Send tax notice to: Clayton McDonald Nordan 2907 Virginia Road Birmingham, Alabama 35223

This Instrument Prepared By: Judy B. Shepura, Esq. Dominick Feld Hyde, P.C. 1130 22<sup>nd</sup> Street South Birmingham, Alabama 35205

THIS INSTRUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE INFORMATION SUPPLIED BY THE PARTIES HERETO.

#### PERSONAL REPRESENTATIVE'S DEED

STATE OF ALABAMA	)	KNOW ALL MEN BY THESE PRESENTS:
SHELBY COUNTY	)	

That in consideration of the terms of the Last Will and Testament of Theda Wyatt Nordan Dunham, deceased, the undersigned Grantor, Clayton McDonald Nordan, in his capacity as Personal Representative of the decedent's Estate, with the general authority to execute conveyances conferred upon the Personal Representative and pursuant to the terms of the decedent's Last Will and Testament, does grant, sell and convey unto Clayton McDonald Nordan, in his individual capacity, whose mailing address is 2907 Virginia Road, Birmingham, Alabama 35223, all of the following described real estate situated in Shelby County, Alabama, to-wit:

Lot number 12 of the Hubbard and Givhan subdivision of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 21, Township 22 South, Range 3 West, according to the map of said subdivision, recorded in Map Book 3 at page 128 in the Probate Office of Shelby County, Alabama.

SOURCE OF TITLE: Deed Book 291 Page 93

(NOTE: Clayton O. Nordan and wife, Theda W. Nordan, acquired title jointly with rights of survivorship, and Clayton O. Nordan predeceased his said wife, having died on or about June 26, 1986. Theda W. Nordan was one and the same person as Theda Wyatt Nordan Dunham, the decedent named herein.)

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.

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Page Fof 3 FIFEDATA EMDOCS (1522) F00 EDOCS (278803) DOCX

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, his heirs and assigns forever.

The decedent's Will dated October 10, 2006 was admitted to record in the Probate Court of Jefferson County, Alabama, Case No. 2015-224935. Said Court issued Letters Testamentary to the Personal Representative on April 13, 2015.

This instrument is executed by the Grantor solely in his 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 his individual capacity, and the liability of the Grantor is expressly limited to his representative capacity named herein.

IN WITNESS WHEREOF, the Grantor has herewato set his hand and seal this day of November, 2015.

> Clayton 4McDonald Nordan, as Personal Representative of the Estate of Theda Wyatt

Nordan Dunham, deceased

I, the undersigned authority, a Notary Public in and for the State of Alabama at Large, hereby certify that Clayton McDonald Nordan, whose name as Personal Representative of the Estate of Theda Wyatt Nordan Dunham, 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, he, in his capacity as Personal Representative, executed the same voluntarily on the day the same bears date. Given under my hand this 18 day of 16 members 2015.

Printed Name

(NOTARY SEAL)

My Commission Expires: MY SOMMISSION EXPRESIMANCE SONS

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My Comm. Expires

May 8, 2019

#### Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Mailing Address	Clayton McDonald Nordan, PR 2907 Virginia Road	Grantee's Name Mailing Address	Clayton McDonald Nordan 2907 Virginia Road
Maining / tadi CSS	Birmingham, AL 35223		Birmingham, AL 35223
Property Address		Date of Sale Total Purchase Price	··· - · · · · · · · · · · · · · · · · ·
20160113000012740 3/16		Actual Value	\$
Shelby Cnty Judge of Pr 01/13/2016 11:09:53 AM	obate. Al	or Assessor's Market Value	\$ \$15,000.00
•			
	document presented for recor this form is not required.	dation contains all of the red	quired information referenced
	d mailing address - provide the ir current mailing address.	nstructions ne name of the person or pe	rsons conveying interest
Grantee's name an to property is being	d mailing address - provide tl conveyed.	he name of the person or pe	ersons to whom interest
Property address -	the physical address of the p	roperty being conveyed, if a	vailable.
Date of Sale - the c	late on which interest to the p	property was conveyed.	
	e - the total amount paid for the instrument offered for red	•	, both real and personal,
conveyed by the ins	property is not being sold, the strument offered for record. To the assessor's current man	his may be evidenced by a	, both real and personal, being n appraisal conducted by a
excluding current uresponsibility of val	ed and the value must be de se valuation, of the property a uing property for property tax f Alabama 1975 § 40-22-1 (h	as determined by the local of purposes will be used and	
accurate. I further u		ements claimed on this forn	ed in this document is true and n may result in the imposition
Date ///8/2015		Print Canton MCD Sign	onald Mordan
Unattested		Sign Sign	Mad PR
	(verified by)	(Grantor/Grante	e/Owner/Agent) circle one

