


IN THE MATTER OF THE ESTATE OF)
)
CHRISTINE H. EARNEST,)
)
Deceased)

PROBATE COURT OF
SHELBY COUNTY, ALABAMA
CASE NO. PR-2014-000551

RECEIVED
OCT 19 2015
James W. Fuhrmeister
Judge of Probate

ESTATE SETTLEMENT AGREEMENT


20151020000366180 1/13 \$50.00
Shelby Cnty Judge of Probate, AL
10/20/2015 12:15:26 PM FILED/CERT

This Estate Settlement Agreement is made and entered into on April 29 2015, among KAREN E. BOLIN (the "PR"), as Personal Representative of the Estate of Christine H. Earnest, deceased ("decedent"); KAREN E. BOLIN ("Karen"), ROYCE MICHAEL EARNEST ("Royce"), and TONI ELIZABETH BRANNUM ("Beth"), as the children and heirs at law of the decedent, and as beneficiaries under the Last Will and Testament of the decedent

WHEREAS, the decedent died on or about August 13, 2012; and

WHEREAS, the decedent was survived by her three children: Karen, Royce, and Beth;
and

WHEREAS, the decedent's Last Will and Testament dated April 8, 2008 (the "Will") was admitted to probate on August 19, 2012 by the Probate Court of Shelby County Alabama, Case Number PR-2014-000551; and

WHEREAS, Karen was appointed as the personal representative of the decedent's Estate by the Shelby County Probate Court on August 26, 2014; and

WHEREAS, the assets of the Estate consist of personal property; a Merrill Lynch Account No. [REDACTED] (the "Account") with approximately \$55,000 titled in the name of the decedent's Estate; and the real property located at 2264 Richmond Circle, Pelham, AL 35124 (the "Property") having a value of \$151,200; and

WHEREAS, under Item III of the Will, the personal property is to be given to Karen, Royce, and Beth, in equal shares; and

WHEREAS, under Item IV of the Will, the residual estate consisting of the Account and the Property would be distributed to Karen, Royce and Beth in equal shares; and

WHEREAS, the parties desire to dispose of the assets of the decedent in an orderly manner;

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE MUTUAL PROMISES AND BENEFITS HEREAFTER RECITED, THE PARTIES AGREE AS FOLLOWS:

1. **Personal Property.** The parties have agreed that all personal property has been distributed to Karen, Royce, and Beth, as evidenced by the Receipts attached as Exhibits 1, 2, and 3.

2. **Division of Residue.** Notwithstanding the terms of Item IV of the Will, the parties agree that the Property shall be deeded solely to Beth, free from any claims by Karen and Royce; and that all three of the parties shall divide the Account equally between them after all fees, expenses, court costs, and taxes of the estate administration are paid. To accomplish the distribution of the Property, the parties agree that the PR shall execute the Personal Representative's Deed, attached as Exhibit 4, conveying the Property to Beth and to deliver the same to her. The recording costs for the deed shall be paid as an administrative expense from the Account. The parties recognize and agree that Beth is receiving a greater portion of the residue than Karen and Royce, but declare that such division is their intention irrespective of the terms of the Will. In the event that it should be necessary or desirable to do so, Karen and Royce covenant to execute such additional deeds on other documents to perfect title of the Property in Beth.

3. **Settlement of Decedent's Estate.** The parties agree to execute the Consents to Settlement attached as Exhibits 5, 6, and 7, consenting to the settlement of the decedent's estate and the discharge of the PR.

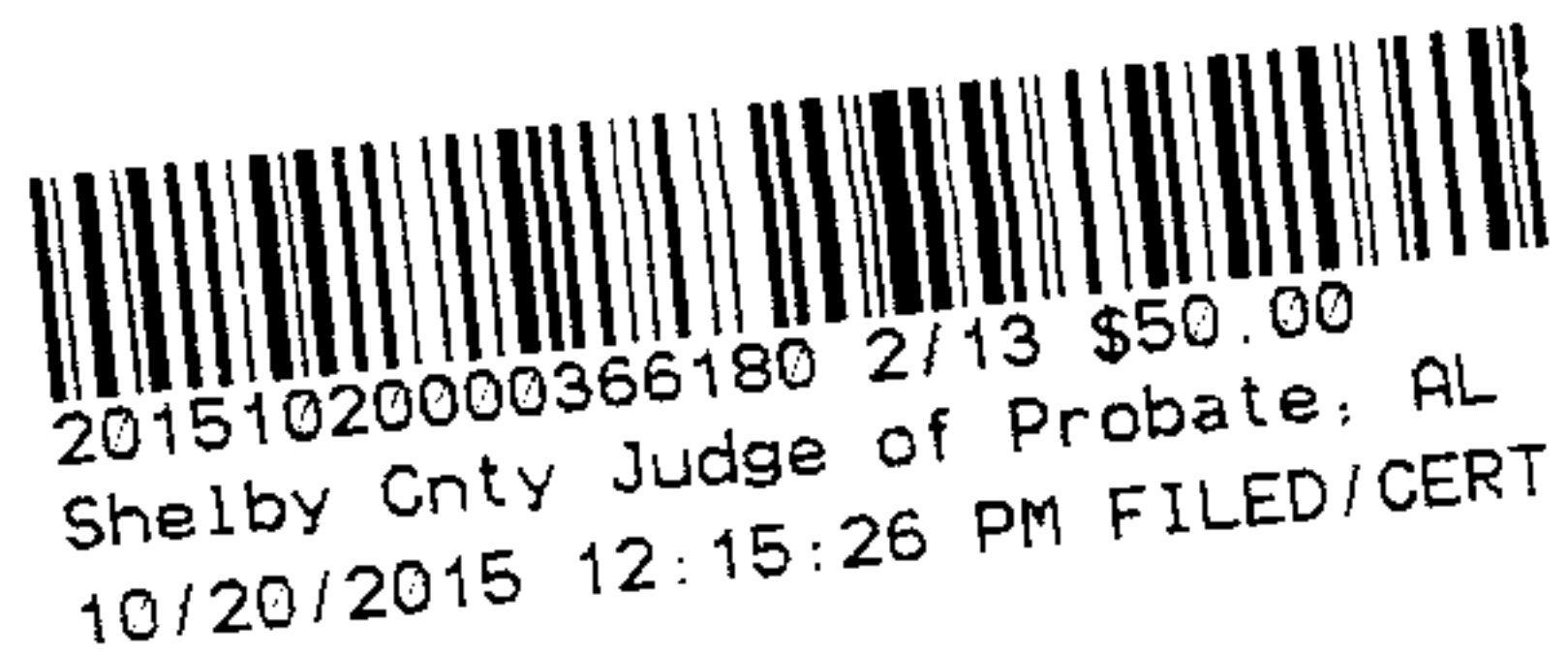
4. **Modification of Agreement.** The parties agree that this Agreement constitutes the entire agreement among the parties, and that no modification thereof shall be binding upon the parties unless it is in writing signed by the parties or a duly authorized representative thereof.

5. **Enforcement of Agreement.** The parties recognize that specific performance and injunctive relief, as well as monetary damages, shall be available remedies to the enforcement of this Agreement. Further, in the event a party breaches this Agreement and litigation is necessitated to enforce the rights of the parties under this Agreement, the prevailing party in such litigation shall be entitled to recover his or her attorney's fees and costs against the losing party or parties in such litigation.

6. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Alabama, and shall be enforced by either the Shelby County Probate Court or the Shelby County Circuit Court in Birmingham, Alabama.

7. **Binding Effect.** This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their successors and assigns.

