


STATE OF ALABAMA)
SHELBY COUNTY)


20120606000198280 1/7 \$30.00
Shelby Cnty Judge of Probate, AL
06/06/2012 08:16:08 AM FILED/CERT

RECEIVED
JUN 29 2012
James W. Fuhrmeister
Judge of Probate

AFFIDAVIT OF DEATH AND HEIRS

Before me, the Undersigned authority, a Notary Public in and for said County and State personally appeared FRANK EDWARDS, who, upon being duly sworn and cautioned to testify truthfully, testified as follows:

1. My name is Frank Edwards and my mailing address is P. O. Box 292 Wilton, Alabama 35187. I am an adult male over the age of nineteen and am familiar with the family history of James F. Smitherman and Sylvia M. Smitherman.

2. I was married to Sylvia M. Smitherman's youngest sister and remained married to her youngest sister until my wife died. Accordingly, I am well familiar with the Smitherman family history and can testify truthfully relative to the facts.

3. James F. Smitherman and Sylvia M. Smitherman purchased their house and property in February 1982. Their property was purchased jointly but not in survivorship. The deed is dated February 19, 1982 with a true and accurate copy of their deed being attached hereto as Exhibit "A".

4. James F. Smitherman and Sylvia M. Smitherman had five children. Their names are as follows:

Larry W. Smitherman; Bobby R. Smitherman; James K. Smitherman; Lisa S. Davis; and, Linda S. Crumpton. Bobby R. Smitherman died in 1997 without children. The remaining four (4) individuals are alive; all are over the age of nineteen and all are of sound mind.

5. James F. Smitherman died on March 19, 1993 and did not leave a will. Sylvia M.

Smitherman died on May 31, 2011 and did leave a will. Attached hereto as Exhibit "B" is a true and accurate copy of her will. Sylvia's estate is currently being probated in Shelby County and is Case No.: PR 2011-000562.

6. I have no legal interest in the property nor do I have any financial interest in making this affidavit or the resulting ownership of the land. Simply stated, I make this affidavit with knowledge of the family and out of friendship for them.



FRANK EDWARDS

VERIFICATION

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the Undersigned authority, a Notary Public in and for said county and state, hereby certify that FRANK EDWARDS, who, being first duly sworn, makes oath that he has read the foregoing Affidavit and knows the contents thereof, avers that the facts alleged in the Affidavit are true, correct, and complete.

Subscribed and sworn to before me this 16th day of May, 2012


NOTARY PUBLIC

My Commission Expires: 2/26/13


BRUCE A. BURTTTRAM (BUR024)

BURTTTRAM & HENDERSON
3414 Old Columbiana Road
Birmingham, Alabama 35226
(O)(205) 979-2281
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LawfirmBH@aol.com



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This instrument was prepared by
(Name) WALLACE, ELLIS, HEAD & FOWLER
(Address) Columbiana, Alabama 35051
Form 1-1-27 Rev. 1-56
WARRANTY DEED—Lawyers Title Insurance Corporation, Birmingham, Alabama

STATE OF ALABAMA }
Shelby COUNTY } KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Twenty-five thousand and no/100 Dollars ----

to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I
or we,
Sanford S. Smitherman and wife, Julie A. Smitherman

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

James F. Smitherman and Sylvia M. Smitherman

(herein referred to as grantee, whether one or more), the following described real estate, situated in
County, Alabama, to-wit:
Shelby

The East 264 feet of Lot 4 in Block 3 according to Map of 100 acres at Birmingham Junction on E.T.V. and G. Railroad property of Maj. Joseph Hardie, surveyed by J. E. Bozeman, C. E., as recorded in Deed Book 14 on page 239 in the Probate Office of Shelby County, Alabama.

Also a part of Lot 3 in Block 3 according to Map of 100 acres at Birmingham Junction on E.T.V. and G. Railroad, property of Maj. Joseph Hardie, surveyed by J. E. Bozeman, C. E., as recorded in Deed Book 14 on page 239, more particularly described as follows: Commence at the SE corner of Lot 3 in Block 3 and run North along East line of Lot 3 a distance of 50 feet; thence run West and parallel with South line of Lot 3 in Block 3 a distance of 125 feet; thence run South a distance of 50 feet to the South line of Lot 3 in Block 3; thence East along South line a distance of 125 feet to point of beginning.

