IN THE MATTER OF THE ESTATE OF JOHN L. MICHAEL,

IN THE PROBATE COUL, OF JEFFERSON COUNTY, ALABAMA

DECEASED.

CASE NO: 2015 2 4 3 5 6

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St. Clair County, Alabama

Shelby Cnty Judge of Probate, AL 05/06/2015 08:16:56 AM FILED/CERT

PETITION FOR PROBATE OF WILL Mike Bowling - Judge of Probate (Self-Proved Will)

Comes the petitioner, Samia M. Akl a/k/a Samia J. Michael, and shows this Court the following facts:

- John L. Michael (the "decedent") died testate in Jefferson County, Alabama, on or about the 31st day of August, 2008, and, at the time of such death, was an inhabitant of Jefferson County, Alabama.
- Surrendered herewith is a copy of 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 nineteen (19) years of age, and was attested by the following witnesses:

Name	Present Address		
Robbie Wilson-Payne	1010 Frank Nelson Bldg 205 20 <sup>th</sup> Street North Birmingham, AL 35203		
Alice Megan Holmes	1010 Frank Nelson Bldg 205 20 <sup>th</sup> Street North Birmingham, AL 35203		

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 is as follows:

Roy J. Brown

2230 3<sup>rd</sup> Avenue North Birmingham, AL 35203

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-ofkin (as determined by application of Ala. Code §43-8-42):

Name, age, condition, relationship

Address

Samia M. Akl a/k/a Samia J. Michael adult, competent, spouse

3301 Overton Trail Birmingham, AL 35243

JA 27 17 FIG 182

### Name, age, condition, relationship

### **Address**

Martin J. Michael, adult, competent, son

3913 Oak Brook Circle Birmingham, AL 35243

Philip A. Michael, adult, competent, son

3048 Green Valley Rd Birmingham, AL 35243

Julie J. Akl a/k/a Julie J. Michael n/k/a Julie Michael Hanes adult, competent, daughter

322 Woodfield Drive Auburn, AL 36830

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, nextof-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.

Charles H. Boohaker, Esq. CHARLES H. BOOHAKER, P.C. 1905 14<sup>th</sup> Avenue South

Birmingham, AL 35205 (205) 930-5900

Samia Akl a/k/a Samia J. Michael

3301 Overton Trail Birmingham, AL 35243

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FILED IN OFFICE THIS

PETITION GRANTED

PRAYER ORDERED RECORDED

Mac JUDGE OF PROBATE

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LAST WILL AND TESTAMENT OF JOHN L. MICHAEL

PROBATE AND RECORD.

MISCELLANEOUS Book & Page

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JUDGE OF PROBATE

STATE OF ALABAMA JEFFERSON COUNTY

I, John L. Michael, a resident of Jefferson County, Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all former Wills and Codicils, thereto, heretofore made by me.

### ITEM ONE

I direct that all of the just debts 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.

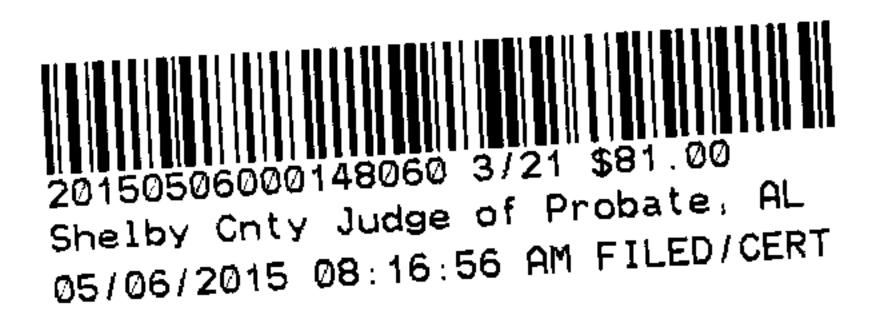
### ITEM TWO

I give devise and bequeath all of my property, whether it be real, personal or mixed, of whatever kind or character, and where so ever situated, to my wife, Samia M. Akl, aka Samia J. Michael, to have and to hold unto her absolutely if she is living at the time of my death.