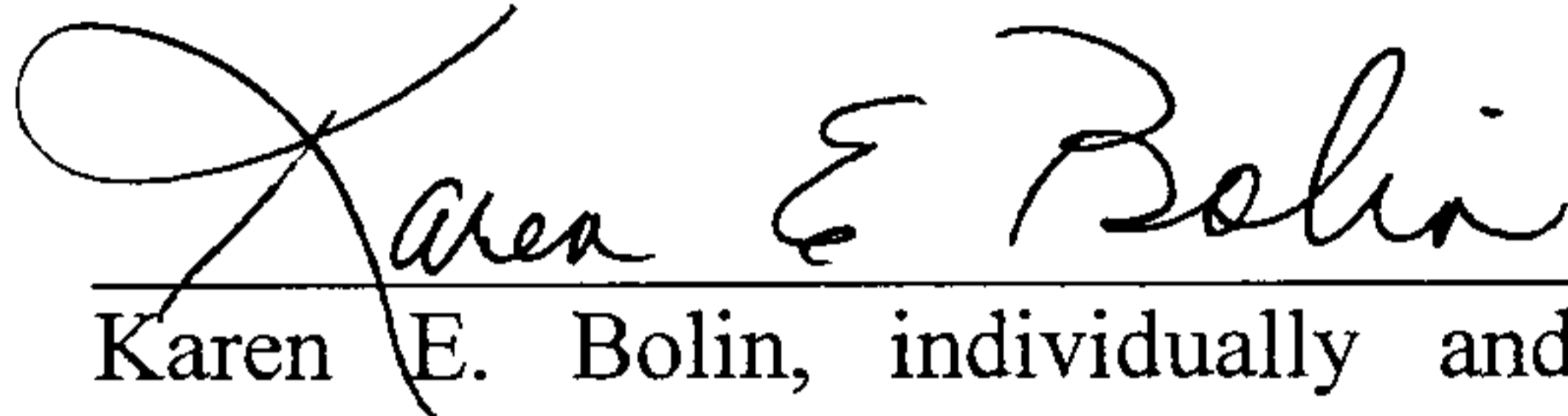
8. **Survival of Covenants.** The covenants described herein shall survive the execution of this Agreement.




9. **Entire Agreement.** This Agreement contains the sole and entire agreement and understanding of the parties with respect to the entire subject matter hereof. Any and all prior discussions, negotiations, commitments and understandings relating thereto are hereby merged herein. This Agreement cannot be changed or terminated orally.

10. **Counterparts.** This agreement may be executed in one or more counterparts, each of which when signed and delivered will be deemed an original of the Party or Parties executing the same, and all of which together shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date and year first hereinabove written.



Karen E. Bolin, individually and as Personal Representative of the Estate of Christine H. Earnest, deceased

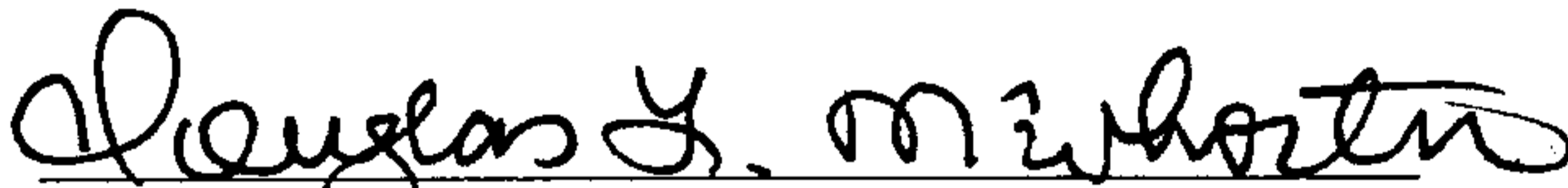

20151020000366180 3/13 \$50.00
Shelby Cnty Judge of Probate, AL
10/20/2015 12:15:26 PM FILED/CERT

VERIFICATION

STATE OF ALABAMA)
JEFFERSON COUNTY)

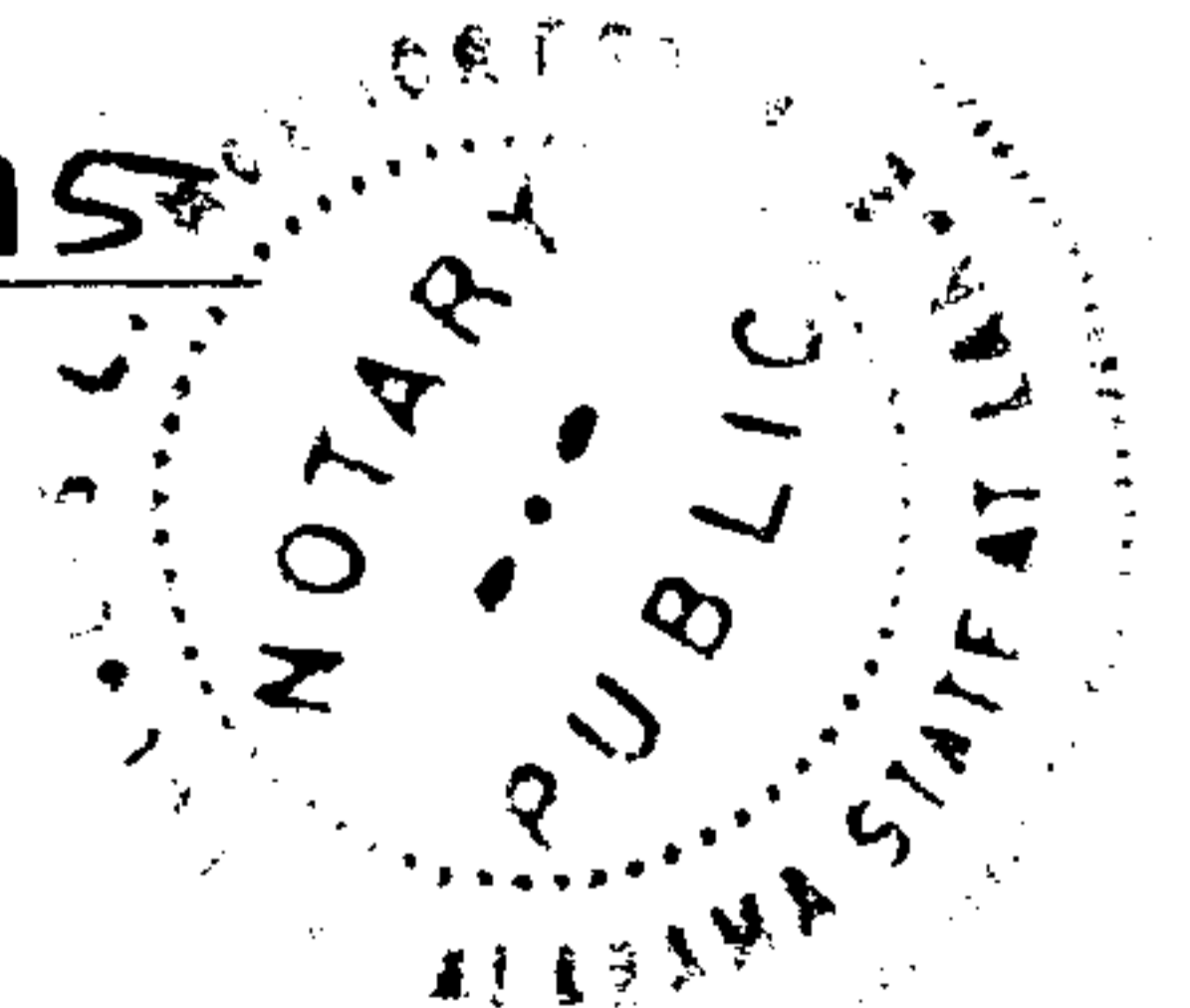
I, the undersigned, a notary public in and for said county in said state, hereby certify that Karen E. Bolin, individually and as Personal Representative of the Estate of Christine H. Earnest, deceased, whose name is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, she executed the same voluntarily.

Subscribed and sworn to before me this the 13th day of March, 2015.



