnty Judge of Probate, AL
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authorized to administer oaths before whom said Will and Codicil were acknowledged are as follows:

Will:

Claude M. Moncus
400 Shades Creek Parkway
Birmingham, AL 35209

Codicil:

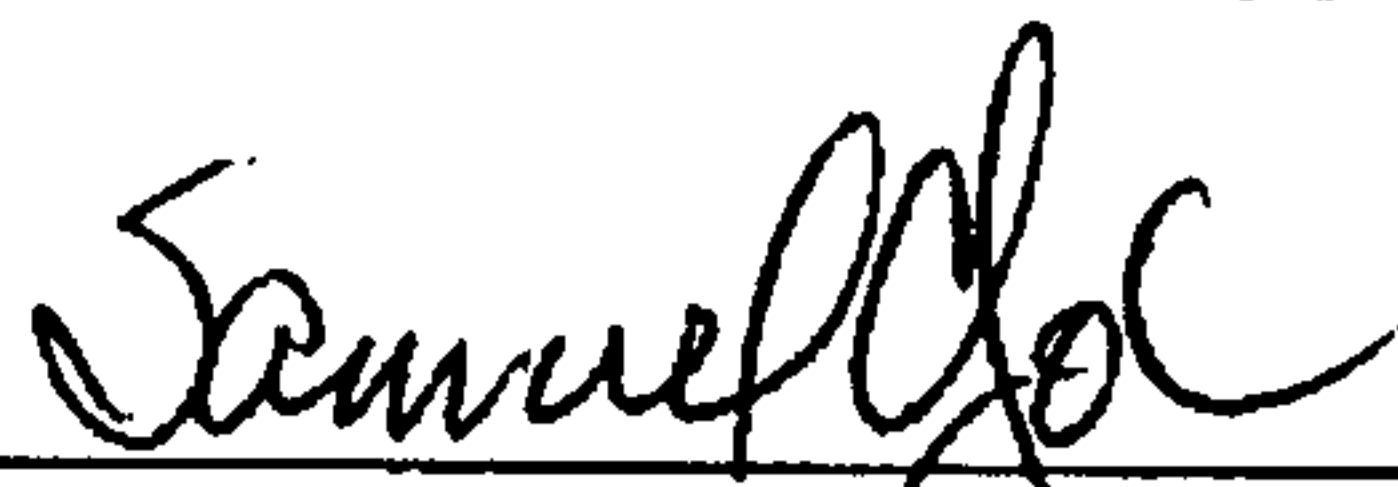
Brian T. Williams
2121 Highland Avenue
Birmingham, AL 35201

4. Decedent was not survived by a spouse.
5. The following is a true, correct, and complete list of the names, ages, conditions, relationships and addresses of the decedent's next-of-kin (as determined by application of Alabama Code Section 43-8-42):

Samuel C. Johnson, son, over nineteen (19) years of age and of sound mind,
1511 Ridge Road, Homewood, Alabama, 35209

6. The first paragraph of the decedent's Codicil incorrectly refers to the decedent's Last Will and Testament dated the 21st day of February, 2002. The Codicil, in fact, amends the decedent's Last Will and Testament executed by the decedent on the 5th day of September, 2002, in the presence of Cheryl A. Robinson and Sarah D. Beasley and notarized by Claude McCain Moncus, as identified in paragraph 2 hereof and submitted herewith for probate.

WHEREFORE, the Petitioner prays that this Court will take jurisdiction of this Petition; will cause all such notices or citations to issue to the said next-of-kin 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 Codicil as the Last Will and Testament and Codicil of the decedent. This Petition is deemed to be verified pursuant to Alabama Code section 43-8-22.