### ITEM THREE

In the event my wife, Samia M. Akl, aka Samia J. Michael, should predecease me, or die with me in a common disaster, I give, devise and bequeath all of my property of whatever kind or character, and where so ever situated to my children, Martin J. Michael, Philip A. Michael, and Julie J. Akl, aka Julie J. Michael as follows:

I give, devise and bequeath to my son Martin J. Michael an undivided 25% of my Estate after taxes and the cost of administration has been paid to have and to hold to him absolutely if he is living at the time of my death.



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- B. I give, devise and bequeath to my son, Philip A. Michael, an undivided 50% of my Estate after taxes and the cost of administration has been paid to have and to hold to him absolutely if he is living at the time of my death.
- C. I give, devise and bequeath to my daughter, Julie J. Akl, aka Julie J. Michael, an undivided 25% of my Estate after taxes and the cost of administration has been paid to have and to hold to her absolutely if she is living at the time of my death.

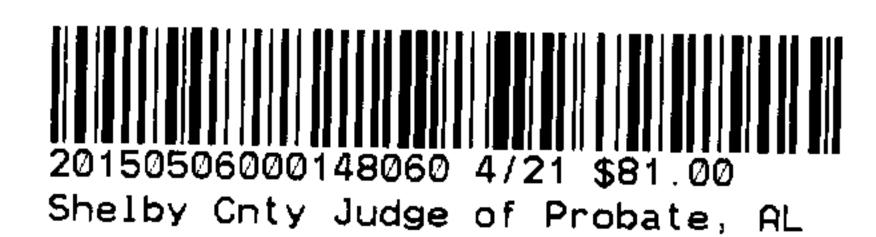
In the event that any one of my children should pre-decease me and that child has no children (issues of his or her body) then that child's undivided interest shall be awarded to the living children who survives the deceased.

### ITEM FOUR

My Executrix hereinafter named, shall have the power to hold and manage my property and such other property as may come into her hands with full power to sell, mortgage, or otherwise dispose of, and to compromise any claims for or against my estate, power to collect income therefrom, and such powers shall be without order or supervision of any Court, and she shall have the power to pay interest or principal to my beneficiaries as in her sole discretion she may deem proper.

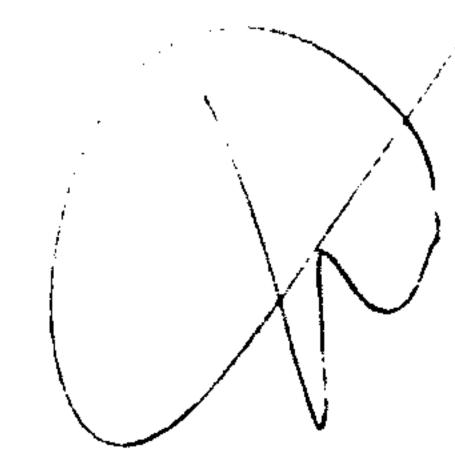
### ITEM FIVE

I hereby nominate and appoint my beloved wife, Samia M. AkI, aka Samia J. Michael, to be the Executrix of this my Last Will and Testament, and I further direct that she shall not be required to give any bond for the performance of her duties arising hereunder, nor to make any inventory of the property coming into her hands as such Executrix, nor to make any report to any court of her proceedings hereunder.



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In the event my wife should predecease me or die with me in a common disaster, I hereby nominate and appoint my sons, Martin J. Michael and Philip A. Michael, to be joint Executors in her stead. Likewise, I direct that they be permitted to serve as such without the giving or posting of any bond for the performance of their duties hereunder, nor shall they be required to make any inventory of the property coming into their hands as such Executors, nor shall they be required to make any report to any Court of their proceedings hereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this

JOHN L. MICHAEL

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## STATE OF ALABAMA JEFFERSON COUNTY

We, John L. Michael, Robbie Wilson Payne and

Alto Megan Holme, the Testator and Witnesses respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that John L. Michael, signed and executed the foregoing instrument as his Last Will and Testament, that he signed willingly, that he executed it as his free and voluntary act for the purposes therein expressed, and that each of the witnesses in the presence and hearing of the Testator, signed the Will as Witness, and that to the best of each witness' knowledge, the Testator was at that time nineteen (19) years of age or older, of sound mind and under no constraint or undue influence.