BOOK 337 PAGE 944

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, WE have hereunto set OUR hands(s) and seal(s), this 19th day of February, 1982

JAMES H. A. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1982 FEB 26 AM 9:08

Rec- 2500
150
100
2750

Sanford S. Smitherman

Julie A. Smitherman

J. H. A. SHELBY CO.
JUDGE OF PROBATE

STATE OF ALABAMA }
Bibb COUNTY }

General Acknowledgment

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Sanford S. Smitherman and wife, Julie A. Smitherman whose name S are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of February, A. D., 1982

Box 36
Shilton, Ala.
35187

Notary Public.

EXHIBIT

"A"

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Last Will and Testament

OF

SYLVIA M. SMITHERMAN

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, SYLVIA M. SMITHERMAN, a resident of the State of Alabama, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament, hereby revoking any former Will and Codicil thereto.

ARTICLE ONE

I direct that all my debts, including the expenses of my last illness and funeral, shall first be paid out of my estate by my Executrix hereinafter named as soon as possible after my death; provided, however, if any real estate which I may own at the time of my death is encumbered by specific mortgage or lien, it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the beneficiary receiving such property shall take it subject to all mortgages and encumbrances existing at such time.

ARTICLE TWO

(A) I hereby give, devise, and bequeath all of my estate to

S m S
SYLVIA M. SMITHERMAN



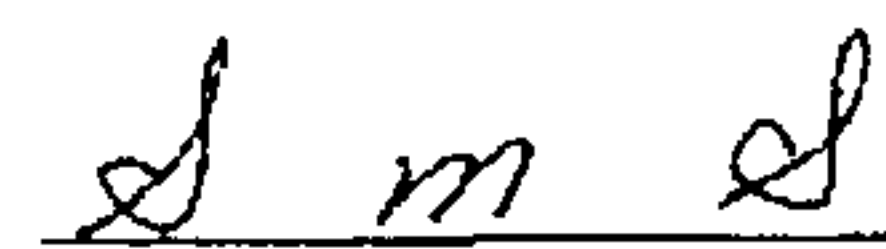
my five (5) children, in equal shares.

(B) In the event one or more of my children should predecease me, the living issue of my deceased child or children shall inherit the deceased child's share of my estate in equal shares. Should one or more of my deceased children not leave issue surviving, then in that event, my remaining, surviving children shall inherit the deceased child's share of my estate.

ARTICLE THREE

I hereby nominate, constitute, and appoint my daughter, LINDA S. CRUMPTON as Executrix of my estate under this my Last Will and Testament. If LINDA S. CRUMPTON does not act as Executrix, or once appointed resigns, then I hereby nominate, constitute, and appoint my daughter, LISA S. TOMPKINS, as an Alternate or Successor Executrix.

I direct and request that my Executrix shall not be required to give any bond or other security to any Court for the faithful performance of any duties, nor shall said Executrix be required to file an inventory or make an accounting or settlement in any Court. I hereby authorize my Executrix to sell and convey any and all property in my estate at public or private sale without order of Court.


SYLVIA M. SMITHERMAN



ARTICLE FOUR

The following provision shall govern for all purposes of this Will, wherever it may be applicable:

(A) As used herein, the term Executrix shall be interchangeable with the term Alternate or Successor Executrix and vice-versa.

(B) To be found with this My Last Will and Testament will be a handwritten list I have prepared designating specific items of personalty to go to specific persons. I direct that my Executrix distribute my estate and adhere to this handwritten list if at all possible.

I, SYLVIA M. SMITHERMAN, the Testatrix, sign my name to this instrument this the 29th day of Dec., 1995, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, 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 years of age or older, of sound mind, and under no constraint or undue influence.

Sylvia M. Smitherman

SYLVIA M. SMITHERMAN

S m S
SYLVIA M. SMITHERMAN



We, Hugh C. Henderson, and Joshie S. Clark, 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 her Last Will and Testament, and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will and witnesses to her signing, and that to the best of our knowledge, the Testatrix is nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Hugh C. Henderson
WITNESS

Joshie S. Clark
WITNESS

STATE OF ALABAMA)

JEFFERSON COUNTY)


Subscribed, sworn to and acknowledge before me by the Testatrix, SYLVIA M. SMITHERMAN, and subscribed and sworn to before me by Hugh C. Henderson and Joshie S. Clark, the witnesses, this the 28 day of Dec., 1995.

Bruce A. Buttram
NOTARY PUBLIC

S M S
SYLVIA M. SMITHERMAN

I certify this to be a true and correct copy [Signature]
Probate Judge
Shelby County

Page 4


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