Samuel C. Johnson
1511 Ridge Road
Homewood, Alabama 35209


Attorney for Petitioner:
Brian T. Williams
**DOMINICK, FLETCHER, YEILDING,
WOOD & LLOYD, P.A.**
2121 Highland Avenue
Birmingham, AL 35205
(205) 939-0033

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BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered
recorded this the 16 day of January, 2007

Michael F. Bolin
Judge of Probate


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Shelby Cnty Judge of Probate, AL
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Last Will and Testament

FILED IN OFFICE THIS THE
16 DAY OF Jan. 2008
FOR PROBATE AND RECORD.
Michael J. Bolin
JUDGE OF PROBATE

OF

ABNER C. JOHNSON

184295

I, Abner C. Johnson, of Birmingham, Alabama, declare this to be my will, and I revoke all previous wills and codicils that I have made.

ARTICLE I Specific Gifts

A. I give my tangible personal property (together with any assignable insurance policies thereon), including any household furniture and furnishings, automobiles, books, pictures, jewelry, art objects, hobby equipment and collections, wearing apparel, and other articles of household or personal use or ornament, together with any insurance on any specific item, but excluding coins held for investment and paper currency, to my son, Samuel C. Johnson, absolutely, if he is then living, or if not, to his descendants, in equal shares per stirpes.

B. I may leave a memorandum (which is not to be a part of this will) listing some of the items described in paragraph A of this Article that I wish certain persons to have and request (but do not require) that my wishes as set forth in the memorandum be observed.

C. All costs of safeguarding, insuring, packing, and storing my tangible personal property before its distribution and of delivering each item to the residence of the beneficiary of that item shall be treated as administration expenses.

ARTICLE II Charitable Remainder Trust

On June 23, 1989, I executed a Charitable Remainder Trust Agreement (hereinafter referred to as the "Trust") naming my wife, Jean Clarke Johnson, and me as Grantors, and Samuel C. Johnson, as Trustee. Paragraph 1(h) of the Trust provided that the Grantors retained power to "substitute in lieu and instead of the named beneficiaries any other organization or organizations which qualify as an organization described in Code Sections 170(c), 2055 and 2522 of the U. S. Internal Revenue Code of 1986, as amended. Such substitution may be accomplished by a power herein retained by Grantors exercisable in and by Grantors' Last Will and Testament duly admitted to Probate making specific

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reference therein to such power to substitute in lieu and instead of the named beneficiaries such other substitute beneficiary or beneficiaries qualifying in the manner hereinabove referred to. I hereby specifically exercise such power and hereby delete any and all references to the University of Alabama at Birmingham, and substitute in lieu thereof the following:

"The Board of Trustees of The University of Alabama for the Department of Radiation of Oncology, located at the School of Medicine at the University of Alabama to be used as a contribution toward an Endowed Chair."

ARTICLE III

Exercise of Limited Power of Appointment under the

Last Will and Testament of Jean Clarke Johnson, Deceased

Under the provisions of the Family Trust of the Last Will and Testament of Jean Clarke Johnson, Deceased, I am given the limited power to appoint the principal of the Family Trust "to Andrew L. Johnson and Samuel C. Johnson, or their descendants" as I may determine by my Last Will and Testament making specific reference to the power of appointment. Pursuant to the limited power to appoint given to me in Paragraph B, Article IV, Family Trust, of the Last Will and Testament of Jean Clarke Johnson, Deceased, I hereby specifically exercise the limited power of appointment and appoint the principal of the Family Trust as follows:

- A. In the event my son, Samuel C. Johnson, survive me, I appoint, bequeath and devise, the Family Trust as follows:
 - (1) Seventy Percent (70%) thereof to my son, Samuel C. Johnson;
 - (2) Ten Percent (10%) thereof to my granddaughter, Aimee C. Johnson, if she survives me, and if not, to her living descendants in equal shares per stirpes; and
 - (3) Ten Percent (10%) thereof to my grandson, Edward S. Johnson, if he survives me, and if not, to his living descendants in equal shares per stirpes; and
 - (4) Ten Percent (10%) thereof to my granddaughter, Elizabeth K. Leps, if she survives me, and if not, to her living descendants in equal shares per stirpes.
- B. In the event my son does not survive me, and his spouse, Linda Sue Johnson, does survive me, then, I appoint, bequeath and devise, the Family Trust as follows:
 - (1) Twenty Five Percent (25%) thereof to my daughter in law, Linda Sue Johnson;
 - (2) Twenty Five Percent (25%) thereof to my granddaughter, Aimee C. Johnson, if she survives me, and if not, to her living descendants in equal shares per stirpes; and
 - (3) Twenty Five Percent (25%) thereof to my grandson, Edward S. Johnson, if he survives me, and if not, to his living descendants in equal shares per stirpes; and