John L. Michael

WITNESSES:

**ADDRESS:** 

1010 Frank Nelson Bldg. 205-20<sup>th</sup> Street North Birmingham, Al 35203

Alie Mogno Hornes

1010 Frank Nelson Bldg 205-20<sup>th</sup> Street North Birmingham, Al 35203



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Subscribed, sworn to and acknowledged before me by

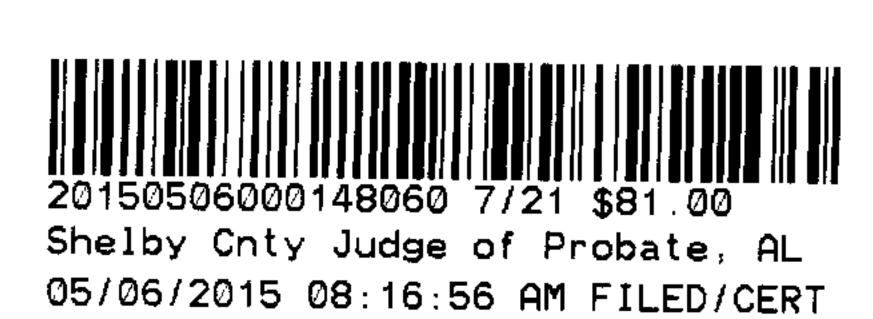
John L. Michael, and subscribed and sworn to before

me by Robbie Wilson-Payne and Alice Megan Holmeon this the

15th day of September, 2003.

NOTARY PUBLIC

My Commission Expires:



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LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

JOHN L. MICHAEL

CASE NO.

-202056

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 hereby granted to

SAMIA M. AKL a/k/a SAMIA J. MICHAEL

the Personal Representative named in said will when hereby

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).

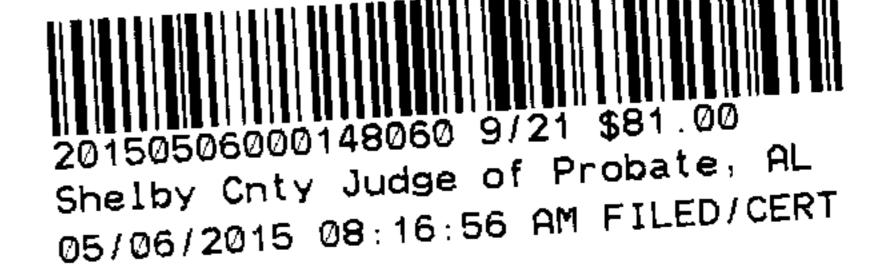
WITNESS my hand this date, SEPTEMBER 16, 2008

(SEAL)	alan L. Kmg			
	Judge of Probate			
nereby certify that the foregoing restamentary issued in the above	the Court of Probate of Jefferson County, Alabam ng is a true, correct and full copy of the <b>Lette</b> -styled cause as appears of record in said Court. are still in full force and effect.	<u> </u>		
WITNESS my hand and seal of	said Court this date,			
		•		
	Judge of Probate			



Shelby Cnty Judge of Probate, AL 05/06/2015 08:16:56 AM FILED/CERT

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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 3rd day of March, 2015.