Notary Public

My Commission Expires: 6/21/15



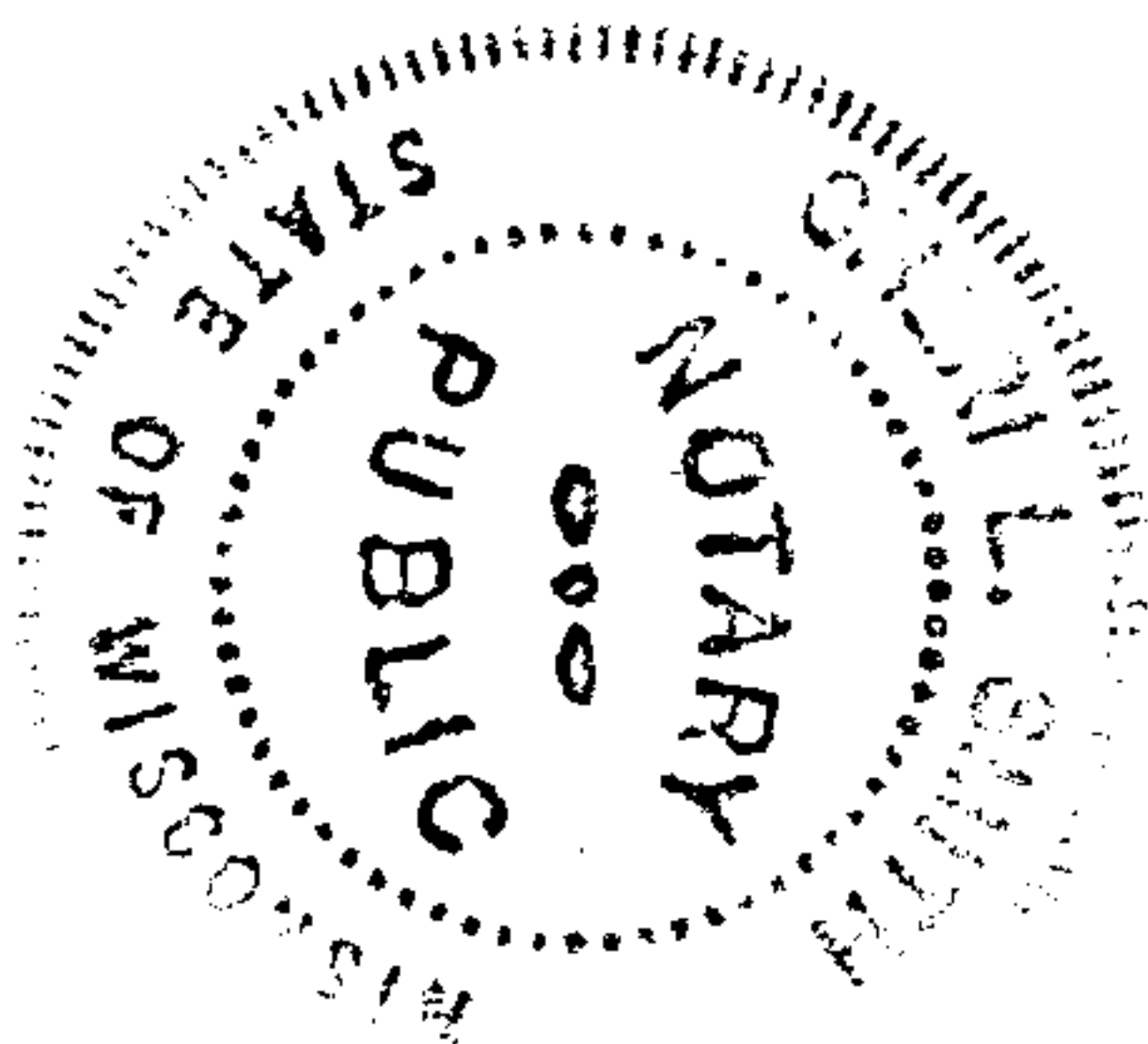
Royce M. Earnest
Royce Michael Earnest

VERIFICATION

STATE OF WISCONSIN)
Racine COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Royce Michael Earnest, whose name is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, he executed the same voluntarily.

Subscribed and sworn to before me this the 21 day of April, 2015.



Cheri Smith
Notary Public
My Commission Expires: 5-1-2016



20151020000366180 4/13 \$50.00
Shelby Cnty Judge of Probate, AL
10/20/2015 12:15:26 PM FILED/CERT

Toni Elizabeth Brannum
Toni Elizabeth Brannum

VERIFICATION

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Toni Elizabeth Brannum, whose name is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, she executed the same voluntarily.

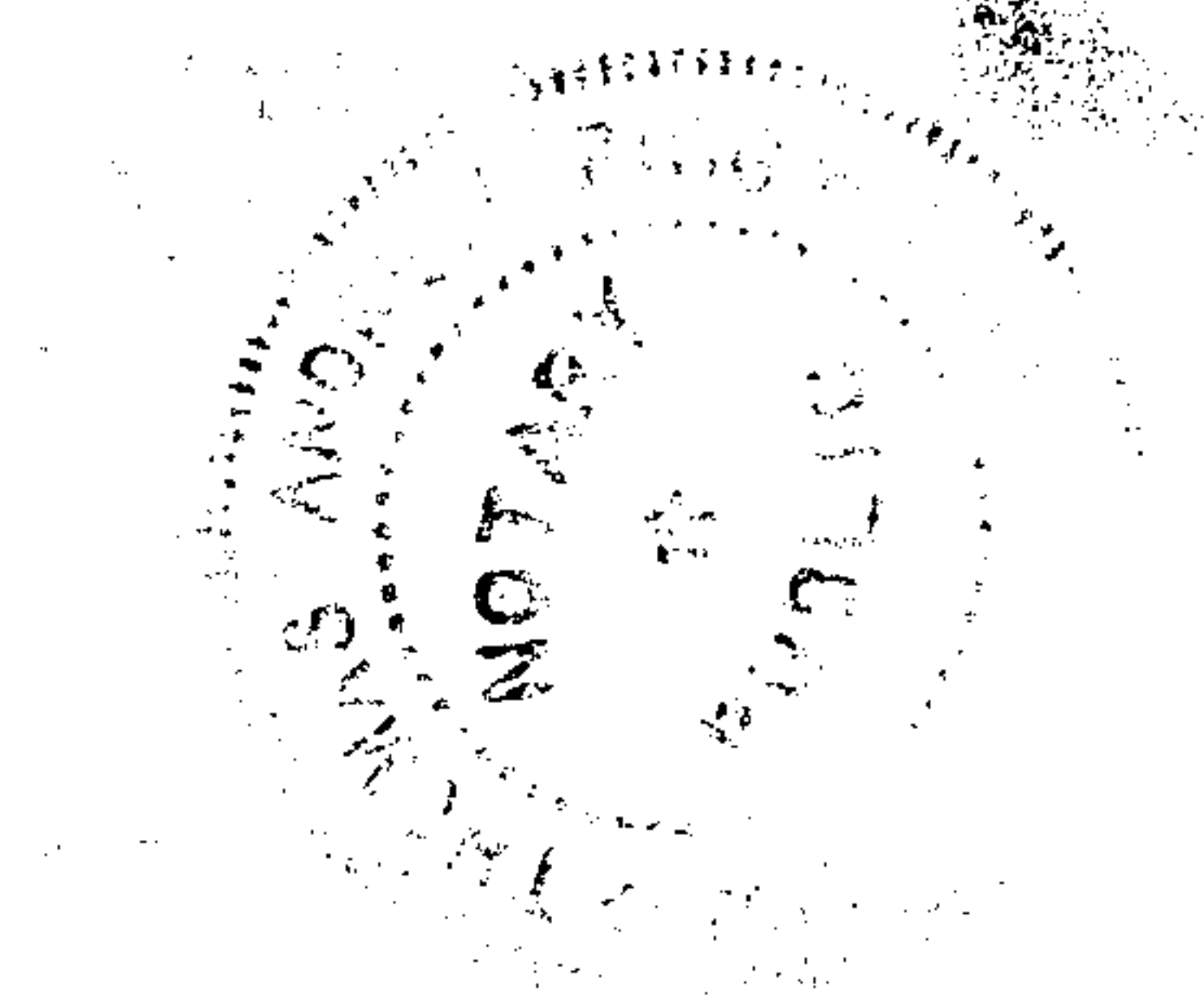
Subscribed and sworn to before me this the 29 day of April, 2015.

Shirley A. Riggins
Notary Public

My Commission Expires: _____ MY COMMISSION EXPIRES SEPTEMBER 9, 2015



20151020000366180 5/13 \$50.00
Shelby Cnty Judge of Probate, AL
10/20/2015 12:15:26 PM FILED/CERT




IN THE MATTER OF THE ESTATE OF)
)
 CHRISTINE H. EARNEST,)
)
 Deceased) CASE NO. PR-2014-000551

PROBATE COURT OF

SHELBY COUNTY, ALABAMA

RECEIPT


 20151020000366180 6/13 \$50.00
 Shelby Cnty Judge of Probate, AL
 10/20/2015 12:15:26 PM FILED/CERT

The undersigned, KAREN E. BOLIN, being one of the devisees named in the Last Will and Testament of Christine H. Earnest, deceased, and being over nineteen (19) years of age, does hereby acknowledge receipt of all the jewelry, wearing apparel, automobile or automobiles, books, pictures, art objects, hobby equipment, club memberships and stadium certificates, furniture and furnishings, china, crystal and all other articles of personal and household use, together with any insurance thereon, devised to the undersigned under ITEM III of the Will of said decedent.