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(4) Twenty Five Percent (25%) thereof to my granddaughter, Elizabeth K. Leps, if she survives me, and if not, to her living descendants in equal shares per stirpes.

C. In the event my son does not survive me, and his spouse, Linda Sue Johnson, does not survive me, then, I appoint, bequeath and devise, the Family Trust as follows:

(1) One third (1/3) thereof to my granddaughter, Aimee C. Johnson, if she survives me, and if not, to her living descendants in equal shares per stirpes; and

(2) One third (1/3) thereof to my grandson, Edward S. Johnson, if he survives me, and if not, to his living descendants in equal shares per stirpes; and

(3) One third (1/3) thereof to my granddaughter, Elizabeth K. Leps, if she survives me, and if not, to her living descendants in equal shares per stirpes.

ARTICLE IV Special Bequests

I give to Gloria D. E. Johnson, if she survives, me, the sum of Twenty Thousand Dollars (\$20,000.00). In the event Gloria D. E. Johnson does not survive me, then this bequest shall lapse.

ARTICLE V Gift of Residue

I give my residuary estate, which shall not include any property over which I have power of appointment, as follows:

A. My personal representative shall first apportion any interest that I may own in Johnson Partnership I, Ltd., an Alabama Limited Partnership (or its successor, whether a general partnership interest or a limited partnership interest, and any stock owned by me in Johnson & Associates Mortgage Company, Inc. (or its successor) to my son, Samuel C. Johnson, and my personal representative shall transfer and pay over such interest to my son, Samuel C. Johnson, if he survives me, and if not, to his living descendants, in equal shares per stirpes.

B. I hereby give devise and bequeath my residuary estate to my son, Samuel C. Johnson, if living, and if not, to his living descendants, in equal share, per stirpes.

ARTICLE VI Payment of Taxes and Expenses

My personal representative shall pay from my residuary estate all estate and inheritance taxes (including any interest and penalties) together with the expenses of my last illness and all administration expenses, including an appropriate marker for my grave, payable in any jurisdiction by reason of my death, whether or not the assets generating those taxes and expenses pass under this will.

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[Signature]

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The preceding items shall be charged generally against the principal of my residuary estate, without apportionment. I waive any right of reimbursement for, recovery of, or contribution toward the payment of those taxes, except that, to the maximum extent permitted by law, my personal representative shall seek reimbursement for, recovery of, or contribution toward the payment of estate taxes attributable to property in which I have a qualifying income interest for life, over which I have a power of appointment, or which is included in my gross estate under Section 2036 of the Code, and which taxes are not otherwise paid or payable.

ARTICLE VII

Personal Representative Nomination and Powers

A. I name Samuel C. Johnson as personal representative of this will. In the event my son, Samuel C. Johnson is unable to act or serve as personal representative for any reason, then I name Aimee C. Johnson as successor personal representative.

B. I give my personal representative, wherever acting, power:

1. To retain, sell (at public or private sale), exchange, lease for any term (even though commencing in the future or extending beyond the date of final distribution of my estate), mortgage, pledge, or otherwise deal for any purpose with the property, real or personal, from time to time comprising my estate, for such consideration and on such terms (with or without security) as my personal representative shall determine;

2. To invest and reinvest my estate and proceeds of sale of any portion thereof in such loans, stocks, or other securities, mortgages, investment companies or trusts, whether of the open and/or closed fund types, interests in general, limited or special partnerships, interests as members in limited liability companies, common trust funds, or other property as he may consider suitable, whether or not a so-called "legal" investment of trust funds, and to change investments and to make new investments from time to time as my personal representative may seem necessary or desirable;