JUDGE OF PROBATE



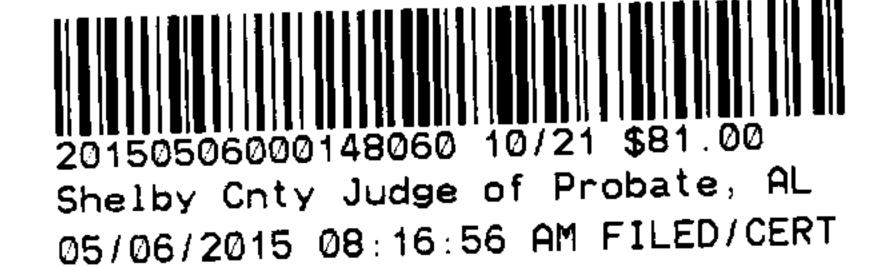
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IN THE MATTER OF THE ESTATE OF JOHN L. MICHAEL,	)	) IN THE PROBATE COURT OF ) JEFFERSON COUNTY, ALABAM			
DECEASED.	)	CASE NO.: 202056			

# ORDER AUTHORIZING SALE OF REAL ESTATE AT PRIVATE SALE FOR DIVISION/DISTRIBUTION

This matter coming on to be heard upon the Petition of Samia Akl a/k/a Samia J. Michael, as Personal Representative of the Estate of John L. Michael, deceased, for an order of this Court authorizing the sale of certain real estate, hereinafter described, at private sale for division upon the grounds that the same cannot be equitably divided or partitioned among the heirs of said estate without a sale thereof; now comes said Personal Representative and moves the Court to grant said petition; it having been proven to the satisfaction of the Court that the sale property cannot be equitably divided among the parties interested, without a sale thereof, and it appearing to the satisfaction of the Court that all parties having had notice of this proceeding strictly in accordance with law and this matter having been set for hearing on multiple occasions; no objection to said petition was filed or presented to the Court by any devisee or heirs-at-law of the estate; the Court having been informed that the remaining creditor of the estate, Iberiabank, has entered into an agreement with the estate and pursuant to said agreement has no objection to the petition; and that it will be to the interest of said estate to sell the same for that purpose at private sale in accordance with the terms of sales contracts attached to and made a part of petition. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the prayer of said petition be, and the same is hereby granted, Samia Akl a/k/a Samia J. Michael as



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Personal Representative of the estate of John L. Michael, deceased, is authorized and directed to sell and convey, at private sale in accordance with the attached contracts, the following described real estate to-wit:

a. 4017 - 4019 Crosshaven Drive, Vestavia Hills, AL 35243 4021 - 4023 Crosshaven Drive, Vestavia Hills, AL 35243

Lots 2 & 3, according to the Survey of Cahaba Valley Estates, First Addition, as recorded in Map Book 114, Page 72, in the Probate Office of Jefferson County, Alabama.

Mineral and Mining rights excepted. Subject to easements, restrictions, encumbrances, covenants and reservations of record.

b. 3113 – 3115 Green Valley Road, Vestavia Hills, AL 35243 4220A – 4220B Cahaba Drive, Vestavia Hills, AL 35243

Parcel I: The West 93 feet of the following described parcel of land: Start at the Northwest corner of the Northwest Quarter of Northeast Quarter of Section 22, Township 18, Range 2 West; thence easterly along section line 108 feet to the point of beginning; thence continue easterly along said section line 279 feet; thence south and parallel with the west line of said quarter-quarter section line 210 feet; thence west 279 feet; thence north 210 feet to the point of beginning. Except 30 feet of uniform width across north line heretofore reserved for road.

Parcel II: Lot 17, in Block 2, according to the Survey of Shades Cahaba Estates as recorded in Map Book 22, Page 83, in the Probate Office of Jefferson County, Alabama.

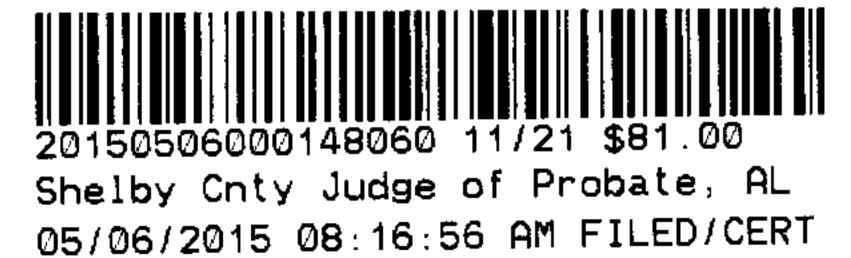
Mineral and Mining rights excepted.