Dated this 13~~th~~ day of March, 2015.

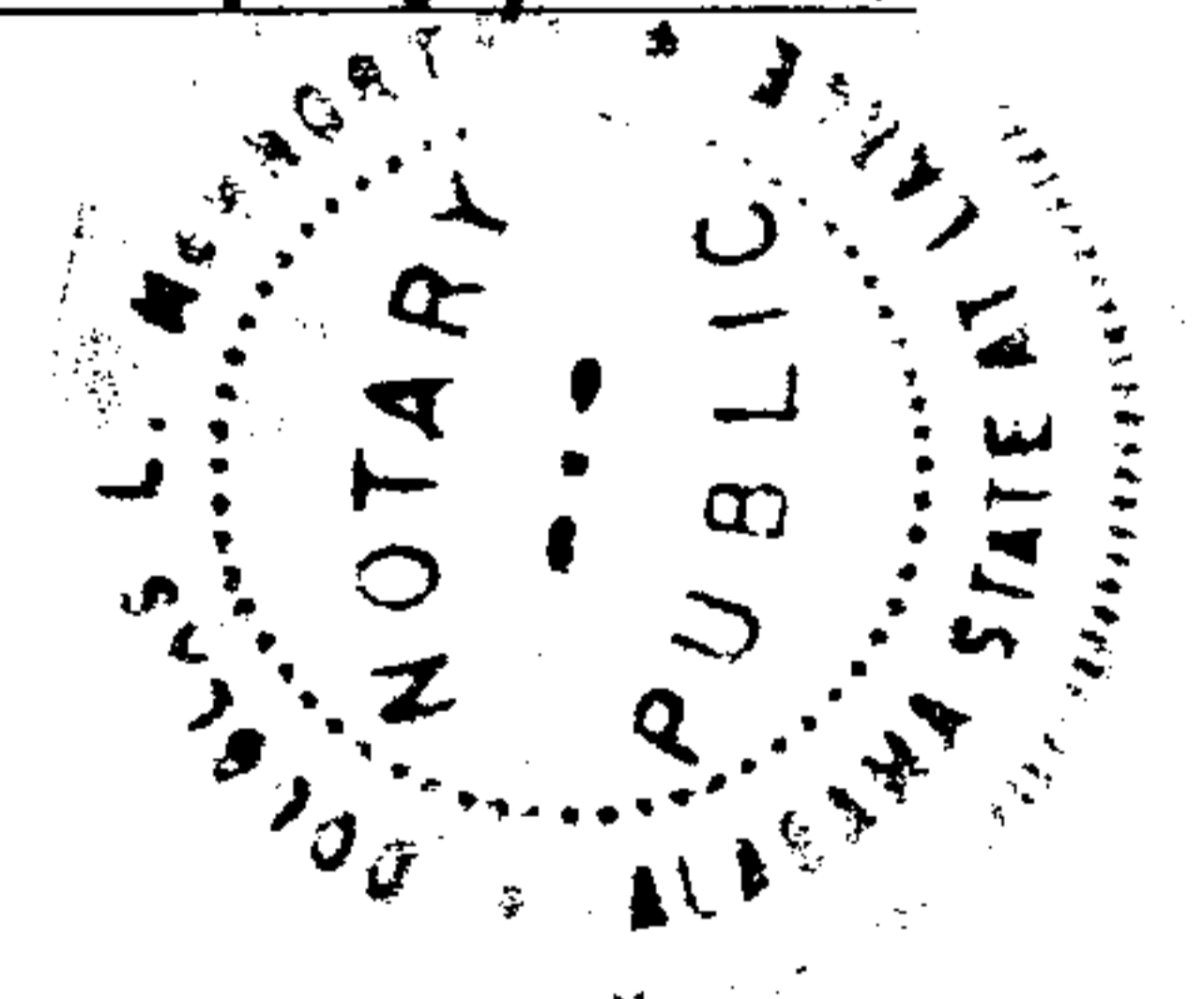

 Karen E. Bolin

VERIFICATION

I, the undersigned Notary Public in and for the State of Alabama at Large, hereby certify that Karen E. Bolin, whose name is signed to the foregoing consent and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, she executed the same voluntarily.

Subscribed and sworn to before me on March 13, 2015.


 Notary Public
 My commission expires: 6/21/15




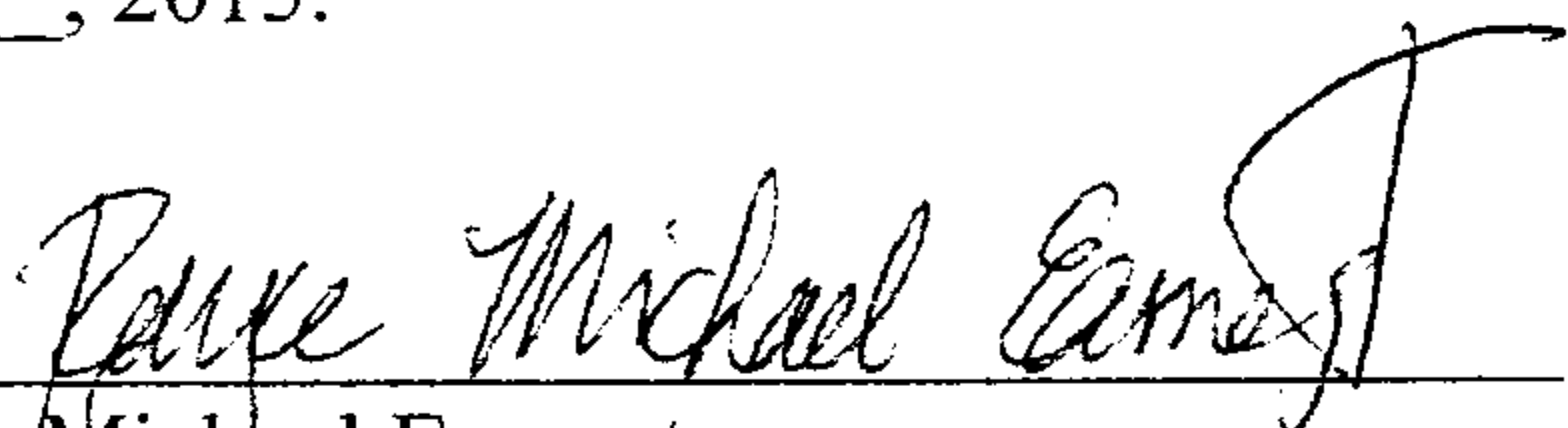
IN THE MATTER OF THE ESTATE OF) PROBATE COURT OF
)
 CHRISTINE H. EARNEST,) SHELBY COUNTY, ALABAMA
)
 Deceased) CASE NO. PR-2014-000551

RECEIPT

The undersigned, ROYCE MICHAEL EARNEST, being one of the devisees named in the Last Will and Testament of Christine H. Earnest, deceased, and being over nineteen (19) years of age, does hereby acknowledge receipt of all the jewelry, wearing apparel, automobile or automobiles, books, pictures, art objects, hobby equipment, club memberships and stadium certificates, furniture and furnishings, china, crystal and all other articles of personal and household use, together with any insurance thereon, devised to the undersigned under ITEM III of the Will of said decedent.

Dated this 21 day of April, 2015.