Print Form

Form RT-1

Deceased	)	CASE NO. 201522493
THEDA WYATT NORDAN DUNHAM	)	JEFFERSON COUNTY, ALABAMA
IN THE MATTER OF THE ESTATE OF	)	PROBATE COURT OF

#### PETITION FOR PROBATE OF WILL

(Self-Proved Will)

Comes the Petitioner, Clayton McDonald Nordan, and shows unto this Court the following facts:

- 1. Theda Wyatt Nordan Dunham died testate at Birmingham, Alabama, on or about the 19<sup>th</sup> day of March, 2015, and at the time of death was an inhabitant of Jefferson County, Alabama.
- 2. Surrendered herewith is Mrs. Dunham's Last Will and Testament naming the undersigned Petitioner as Personal Representative thereof which was duly signed by her when over eighteen years of age and was attested by the following witnesses:

Phyllis Monical, 138 Willow Ridge Lane, Indian Springs, AL 35124

Bonnie Morris, 2901 Briarcliff Road, Hueytown, AL 35023

- 3. Mrs. Dunham'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 which said Will was acknowledged are Judy B. Shepura, 1130 22<sup>nd</sup> Street South, Ridge Park, Suite 4000, Birmingham, AL 35205.
- 4. The following is a true, correct, and complete list of the names, relationships and addresses of the decedent's next-of-kin, all of whom are over the age of nineteen years and mentally competent (as determined by Application of Ala. Code §43-8-42):

Clayton McDonald Nordan, son, residing at 2907 Virginia Road, Birmingham, AL 35223

Mrs. Dunham's daughter, Judy Nordan Trotter, predeceased Mrs. Durham leaving one child, namely, Rachael Trotter Mandell, granddaughter, residing at 6788 Highway 119, Montevallo, AL 35115

Mrs. Dunham's daughter, Barbara Jan Nordan, died as an infant

Mrs. Dunham was not married at the time of her death

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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, 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 as Mrs. Dunham's Last Will and Testament. This Petition is deemed to be verified pursuant to Ala. Code, §43-8-22.

Attorney for Petitioner:

Judy B. Shepura, Esq.

Dominick Feld Hyde, P.C. 1130 22<sup>nd</sup> Street South

Judy B. Sheprisa

Ridge Park, Suite 4000 Birmingham, AL 35205

(205) 536-8888

Petitioner:

Clayton McDonald Nordan

2907 Virginia Road

Birmingham, AL 35223

FILED IN OFFICE THIS

GRANTED AND PETITION ORDERED RECORDED

JUDGE OF PROBATE

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IN THE MATTER OF THE ESTATE OF )  THED A WYATT NORDANI DIDNIHAM	PROBATE COURT OF
THEDA WYATT NORDAN DUNHAM )	JEFFERSON COUNTY, ALABAMA
Deceased )	CASE NO. 2015224075

#### WAIVER OF NOTICE ON PROBATE OF WILL

I, the undersigned, a resident of Shelby County, State of Alabama, being an heir-at-law of Theda Wyatt Nordan Dunham, deceased, being over the age of nineteen years, hereby accept service and waive notice of the filing of the petition to probate the Last Will and Testament of said decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will bearing the date of October 10, 2006, be admitted to probate without further notice of any kind to me, and the Personal Representative named in said Will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am NOT giving up my right to contest said Will in Circuit Court or to make an objection to the handling of the administration of the estate of the deceased by the Personal Representative thereof.

Dated this 3 day of April , 2015.

WITNESS: (Required)

Signature of Witness

Printed Name of Witness

Rachael Trotter Mandell 6788 Highway 199

6/88 Highway 199 Montevallo, AL 35115

day of April , and ordered recorded.

JUDGE OF PROBATE

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# LAST WILL AND TESTAMENT OF

#### THEDA WYATT NORDAN DUNHAM

\*\*\*\*\*

I, THEDA WYATT NORDAN DUNHAM, a resident of Jefferson County, State of 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 other wills and codicils heretofore made by me.

### ARTICLE I EXECUTOR

I appoint my son, CLAYTON McDONALD NORDAN, as my Executor. If my son should resign or for any reason fail or cease to serve as my Executor, then my daughter-in-law, ANTOINETTE SPANOS NORDAN, shall serve as my successor Executor.