3. To borrow money at interest rates then prevailing from any individual, bank, or other source, whether or not the lender is then acting as a personal representative;

4. To enter into any transaction authorized by this Article with trustees, personal representatives, or administrators of any other trust or estate, even though a personal representative is also a fiduciary of the other trust or estate;

5. To invest in any property; and to hold any property in the name of a nominee or in bearer form;

6. To compromise or abandon any claims in favor of or against my estate;

7. To disclaim, in whole or in part, any property or interest therein which passed to me or which was created for my benefit, for any reason including,

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but not limited to, a concern that such property could cause potential liability under any federal, state or local environmental law;

8. To employ accountants, depositaries, investment counsel, attorneys, and agents (in each case with or without discretionary powers);

9. To execute instruments of any kind, including instruments containing covenants and warranties binding upon and creating a charge against my estate and containing provisions excluding personal liability; and

10. To make distributions from my estate in cash or in kind, or partly in each and to value any property for that purpose; and to allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries.

C. The powers granted to my personal representative hereunder shall be in addition to all other powers granted by law and shall be exercisable in the discretion of my personal representative and without court order. To the extent such requirements can be legally waived, no personal representative shall be required to file an inventory or appraisal, or account to any court, or obtain the order or approval of any court before exercising any power or discretion granted in this will. I contemplate that my personal representative may take possession of assets of my estate if, in my personal representatives' sole discretion, such action is necessary for purposes of estate administration. I hereby exonerate my personal representative of any liability under Ala. Code Section 43-2-840 in taking possession of any assets of my estate. No personal representative shall be required to furnish bond or security.

D. My personal representative shall make such elections and allocations under the tax laws as my personal representative considers advisable (whether or not the election or allocation relates to property passing under this will), without regard to, or adjustments between, principal and income or the relative interests of the beneficiaries. Any decision to exercise tax elections or make allocations hereunder shall be made by my domiciliary personal representative, if any, in preference to any ancillary personal representative, and shall be binding and conclusive on all persons.

E. If any portion of my estate is distributable to a beneficiary who is then under the age of twenty-one years, my personal representative may distribute that beneficiary's share, without further responsibility, either directly to that beneficiary, to a qualified individual or trust company designated by my personal representative as custodian for that beneficiary under an applicable Uniform Transfers to Minors Act or similar law, or to the individual having personal custody of that beneficiary (whether or not court-appointed), and the receipt of the distributee shall discharge my personal representatives.

ARTICLE VIII Interpretive Rules

For all purposes of this will:

A. In determining who is a descendant of mine or of any other person:

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1. Legal adoption before the adopted person reached the age of twenty-one years, but not thereafter, shall be equivalent to blood relationship; and

2. A person born out of wedlock and those claiming through that person shall be deemed to be descendants of (i) the natural mother and her ancestors, and (ii) if the natural father acknowledges paternity, the natural father and his ancestors, in each case unless a decree of adoption terminates such natural parent's parental rights.

B. A person shall be considered "disabled" if a minor, if under legal disability, or if in any condition (whether temporary or permanent) which substantially impairs that person's ability to transact ordinary business.

C. The term "Code" means the Internal Revenue Code of 1986, as from time to time amended.

D. The term "personal representative" means any court-appointed fiduciary or fiduciaries of my estate from time to time qualified and acting in any jurisdiction and shall include "executor" as provided in Ala. Code Section 43-8-1.

I signed this will on September 5, 2002.

 [SEAL]
Abner C. Johnson

I, Abner C. Johnson, the testator, sign my name to this instrument this 5th day of September, 2002, 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 (or willingly direct another to sign for me), 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.

 [SEAL]
Abner C. Johnson, Testator

We, the undersigned 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 (or willingly directs another to sign for him), 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.



Witness


Witness

Initial 

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Last Will and Testament - Page 6


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STATE OF ALABAMA)
COUNTY OF JEFFERSON) SS

Subscribed, sworn to and acknowledged before me by Abner C. Johnson, the testator, and subscribed and sworn to before me by Cheryl A. Robinson and Sarah D. Beasley, witnesses, this 5th day of September, 2002.