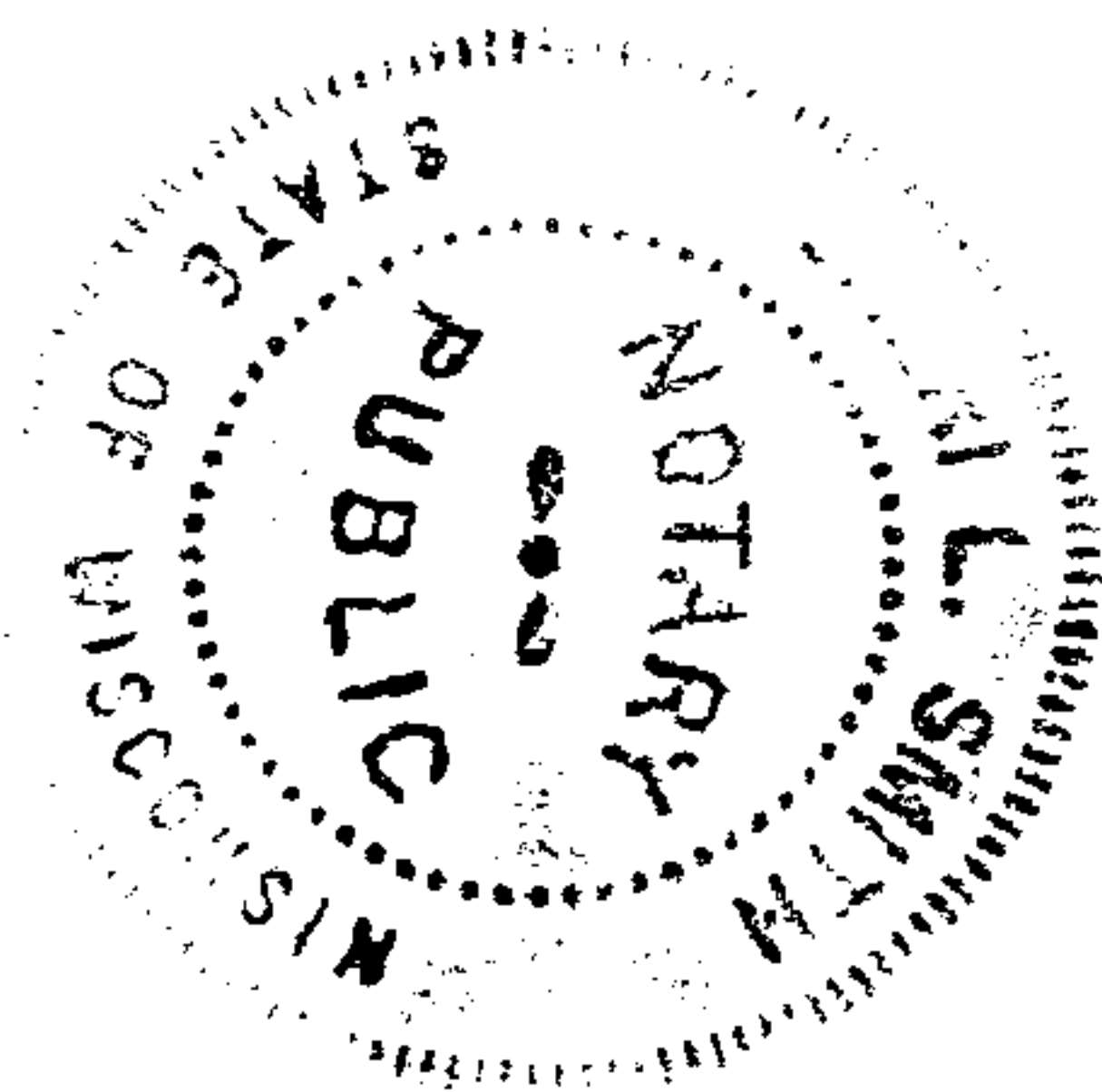

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 Shelby Cnty Judge of Probate, AL
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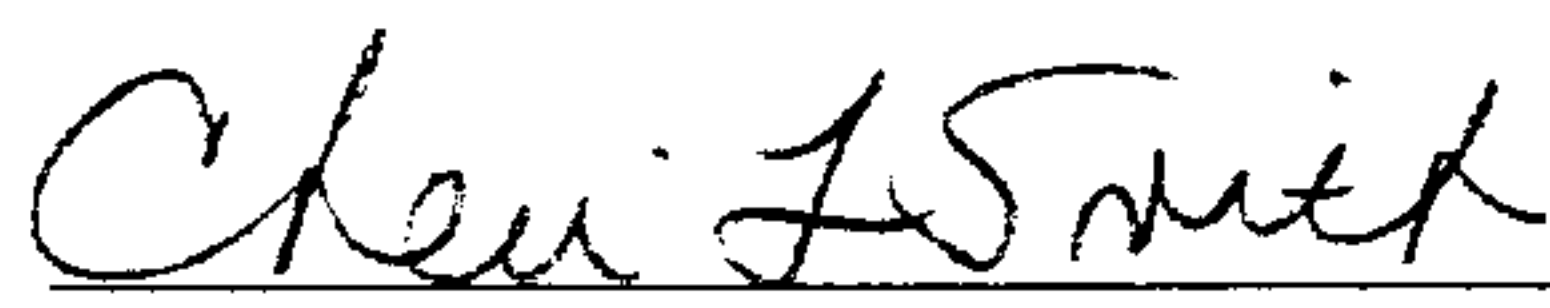

 Royce Michael Earnest

VERIFICATION

I, the undersigned Notary Public in and for the State of WI, County of Racine, hereby certify that Royce Michael Earnest, whose name is signed to the foregoing consent and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, he executed the same voluntarily.

Subscribed and sworn to before me on 4/21, 2015.





 Notary Public
 My commission expires: 5/1/2016

IN THE MATTER OF THE ESTATE OF)	PROBATE COURT OF
CHRISTINE H. EARNEST,)	SHELBY COUNTY, ALABAMA
Deceased)	CASE NO. PR-2014-000551

RECEIPT

The undersigned, TONI ELIZABETH BRANNUM, being one of the devisees named in the Last Will and Testament of Christine H. Earnest, deceased, and being over nineteen (19) years of age, does hereby acknowledge receipt of all the jewelry, wearing apparel, automobile or automobiles, books, pictures, art objects, hobby equipment, club memberships and stadium certificates, furniture and furnishings, china, crystal and all other articles of personal and household use, together with any insurance thereon, devised to the undersigned under ITEM III of the Will of said decedent.

Dated this 29th day of April, 2015.


 20151020000366180 8/13 \$50.00
 Shelby Cnty Judge of Probate, AL
 10/20/2015 12:15:26 PM FILED/CERT

Toni Elizabeth Brannum
 Toni Elizabeth Brannum

VERIFICATION

I, the undersigned Notary Public in and for the State of Alabama at large, hereby certify that Toni Elizabeth Brannum, whose name is signed to the foregoing consent and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, she executed the same voluntarily.


Subscribed and sworn to before me on APRIL 29th, 2015.

Shirley A. Rupp
 Notary Public
 My commission expires: MY COMMISSION EXPIRES SEPTEMBER 9, 2015



Send tax notice to:
 Toni Elizabeth Brannum
 2264 Richmond Circle
 Pelham, AL 35124

This Instrument Prepared By:
 Douglas L. McWhorter, Esq.
 Dominick Feld Hyde, P.C.
 1130 22nd Street South
 Ridge Park, Suite 4000
 Birmingham, Alabama 35205


 20151020000366180 9/13 \$50.00
 Shelby Cnty Judge of Probate, AL
 10/20/2015 12:15:26 PM FILED/CERT

THIS INSTRUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE INFORMATION SUPPLIED BY THE PARTIES HERETO. NO TITLE EXAMINATION AND/OR OPINION WAS REQUESTED OF DOMINICK FELD HYDE, P.C. BY EITHER GRANTOR OR GRANTEE, AND NONE WAS CONDUCTED AND/OR RENDERED. THIS INSTRUMENT MEETS THE REQUIREMENTS OF SECTION 40-22-1, CODE OF ALABAMA 1975, AS AMENDED (ALSO KNOWN AS ACT 2012-494).

PERSONAL REPRESENTATIVE'S DEED

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS:

SHELBY COUNTY)

WHEREAS, Christine H. Earnest ("decendent") died testate on August 13, 2012, and her Last Will and Testament dated August 8, 2008 (the "Will") was admitted to probate on August 19, 2014 by the Probate Court of Shelby County Alabama, Case Number PR-2014-000551;

WHEREAS, the decedent had three children, Karen E. Bolin, Royce Michael Earnest, and Toni Elizabeth Brannum (the "children");

WHEREAS, Karen E. Bolin was appointed as the personal representative of decedent's Estate by the Shelby County Probate Court on August 26, 2014;

WHEREAS, pursuant to Item IV of the Will, all the rest, residue and remainder of the decedent's Estate was devised to her children, in equal shares;

WHEREAS, the herein described real property (the "Property") was included in the rest, residue and remainder of the decedent's Estate;

WHEREAS, the parties agreed by that certain Estate Settlement Agreement dated April 29, 2015, and filed in Shelby County Probate Court as styled above (the "Agreement"), that the Property described herein would be conveyed to Toni Elizabeth Brannum, individually, in satisfaction of her share of the residue of the decedent's Estate described in Item IV of the Will.