Subject to easements, restrictions, encumbrances, covenants and reservations of record.

c. 267 Osprey Drive, Pell City, AL 35125 (undivided ½ interest)

That portion of Lot 190 lying above a contour line which is 474.5 feet above mean sea level, sixth sector, in the Reese-King survey known as Mays Bend, as recorded in the Office of the Judge of Probate of St. Clair County, at Pell City, Alabama, in Map Record D Page 31; being situated in St. Clair County, Alabama, Pell City Division.

Mineral and mining rights excepted.



Also, an easement entitling the grantee, his successors and assigns to the permanent and exclusive possession and use of that portion of said Lot 190 lying below said contour line which is 474.5 feet above mean sea level; being situated in St. Clair County, Alabama, Pell City Division.

### Subject to:

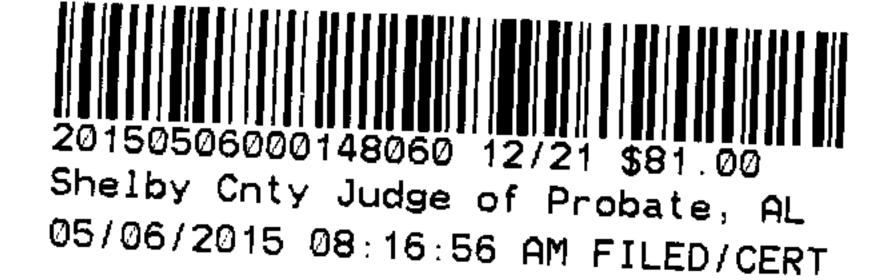
- 1. Restrictions, covenants and conditions as shown in Deed Book 85, Page 781, Probate Office, St. Clair County, at Pell City, Alabama.
- Transmission line permit to Alabama Power Company as shown in Deed Book 117, Page 890, Probate Office, St. Clair County, at Pell City, Alabama.
- Flood easement to Alabama Power Company as shown in Deed Book 80, Page 93, Probate Office.
- 4. Covenant and agreement concerning Mays Bend Water Cooperative, Inc. and Mays Bend Lot and Home owners Association as shown in Deed Book 217, Page 13, Probate Office.
- d. 302 304 Cherry Blossom Drive, Harpersville, AL 35078

A part of the northeast ¼-northeast¼, the southeast ¼-northeast ¼ and the northeast ¼-southeast ¼ of Section 34, Township 19 South, Range 2 East, Shelby County, Alabama, more particularly described as follows:

E, Shelby County, Alabama and run thence S 0° 13' 40" E along the east line of said Section 34, 2,612.34' to a point; thence run S 40° 53' 23" W 1578.55' to a point on the northerly right-of-way line of Highway #280; thence run N 53° 53' 46" W along said right-of-way line 44.22' to a point; thence run 35° 18' 18" E 160.92' to a point; thence run N 25° 36' 46" E 141.97' to a point; thence run N 9° 34' 32" W 917.94' to a point; thence run N 0° 00' 22" W 2642.05' to a point on the north line of said Section 34; thence run S 88° 34' 07" E 1078.11 to the point of beginning, containing 77.66 acres less and except any rights-of-way or easements of record.

to Samia Michael for the sum as set forth in said contracts.

It is further, **ORDERED** that the costs of this proceeding be taxed against said estate for which let execution issue.



## DONE and ORDERED this \_\_\_\_\_ day of April, 2015.

ALAN L. KING

JUDGE OF PROBATE(

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### CERTIFICATE TO COPIES

STATE OF ALABAMA JEFFERSON COUNTY

PROBATE COURT CASE NO. 202056

I, S.J. Rhodes, Chief Clerk of Probate Court, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the Order Authorizing Sale of Real Estate at Private Sale for Division/Distribution in the matter of the estate of John L. Michael, deceased as the same appears on file and of record, in this office.