[NOTARY SEAL]


Notary Public

My Commission Expires: 12/28/03

THIS INSTRUMENT WAS PREPARED BY:
CLAUDE McCAIN MONCUS
CORLEY, MONCUS & WARD, P.C.
400 Shades Creek Parkway, Suite 100
Birmingham, AL 35209
205.879.5959



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Last Will and Testament - Page 7

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We, the undersigned 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 the First Codicil to his Last Will and Testament and that he signs it willingly, and that each of us, in the presence and hearing of the Testator hereby signs this First Codicil as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Gloria D. Johnson
Address: 2121 Highland Avenue 217 26th St. S.W
Birmingham, AL 35205 35211

Tami Jones
Address: 2121 Highland Avenue 3918 Montclair Rd
Birmingham, AL 35205 Suite 210
35213


STATE OF ALABAMA)
:
JEFFERSON COUNTY)

Subscribed, sworn to and acknowledged before me by **ABNER C. JOHNSON**, the Testator, and subscribed and sworn to before me by Gloria D. Johnson and Tami Jones, witnesses, this 16th day of September, 2003.

[Signature]
Notary Public

[SEAL]

My Commission Expires:
10/20/03


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Shelby Cnty Judge of Probate, AL
05/05/2010 11:08:29 AM FILED/CERT

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**FIRST CODICIL TO THE
LAST WILL AND TESTAMENT
OF
ABNER C. JOHNSON**

FILED IN OFFICE THIS THE
16 DAY OF January 2003
FOR PROBATE AND RECORD.
Michael J. Bolin
JUDGE OF PROBATE

20100505000138940 12/22 \$74.00
Shelby Cnty Judge of Probate, AL
05/05/2010 11:08:29 AM FILED/CERT

I, **ABNER C. JOHNSON**, a resident of Jefferson County, State of Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument to be the First Codicil to my Last Will and Testament, which was executed by me on the 21st day of February, 2002, in the presence of Debby V. Burt and Renea G. Giles and notarized by Claude McCain Moncus.

FIRST AMENDMENT: I hereby amend **ARTICLE III** of my said Last Will and Testament to read as follows:

ARTICLE III

**Exercise of Limited Power of Appointment
under the
Last and Will and Testament of Jean Clarke Johnson, Deceased**

Under the provisions of Article IV, paragraph B of the Last Will and Testament of Jean Clarke Johnson, Deceased, I am given the limited power to appoint the principal and any accrued or undistributed net income of the Family Trust "to Andrew L. Johnson and Samuel C. Johnson, or their descendants" as I may appoint by will, specifically referring to said Power of Appointment. Pursuant to such limited power to appoint, I hereby specifically exercise the limited power of appointment and appoint all of the principal of the Family Trust as of my death and any accrued or undistributed net income thereof as follows:

A. Division into Shares. Said principal and accrued or undistributed net income shall be divided into so many equal shares so that there will be:

1. One such share for my granddaughter **AIMEE C. JOHNSON**, if she survives me or has any descendant who survives me.

Otherwise, this share shall lapse. If Aimee C. Johnson does not survive me, but has any descendant who does survive me, then the share for Aimee C. Johnson shall be divided into shares for Aimee C. Johnson's then-living descendants, *per stirpes*.

2. One such share for my grandson, **EDWARD S. JOHNSON**, if he survives me or has any descendant who survives me. Otherwise, this share shall lapse. If Edward S. Johnson does not survive me, but has any descendant who does survive me, then the share for Edward S. Johnson shall be divided into shares for Edward S. Johnson's then-living descendants, *per stirpes*.

3. One such share for my granddaughter **ELIZABETH KAY LEPS**, if she survives me or has any descendant who survives me. Otherwise, this share shall lapse. If Elizabeth Kay Leps does not survive me, but has any descendant who does survive me, then the share for Elizabeth Kay Leps shall be divided into shares for Elizabeth Kay Leps' then-living descendants, *per stirpes*.