## ARTICLE II PAYMENT OF DEBTS AND EXPENSES

I direct that my debts, the expenses of my last illness, my funeral expenses, and the cost of a suitable marker shall be generally paid out of and charged against the residuary of my estate, without apportionment.

## ARTICLE III PERSONAL EFFECTS

I give my wearing apparel, jewelry, books, pictures, and all other objects of my personal use including any household furnishings, to my son, CLAYTON McDONALD NORDAN, and if he does not survive me, to his wife, ANTOINETTE SPANOS NORDAN, and if she also does not survive me, to my granddaughter, RACHAEL ELIZABETH MANDELL. I may leave a memorandum containing suggestions for disposition of certain items bequeathed under this Article, but such memorandum shall not affect the absolute nature of this bequest. My Executor shall have full power and authority to determine what objects of property are included in the foregoing descriptions.

# ARTICLE IV SPECIFIC BEQUESTS

(a) Bibb County Property. I give to my son, CLAYTON McDONALD NORDAN, all of my right, title and interest in that certain real property comprising approximately 48 acres in Bibb County, Alabama, as recorded in the Bibb County

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Probate Court at Book 101, Page 741 and 742, and if he does not survive me, I give said property to his wife, ANTOINETTE SPANOS NORDAN, and if she does not survive me, I give said property to my granddaughter, RACHAEL ELIZABETH MANDELL.

- (b) Gift to Granddaughter. I give to my granddaughter, RACHAEL ELIZABETH MANDELL, the lesser of \$25,000 or the balance of liquid assets in my net probate estate, and if she does not survive me, this gift shall lapse and be disposed of as part of the residue of my estate.
- children, McKENZIE SALTER and ZACHARY SALTER. If a balance in my net probate estate remains after paying the \$25,000 to my granddaughter as set forth in the preceding paragraph, then my Executor shall divide said balance equally between my great grandchildren (and any others subsequently born to my granddaughter), so that the lesser of \$10,000 or the great grandchild's equal portion shall be allocated for each such great grandchild. The Executor shall pay each such share to the respective great grandchild, provided, however, that if any great grandchild is under the age of twenty-five, I authorize the Executor in the Executor's sole discretion to pay said share to the Trustee under Article VI hereunder, which pertains to Contingent Trusts for Persons Under Twenty-Five Years of Age,or to any Section 529 Plan I may have established for such great grandchild prior to my death.
- (d) Remainder of Liquid Assets. Any remaining balance of liquid assets in my net probate estate after the distributions set out in paragraphs (b) and (c) of this Article shall be considered part of the residue of my estate pursuant to Article V hereunder. By "liquid assets", I mean assets other than personal effects and real property.

#### ARTICLE V RESIDUARY ESTATE

I give all of the rest of my property, of whatever kind and character and wherever situated (the "residue") to my son, CLAYTON McDONALD NORDAN, and if he does not survive me, to his wife, ANTOINETTE SPANOS NORDAN, and if she also does not survive me, to my granddaughter, RACHAEL ELIZABETH MANDELL.

#### ARTICLE VI CONTINGENT TRUSTS FOR PERSONS UNDER TWENTY-FIVE YEARS OF AGE

If any share of my estate becomes distributable by the terms hereof to any person who is under the age of twenty-five (25) years, then though his or her share shall be vested in him or her, my Executor acting as Trustee shall hold or continue to hold the same in trust with all of the powers and authority given to the Trustee with respect to other trust property held hereunder, until he or she attains the age of twenty-five (25) years, using and applying for his or her education (and not for his or her health, maintenance and support) such part of the income and principal of such share as the Trustee shall deem necessary or desirable for said purposes, accumulating and adding to principal any income not so used. When such person attains the age of twenty-five (25) years, the Trustee shall pay said share to him or her outright and free of trust. If such person shall die prior to attaining the age of twenty-five (25) years, the Trustee shall pay the share to his or her executor or administrator.

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#### ARTICLE VII CONTINGENT DISTRIBUTION

If any of my property is not otherwise disposed of, said property shall be paid outright and free of trust, to such persons as would be entitled to inherit said property and in such proportions as they would be entitled to inherit the same from me under the laws of Alabama then in force had I died at said time a resident of Alabama, intestate, and owned said property.