Given under my hand and seal of said Court this date, April 8, 2015.

Chief Clerk

20150506000148060 14/21 \$81.00

Shelby Cnty Judge of Probate, AL 05/06/2015 08:16:56 AM FILED/CERT

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IN THE MATTER OF THE ESTATE OF JOHN L. MICHAEL,

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

DECEASED.

CASE NO.: 202056

#### PETITION TO APPROVE SALE OF REAL PROPERTY

COMES NOW, the Petitioner, Samia Akl a/k/a Samia J. Michael, as Personal Representative of the Estate of John L. Michael, deceased, and moves this Court to approve the sale of the following described real property of the Estate and in support thereof states as follows:

- The following described real property was owned by the Decedent at the time of his death:
  - 4017 4019 Crosshaven Drive, Vestavia Hills, AL 35243 4021 - 4023 Crosshaven Drive, Vestavia Hills, AL 35243
  - 3113 3115 Green Valley Road, Vestavia Hills, AL 35243 b. 4220A – 4220B Cahaba Drive, Vestavia Hills, AL 35243
  - 267 Osprey Drive, Pell City, AL 35125 (undivided 1/2 interest)
  - 302 304 Cherry Blossom Drive, Harpersville, AL 35078
  - The Decedent died on August 31, 2008.
- There are heirs-at-law or devisees of the Decedent who may be entitled to 3. the real property. The following is an account of the relations of Decedent:

Spouse - Samia Michael

Son - Martin J. Michael

Son - Philip A. Michael

Daughter - Julie J. Michael Hanes

10-23-14 Contid to 12-22-14 @ zionem Alan L. King

20150506000148060 15/21 **\$**81.00 Shelby Cnty Judge of Probate, AL 05/06/2015 08:16:56 AM FILED/CERT

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- 4. The contracts for the sale of the property are with Samia Michael and copies are attached hereto.
- 5. All of the said properties are encumbered by secured indebtedness and the Petitioner is offering to purchase said properties for an amount sufficient to satisfy the indebtedness secured by said properties so that the estate is not encumbered by any additional unsecured debt.
- 6. Attached hereto as "Schedule A" is a list of heirs. Attached hereto as "Schedule B" is a list of claimants.

WHEREFORE, the Estate and Administrator pray that this Court will set this Petition down for a hearing and approval, issue notice to heirs-at-law, and authorize petition to sell the aforesaid real property for distribution. Further, your Petitioner prays that such proceeds, orders and decrees be had and made in premises as may be necessary to effect said sale for such purpose according to law.

ATTORNEY FOR PETITIONER:

Charles H. Boohaker, Esq. CHARLES H. BOOHAKER, P.C. 1905 14<sup>th</sup> Avenue South Birmingham, AL 35205

(205) 202-4000

PETITIONER:

Samia Akl a/k/a Samia J. Michael

Personal Representative

3301 Overton Trail Birmingham, AL 35243

Filed in office this 19<sup>+h</sup>

set for hearing on the 2nd

day of July 2014

at 3:00 o'clock PM

Alan L. Kinn

Judge of Probate

Contact 10-23-14 a) 1:30 pm (ALL) for TC

continued to File. 5, 2015 @ 1:30 PM.

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IN THE MATTER OF THE ESTATE OF JOHN L. MICHAEL,

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

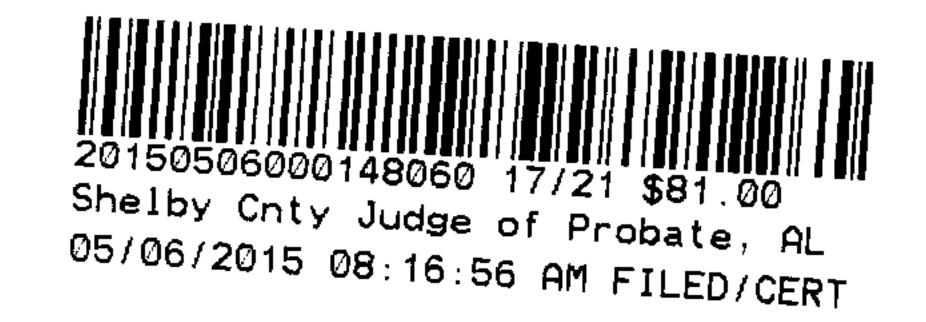
DECEASED.