B. **Gift of Shares.** I appoint each share created under this Article to the person for whom such share is created.

SECOND AMENDMENT: I hereby amend **ARTICLE V** of my said Last Will and Testament to read as follows:

ARTICLE V

Gift of Residue

I give, devise and bequeath all the rest, residue and remainder of my property, of whatever kind and character, and wherever situated (the "Residue") as follows:

A. **Division of Residue.** Said Residue shall be divided into so many equal shares so that there will be:

1. One such share for my granddaughter **AIMEE C. JOHNSON**, if she survives me or has any descendant who survives me. Otherwise, this share shall lapse. If Aimee C. Johnson does not survive



me, but has any descendant who does survive me, then the share for Aimee C. Johnson shall be divided into shares for Aimee C. Johnson's then-living descendants, *per stirpes*.

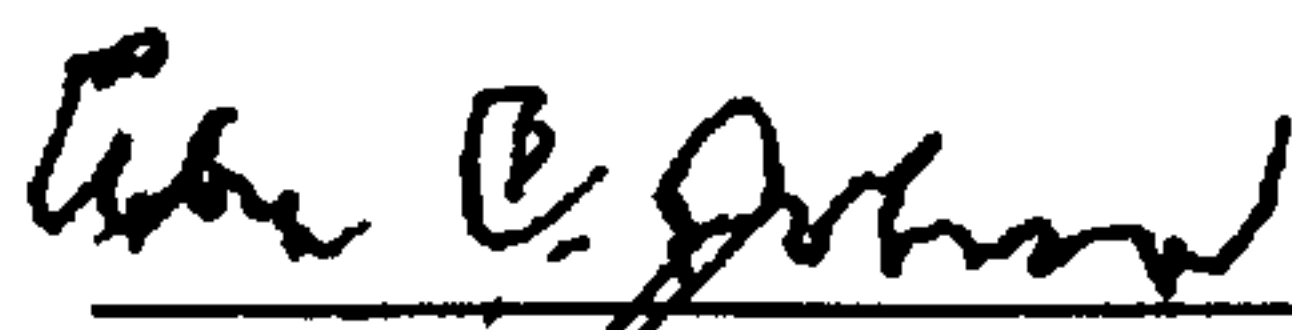
2. One such share for my grandson, **EDWARD S. JOHNSON**, if he survives me or has any descendant who survives me. Otherwise, this share shall lapse. If Edward S. Johnson does not survive me, but has any descendant who does survive me, then the share for Edward S. Johnson shall be divided into shares for Edward S. Johnson's then-living descendants, *per stirpes*.

3. One such share for my granddaughter **ELIZABETH KAY LEPS**, if she survives me or has any descendant who survives me. Otherwise, this share shall lapse. If Elizabeth Kay Leps does not survive me, but has any descendant who does survive me, then the share for Elizabeth Kay Leps shall be divided into shares for Elizabeth Kay Leps' then-living descendants, *per stirpes*.

B. **Gift of Shares.** I give, devise and bequeath each share created under this Article to the person for whom such share is created.

RATIFICATION: I hereby ratify and confirm my said Last Will and Testament hereinabove described insofar as it is not in conflict with this First Codicil and do republish the same as herein and hereby amended as of this date.

IN WITNESS WHEREOF, I, **ABNER C. JOHNSON**, the Testator, sign my name to this instrument this 8 day of Sept, 2003, 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 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 eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.


ABNER C. JOHNSON



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 Shelby Cnty Judge of Probate, AL
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ABNER C. JOHNSON

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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 _____ 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 **ABNER C JOHNSON** _____ Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume JB2281, Page 101-111.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date 1/16/04.

PROBATE - 98

Michael F. Bolin, Judge of Probate.