# ARTICLE VIII PROVISIONS CONCERNING EXECUTOR

- (a) Bond and Inventory. I direct that my Executor shall not be required to give bond or to file an inventory or appraisal of my estate or of any trust or share thereof in any court, though the Executor shall make out and keep an inventory and shall exhibit the same to any party in interest at any reasonable time, and I direct that the Executor shall be free from the control and supervision of any court.
- of my estate or of any share thereof in any state in which my Executor shall not be qualified to serve, my Executor may nominate and appoint any person or organization as ancillary administrator thereof, and may compensate such administrator for said services. Such administrator shall complete the administration and make such disposition of the property so administered as my Executor may require, and in doing so shall have the same rights, powers, duties and discretion herein conferred upon my Executor.
- (c) Compensation. No individual named shall receive compensation for his or her services in any fiduciary capacity hereunder, unless he or she elects to do so within a reasonable period of time after commencing to render such services, in which event, he or she shall receive reasonable compensation for his or her services. Such compensation may be paid without prior approval of any court. I do not intend for this provision to prevent a review of the reasonableness of such compensation by a court of competent jurisdiction in an appropriate proceeding.
- thereto full power to sell, convey, exchange, lease for a period beyond the termination of the administration of my estate or any trust hereunder or for a shorter period, improve, borrow on the security of, encumber or otherwise dispose of the property in my estate or trust (whether tangible or intangible, real or personal) in such manner and upon such terms and conditions as the Executor may approve; to employ and compensate such attorneys, accountants and agents, individual or corporate, as my Executor shall deem necessary or desirable in the administration of my estate or any trust hereunder; and to invest and reinvest my estate or any trust hereunder and the proceeds of sale or any portion thereof in such loans, bonds, stocks or other securities, mortgages, common trust funds or other property as the Executor shall deem necessary or desirable, without regard to any statutory or constitutional limitation applicable to the investment of trust funds.
- (e) Environmental Losses. No fiduciary shall be liable for any loss or depreciation in value sustained by my estate or any trust hereunder as a result of retaining any property upon which there is later discovered to be hazardous materials or substances requiring remedial action pursuant to any federal, state or local environmental law, unless the fiduciary contributed to the loss or depreciation in value through willful default, willful misconduct, or negligence.

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Shelby Cnty Judge of Probate, AL 01/13/2016 11:09:53 AM FILED/CERT

- of principal from any trust to or for any beneficiary may, in the discretion of the Executor be made to any person or organization (including the beneficiary, the conservator of the beneficiary, the guardian of the beneficiary, or anyone having custody and care of the beneficiary, or who provides goods or services for him or her), who shall apply such payment for the use and benefit of the beneficiary as provided for hereunder. Such distributions may also be made to a custodian selected by the Executor for the beneficiary under a Uniform Transfers to Minors Act or similar applicable law.
- of the provisions hereof may be payable to any beneficiary, such beneficiary shall have no power, either directly or indirectly, to anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell or otherwise dispose of any part thereof, until the same actually shall have been paid in hand to him or her by the Trustee. Nor shall any trust income or principal or interest in either of them be liable for any debts, claims or obligations of any kind, or to any legal process in aid thereof, incurred by or for any such beneficiary before or after my death.

IN WITNESS WHEREOF, I, THEDA WYATT NORDAN DUNHAM, the Testatrix, sign my name to this instrument this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 2006, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

Theda Wyatt Nordan Dundam
THEDA WYATT NORDAN DUNHAM

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

Address.

2121 Highland Avenue Birmingham, AL 35205

Address:

2121 Highland Avenue Birmingham, AL 35205

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# STATE OF ALABAMA ) JEFFERSON COUNTY )

Subscribed, sworn to and acknowledged before me by THEDA WYATT

NDRDAN DUNHAM, the Testatrix, and subscribed and sworn to before me by

| Monteau and bornie Montes
| witnesses, this 10 |
| day of 0ctober 2006.

Judy B. Shepwa Notary Public

My commission expires:

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FILED IN OFFICE THIS THE

3th DAY OF April 2015

FOR PROBATE AND RECURD.