CASE NO.: 202056

### **LIST OF HEIRS**

Name, age, condition, relationship	Address
Samia M. Michael, over 19, competent, surviving spouse	3301 Overton Trail Birmingham, AL 35243
Philip A. Michael, over 19, competent, son	3301 Overton Trail Birmingham, AL 35243
Martin J. Michael, over 19, competent, son	3301 Overton Trail Birmingham, AL 35243
Julie J. Akl a/k/a Julie J. Michael, over 19, competent, daughter	3301 Overton Trail Birmingham, AL 35243

"SCHEDULE A"



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IN THE MATTER OF THE ESTATE OF JOHN L. MICHAEL,	) IN THE PROBATE COURT OF ) JEFFERSON COUNTY, ALABAMA		
DECEASED.	) CASE NO.: 202056		

#### LIST OF CLAIMANTS

Capital South Bank c/o Iberiabank Burt W. Newsome, Esq. NEWSOME LAW, LLC P. O. Box 382753 Birmingham, AL 35238

Bank of America 1000 Samoset Drive Wilmington, DE 19884-2211

West Asset Management, Inc./American Express Dept. 11576 P. O. Box 1259 Oaks, PA 19456

Citibank/Home Depot, N.A. THD CRC c/o DCM Services, LLC 4150 Olson Memorial Highway Suite 200 Minneapolis, MN 55422

Citibank/Home Depot, N.A. THD CONSUMER c/o DCM Services, LLC 4150 Olson Memorial Highway Suite 200 Minneapolis, MN 55422

State Farm Bank c/o J. C. Christensen & Associates, Inc. P. O. Box 519 Sauk Rapids, MN 56379

Compass Bank c/o Weltman, Weinberg & Reis Co., L.P.A. 175 South Third Street Suite 900 Columbus, OH 43215

"SCHEDULE B"

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HSBC Card Services/GM c/o Phillips & Cohen Associates, Ltd. 1002 Justison Street Wilmington, DE 19801

Chase Bank/Chase Card Services c/o Phillips & Cohen Associates, Ltd. 1002 Justison Street Wilmington, DE 19801

Bank of America 400 National Way Simi Valley, CA 93062-6298

"SCHEDULE B" (CONTINUED)

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CERTIFICATE TO COPIES

04-28-2015 01:59:42 PMROBATE - 67

### The State of Alabama JEFFERSON COUNTY

### PROBATE COURT

I, S. Jacquelyn Rhodes	, Chief Clerk of the C	ourt of Probate, in	and for said Co	ounty in said Stat	te
hereby certify that the foregoi	ng contains a full, true a	nd correct copy of the	Petition t	o Approve Sa	1
of Real Property	•				
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in the matter of JOhn L.	Michael, Deceas	ed			<u>-</u>
<u> </u>		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	·		_
as the same appears on file ar	id of record, in this office				
		Given under n	ny hand and sea	l of said Court, this	3
		the 8th day of	April	, 20 <sup>15</sup>	_
			Splano	Les	
				Chief Cler	k

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Nike Bowling - Judge of Probate
St. Clair County, Alabama

Book/Ps: 2015/768

Term/Cashier: S RECORD8 / STEPHANIEL

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CER Certification Fee 3.00
PJF Special Index Fee 5.50
REC Recording Fee 63.00

Total Fees: \$ 71.50

Fee PROBATE - 39					Probate Court In Re	The State of Alabama Jefferson County
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Shelby Cnty Judge of Probate, AL 05/06/2015 08:16:56 AM FILED/CERT