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Shelby Cnty Judge of Probate, AL
05/05/2010 11:08:29 AM FILED/CERT

IN THE MATTER OF:

THE ESTATE OF:

ABNER C. JOHNSON
DECEASEDIN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NUMBER 184295

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

This day came Samuel C. Johnson and filed a petition in writing, under oath, therewith producing and filing in this Court instruments of writing purporting to be the Last will and Testament and Codicil thereto of Abner C. Johnson, deceased, said will bearing date, September 5, 2002, and attested by Cheryl A. Robinson and Sarah D. Beasley; and said Codicil bearing date, September 19, 2003, and attested by Gloria D. Johnson and Tami Jones, and praying that the same be probated as provided by law; that said Samuel C. Johnson, the son of said deceased, resides in Homewood, Alabama, is over nineteen years of age and of sound mind; is the only next of kin of said deceased and is named in said will as executor thereof.

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 instruments are the genuine Last Will and Testament and Codicil thereto of said deceased, and that such instruments should be probated as the Last Will and Testament of said deceased. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said instruments be duly admitted to probate as the Last Will and Testament and Codicil thereto of Abner C. Johnson, deceased, and **ORDERED** to be recorded together with the proof thereof and all




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other papers on file relating to this proceeding. It is further
ORDERED that petitioner pay the costs of this proceeding.

DONE this date, January 16, 2004.

Michael J Bolin
Judge of Probate


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Shelby Cnty Judge of Probate, AL
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**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA**

IN THE MATTER OF THE ESTATE

OF ABNER C. JOHNSON,

Deceased.

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184295

CASE NO. 184295


PETITION FOR LETTERS TESTAMENTARY

Comes the Petitioner, Samuel C. Johnson, and shows this Court the following facts:

1. In the Last Will and Testament of Abner C. Johnson, deceased, which Will has been or shall be duly probated and admitted to record in this Court, the Petitioner is named as Executor 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 such Executor. Under the terms of the decedent's Will, his Executor is exempted from giving bond as such Executor.

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 without entering into bond, as is provided by the terms of said Will and authorized by Alabama Code Section 43-2-81. This Petition does not require verification under the applicable statutes.



Samuel C. Johnson
1511 Ridge Road
Homewood, Alabama 35209

Attorney for Petitioner:
Brian T. Williams
**DOMINICK, FLETCHER, YEILDING,
WOOD & LLOYD, P.A.**
P.O. Box 1387
Birmingham, Alabama 35201-1387
(205) 939-0033


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Shelby Cnty Judge of Probate, AL
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BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered recorded this the 16 day of January, 2005.

Michael J. Solen
Judge of Probate



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Shelby Cnty Judge of Probate, AL
05/05/2010 11:08:29 AM FILED/CERT

IN THE MATTER OF:

THE ESTATE OF:

ABNER C. JOHNSON
DECEASED

)
)
)
)
)
)

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA


CASE NUMBER 184295

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day comes Samuel C. Johnson and files in this Court his petition in writing, under oath, praying that Letters Testamentary upon the Will of Abner C. Johnson, deceased, be issued to him.

It is therefore **ORDERED** and **DECREED** by the Court that Letters Testamentary upon said will be granted to Samuel C. Johnson, 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, January 16, 2004.


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Judge of Probate

LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

ABNER C. JOHNSON

Deceased

CASE NO. 184295

LETTERS TESTAMENTARY

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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 SAMUEL C. JOHNSON
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 16, 2004

Michael F. Bolin

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

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, **S.J. RHODES**, 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 _____

**PETITION FOR PROBATE OF WILL, LAST WILL AND TESTAMENT, FIRST CODICIL TO THE
LAST WILL AND TESTAMENT, CERTIFICATE TO THE PROBATE OF WILL, ORDER ON FILING
AND PROBATING LAST WILL AND TESTAMENT AND CODICIL THERETO, PETITION FOR
LETTERS TESTAMENTARY, ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND
& LETTERS TESTAMENTARY**

in the matter of **THE ESTATE OF ABNER C. JOHNSON, DECEASED**

as the same appears on file and of record, in this office.

Given under my hand and seal of said Court, this

the **22ND** day of **APRIL**, 20 **10**

S. Rhodes

Chief Clerk



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