JUDGE OF PROBATE

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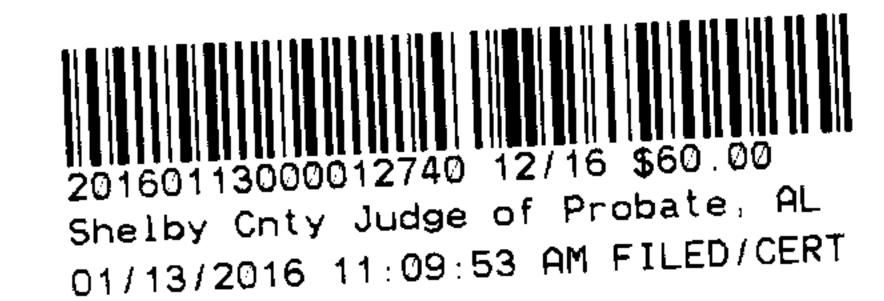
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IN THE MATTER OF:	)	IN THE PROBATE COURT OF
	)	JEFFERSON COUNTY, ALABAMA
THE ESTATE OF:	)	
	)	CASE NUMBER 2015-224935
THEDA WYATT DUNHAM AKA	)	
THEDA WYATT NORDAN DUNHAM	)	
DECEASED	)	

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

This day came Clayton McDonald Nordan and filed a petition in writing, under oath, therewith producing and filing in this Court an instrument of writing purporting to be the Last Will and Testament of THEDA WYATT DUNHAM AKA THEDA WYATT NORDAN DUNHAM, deceased, said will bearing date, October 10, 2006, and attested by Phyllis Monical, Bonnie Morris, and Judy B. Shepura; and praying that the same be probated as provided by law; that the petitioner is the son of said deceased, and is named in said Will as executor thereof; and that the next of kin of said deceased are as follows, to-wit: Clayton McDonald Nordan, son, Birmingham, Alabama, of whom are over nineteen years of age and of sound mind.

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



of said deceased. It is, therefore,

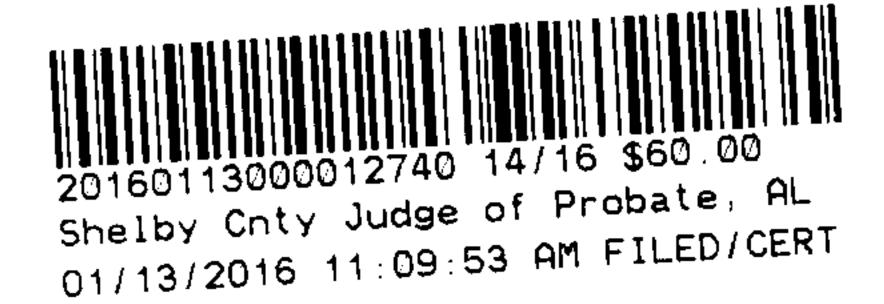
ORDERED, ADJUDGED AND DECREED by the Court that said instrument be duly admitted to probate as the Last Will and Testament of THEDA WYATT DUNHAM AKA THEDA WYATT NORDAN DUNHAM, deceased, and ORDERED to be recorded together with the proof thereof and all other papers on file relating to this proceeding.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

DONE this date, April 13, 2015.

alan L. Ymg

Judge of Probate

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#### LETTERS TESTAMENTARY

IN THE MATTER OF THE ESTATE OF:

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

THEDA WYATT DUNHAM, A/K/A,
THEDA WYATT NORDAN DUNHAM,
Deceased

CASE NO. 2015-224935

#### LETTERS TESTAMENTARY

The Will of the above-named deceased having been duly admitted to record in said county, Letters Testamentary are hereby granted to CLAYTON MCDONALD NORDAN, 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, 13th day of April, 2015.

Judge of Probate

I, S.J. Rhodes, Chief Clerk of Probate Court 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, 13th day of April, 2015.

Chief Clerk

IN THE MATTER OF:	)	IN THE PROBATE COURT OF
	)	JEFFERSON COUNTY, ALABAMA
THE ESTATE OF:	)	
	)	CASE NUMBER 2015-224935
THEDA WYATT DUNHAM AKA THEDA	WYATT NORD	AN DUNHAM )
DECEASED	)	

#### ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day comes Clayton McDonald Nordan and file in this Court his petition in writing, under oath, praying that Letters Testamentary upon the Will of THEDA WYATT DUNHAM AKA THEDA WYATT NORDAN DUNHAM, deceased, be issued to him.

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

DONE this date, April 13, 2015.

Judge of Probate

alan L. Ymg

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# The State of Alabama

### JEFFERSON COUNTY

#### PROBATE COURT

rt of Probate, in and for said County in said State
correct copy of the <u>Petiton for Probate of</u>
d Testament, Letters Testamentary,
ill and Testamant, Order Granting
eda Wyatt Nordan Dunham, Deceased
·
ON COM
Given under my handcand seal of said Court, this
he <u>lst</u> day of <u>September</u> , 20 15
Behle !
Chief Clerk
TIVONYO MARIENTA