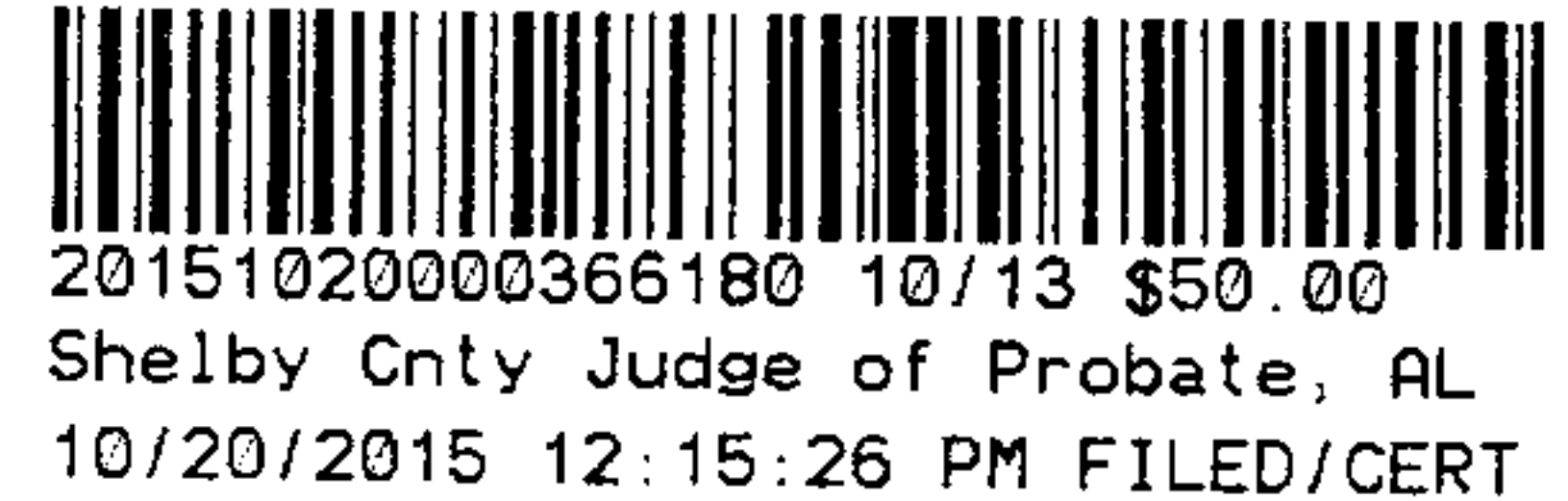
NOW THEREFORE, in consideration of the terms of the Last Will and Testament of Christine H. Earnest, deceased, and the Agreement, the undersigned Grantor, Karen E. Bolin, in her capacity as Personal Representative of the Estate of said decedent, whose mailing address is 304 Shallowford Place, Louisville, KY 40245, with the general authority to execute conveyances conferred upon the Personal Representative and pursuant to the terms of the Last Will and Testament of said decedent and the Agreement, does grant, bargain, sell and convey unto Toni Elizabeth Brannum (hereinafter referred to as "Grantee"), whose mailing address is 2264 Richmond Circle, Pelham, AL 35124, all of the following described real estate situated in Shelby County, Alabama, to-wit:

LOT 18, ACCORDING TO THE SURVEY OF CHANDA TERRACE 5TH
SECTOR AS RECORDED IN MAP BOOK 14, PAGE 10 IN THE PROBATE
OFFICE OF SHELBY COUNTY, ALABAMA.

SOURCE OF TITLE: Warranty Deed recorded as instrument number
19910314000075880

Property Address: 2264 Richmond Circle, Pelham, AL 35124

Tax Assessor's Market Value \$151,200.00



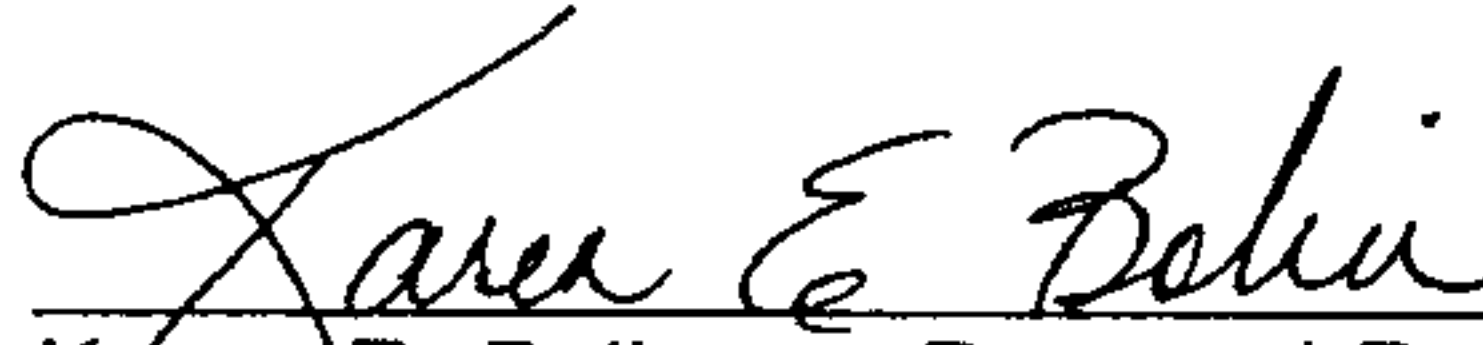
This conveyance is made subject to the following:

1. The lien for ad valorem taxes due in the current year or any subsequent year but not yet payable.
2. All easements, liens, encumbrances, restrictions, rights-of-way, any reservations of mineral rights, and other matters of record in the Probate Office of Shelby County, Alabama, together with any deficiencies in quantity of land, easements, discrepancies as to boundary lines, overlaps, etc., which would be disclosed by a true and accurate survey of the property conveyed herein.

TO HAVE AND TO HOLD to said Grantee, her heirs and assigns forever.

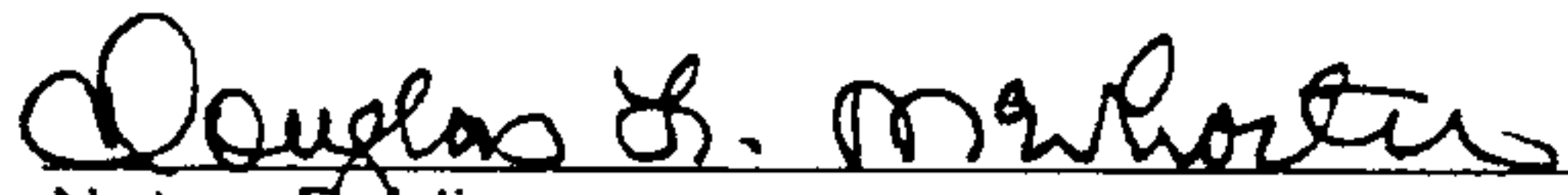
This instrument is executed by the Grantor solely in her representative capacity named herein, and neither this instrument nor anything contained herein shall be construed as creating any indebtedness or obligation on the part of the Grantor in her individual capacity, and the liability of the Grantor is expressly limited to her representative capacity named herein.

13th IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal this day of March, 2015.


Karen E. Bolin, as Personal Representative of
the Estate of Christine H. Earnest, deceased

I, the undersigned authority, a Notary Public in and for the State of Alabama at Large, hereby certify that Karen E. Bolin, whose name as Personal Representative of the Estate of Christine H. Earnest, deceased, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, she, in her capacity as Personal Representative, executed the same voluntarily on the day the same bears date.

Given under my hand this 13 day of March, 2015.


Notary Public

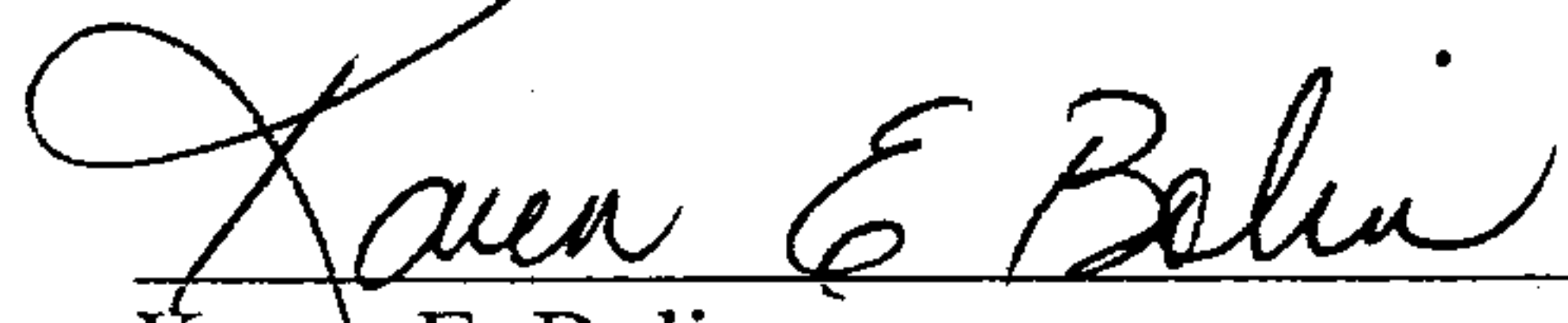
Douglas L. McWhorter
Printed Name

My Commission Expires: 6/21/15

IN THE MATTER OF THE ESTATE OF)	PROBATE COURT OF
)	
CHRISTINE H. EARNEST,	SHELBY COUNTY, ALABAMA
)	
Deceased	CASE NO. PR-2014-000551

CONSENT TO SETTLEMENT OF DECEDENT'S ESTATE
(Individual)


I, the undersigned, constituting one of the devisees and distributees named in the Will of Christine H. Earnest, deceased (the "decedent"), and being over nineteen (19) years of age, do hereby acknowledge receipt in full of the tangible personal property devised to me under ITEM III of the Will; my share of the residual estate devised to me under ITEM IV of the Will of said decedent and the Estate Settlement Agreement filed simultaneously with the Petition for Consent Settlement; do hereby accept service of notice of the filing of the petition for consent settlement by Karen E. Bolin 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 the filing of any vouchers or further account or report, an order be made and entered discharging Karen E. Bolin from said fiduciary capacity, and from all other or further liability on account of the administration of said estate.

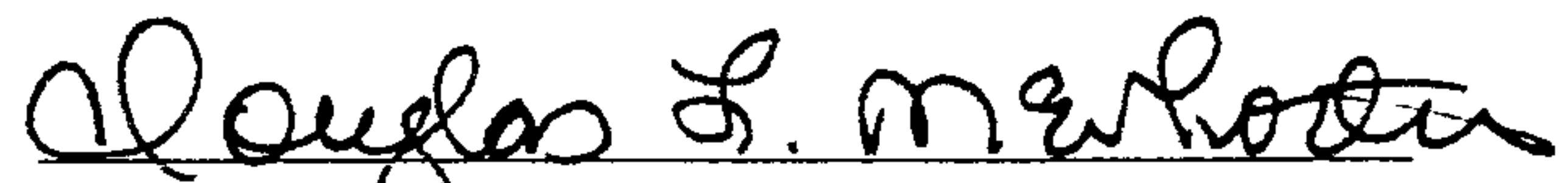

 Karen E. Bolin

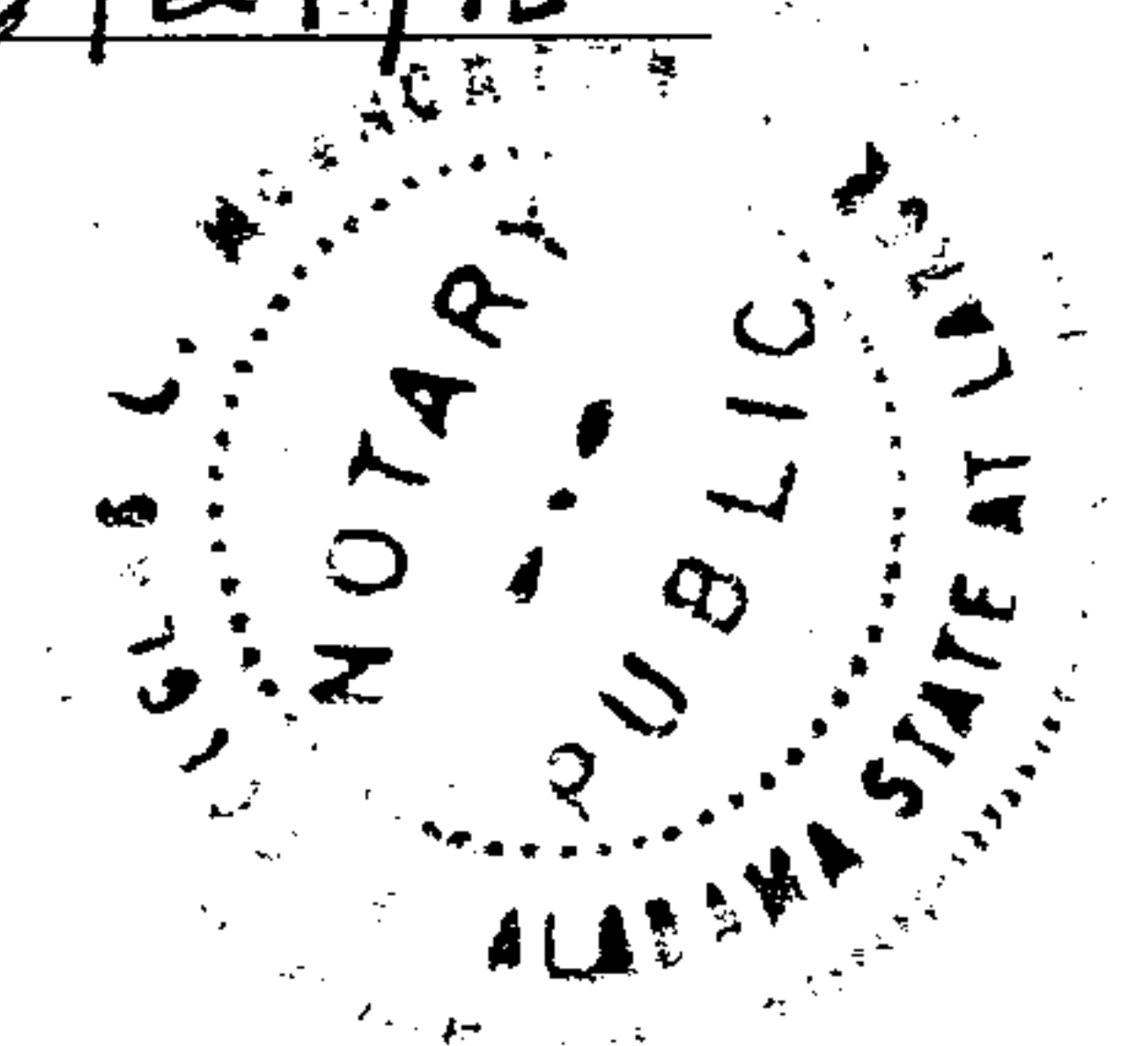
VERIFICATION

I, the undersigned Notary Public in and for the State of Alabama at Large, hereby certify that Karen E. Bolin, whose name is signed to the foregoing consent and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, she executed the same voluntarily.

Subscribed and sworn to before me on March 13, 2015.


 20151020000366180 11/13 \$50.00
 Shelby Cnty Judge of Probate, AL
 10/20/2015 12:15:26 PM FILED/CERT


 Notary Public
 My commission expires: 6/21/15



IN THE MATTER OF THE ESTATE OF)	PROBATE COURT OF
)	
CHRISTINE H. EARNEST,)	SHELBY COUNTY, ALABAMA
)	
Deceased)	CASE NO. PR-2014-000551

CONSENT TO SETTLEMENT OF DECEDENT'S ESTATE
(Individual)

I, the undersigned, constituting one of the devisees and distributees named in the Will of Christine H. Earnest, deceased (the "decedent"), and being over nineteen (19) years of age, do hereby acknowledge receipt in full of the tangible personal property devised to me under ITEM III of the Will; my share of the residual estate devised to me under ITEM IV of the Will of said decedent and the Estate Settlement Agreement filed simultaneously with the Petition for Consent Settlement; do hereby accept service of notice of the filing of the petition for consent settlement by Karen E. Bolin 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 the filing of any vouchers or further account or report, an order be made and entered discharging Karen E. Bolin from said fiduciary capacity, and from all other or further liability on account of the administration of said estate.

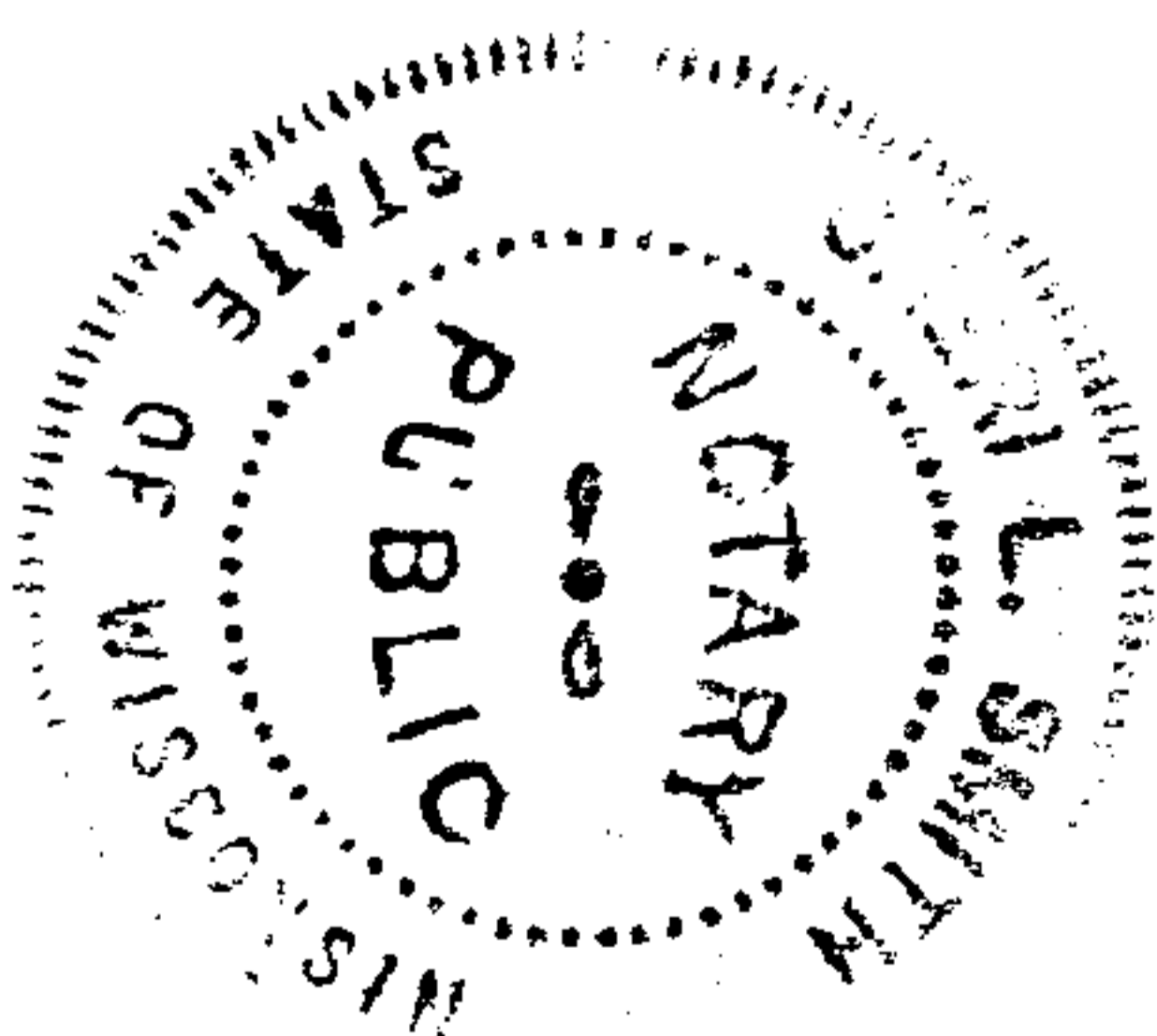
20151020000366180 12/13 \$50.00
Shelby Cnty Judge of Probate, AL
10/20/2015 12:15:26 PM FILED/CERT

Royce Michael Earnest
Royce Michael Earnest

VERIFICATION

I, the undersigned Notary Public in and for the State of WI, County of Racine, hereby certify that Royce Michael Earnest, whose name is signed to the foregoing consent and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, he executed the same voluntarily.

Subscribed and sworn to before me on April 21, 2015.




Cheri South
Notary Public
My commission expires: 5-1-2016

IN THE MATTER OF THE ESTATE OF)	PROBATE COURT OF
CHRISTINE H. EARNEST,)	
Deceased)	SHELBY COUNTY, ALABAMA
)	
)	CASE NO. PR-2014-000551

CONSENT TO SETTLEMENT OF DECEDENT'S ESTATE
(Individual)

I, the undersigned, constituting one of the devisees and distributees named in the Will of Christine H. Earnest, deceased (the "decedent"), and being over nineteen (19) years of age, do hereby acknowledge receipt in full of the tangible personal property devised to me under ITEM III of the Will; my share of the residual estate devised to me under ITEM IV of the Will of said decedent and the Estate Settlement Agreement filed simultaneously with the Petition for Consent Settlement; do hereby accept service of notice of the filing of the petition for consent settlement by Karen E. Bolin 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 the filing of any vouchers or further account or report, an order be made and entered discharging Karen E. Bolin from said fiduciary capacity, and from all other or further liability on account of the administration of said estate.

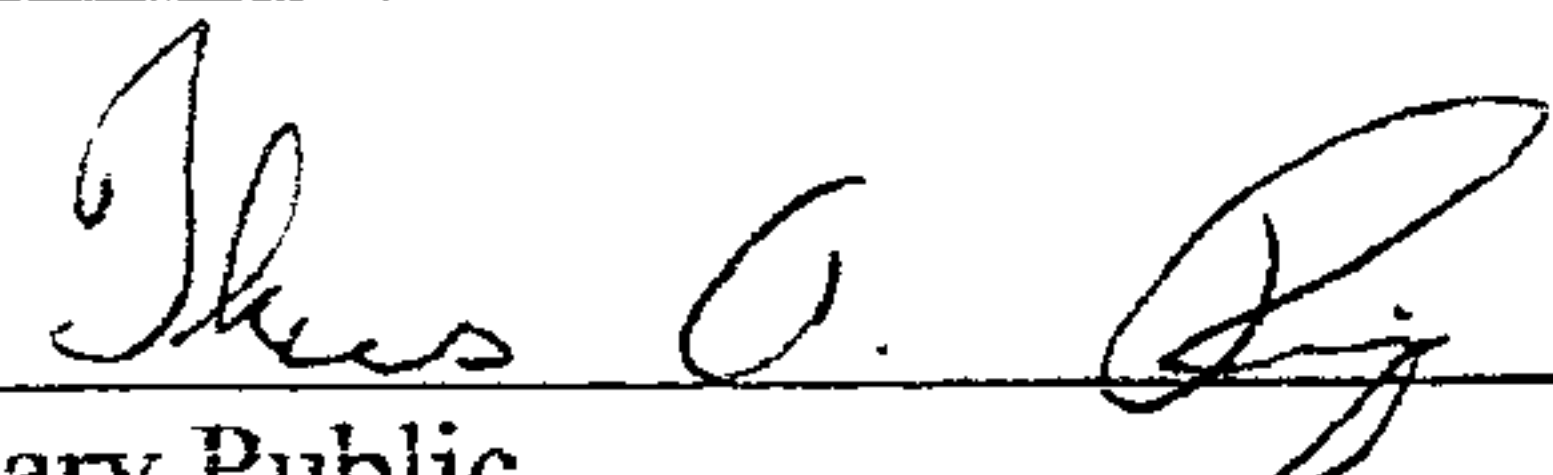

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Toni Elizabeth Brannum

VERIFICATION

I, the undersigned Notary Public in and for the State of Alabama at large, hereby certify that Toni Elizabeth Brannum, whose name is signed to the foregoing consent and who is known to me, acknowledged before me on this date that, being informed of the contents thereof, she executed the same voluntarily.

Subscribed and sworn to before me on APRIL 29th, 2015.


Notary Public
My commission expires: SEPTEMBER 9, 2015

