

20160519000171470 1/5 \$26.00  
Shelby Cnty Judge of Probate, AL  
05/19/2016 12:58:08 PM FILED/CERT

STATE OF ALABAMA )  
 )  
COUNTY OF SHELBY )

Prepared by:  
Ernest W. Ball  
111 Grant Street, Decatur, Alabama 35601

**HEIRSHIP AFFIDAVIT OF WESLEY BRIAN WARD**

Before me, the undersigned, a Notary Public for the State of Alabama, County of Morgan, personally appeared Wesley Brian Ward, who after being first duly sworn did depose and say on oath as the following:

“I am Wesley Brian Ward, I am over the age of 19 years, and I have personal knowledge of the facts set forth in the affidavit.

My father, Gene Ward Jr., was the Grantee in that certain Warranty Deed dated the 8<sup>th</sup> day of March, 2007, recorded the 16<sup>th</sup> day of April, 2007 in Instrument #20070416000176110 of the Probate Records of Shelby County, Alabama of that certain real property herein described as:

**SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**

My father, Gene Ward Jr., departed this life, an unmarried man on or about the 26<sup>th</sup> day of April, 2015, a resident of Shelby County, Alabama leaving a Last Will and Testament which is attached hereto as Exhibit “B”. He was survived by and his sole and only heirs at law and next of kin: Wesley Brian Ward, the Affiant, Hayley Ward and Taylor Justin Ward. He had no other children or descendants of deceased children.


All of his debts, including the expense of his funeral and last illness, were paid in full shortly following his death. His only asset was his interest in and to the real property described in the aforementioned Warranty Deed.

Under the Last Will and Testament of Gene Ward, Jr., Second provision, my father bequeathed and devised all his property, whatsoever kind and character to Wesley Brain Ward, the affiant in Fee simple forever. Also the Forth provision of his Last Will and Testament appointed Wesley Brain Ward, the affiant as executor and grants full power and authority to sell, convey all assets without court approval. The Affiant has not and does not plan to probate the Last Will and Testament of Gene Ward, Jr.

Shortly following the death of Gene Ward, Jr., the Affiant gave personal notice to all of his creditors, personally reviewed all of his records, and made inquiry of his business associates and other appropriate parties. As a result of said investigation, the Affiant knows of no other claims against the Estate of Gene Ward Jr., which have not been paid. The Affiant has received no bills, statements, invoices, or other evidence of any debt, whether written or oral, which remain due, owing, or unpaid, and the Affiant knows of no debts owed by the said Decedent which remain unpaid. No Federal or State estate tax returns were filed, and none will be filed, no being necessary because his Estate was far less than \$1,110,000.00.

This affidavit is given for the purpose of verifying the death of Gene Ward, Jr., to verify the heirs at law and next of kin of Gene Ward, Jr., to verify the intentions and disposition of Gene Ward, Jr., and to verify the interest in the property described in the Warranty Deed recorded in Instrument# 20070416000176110 of said records owned by Gene Ward, Jr., at the time of his death.

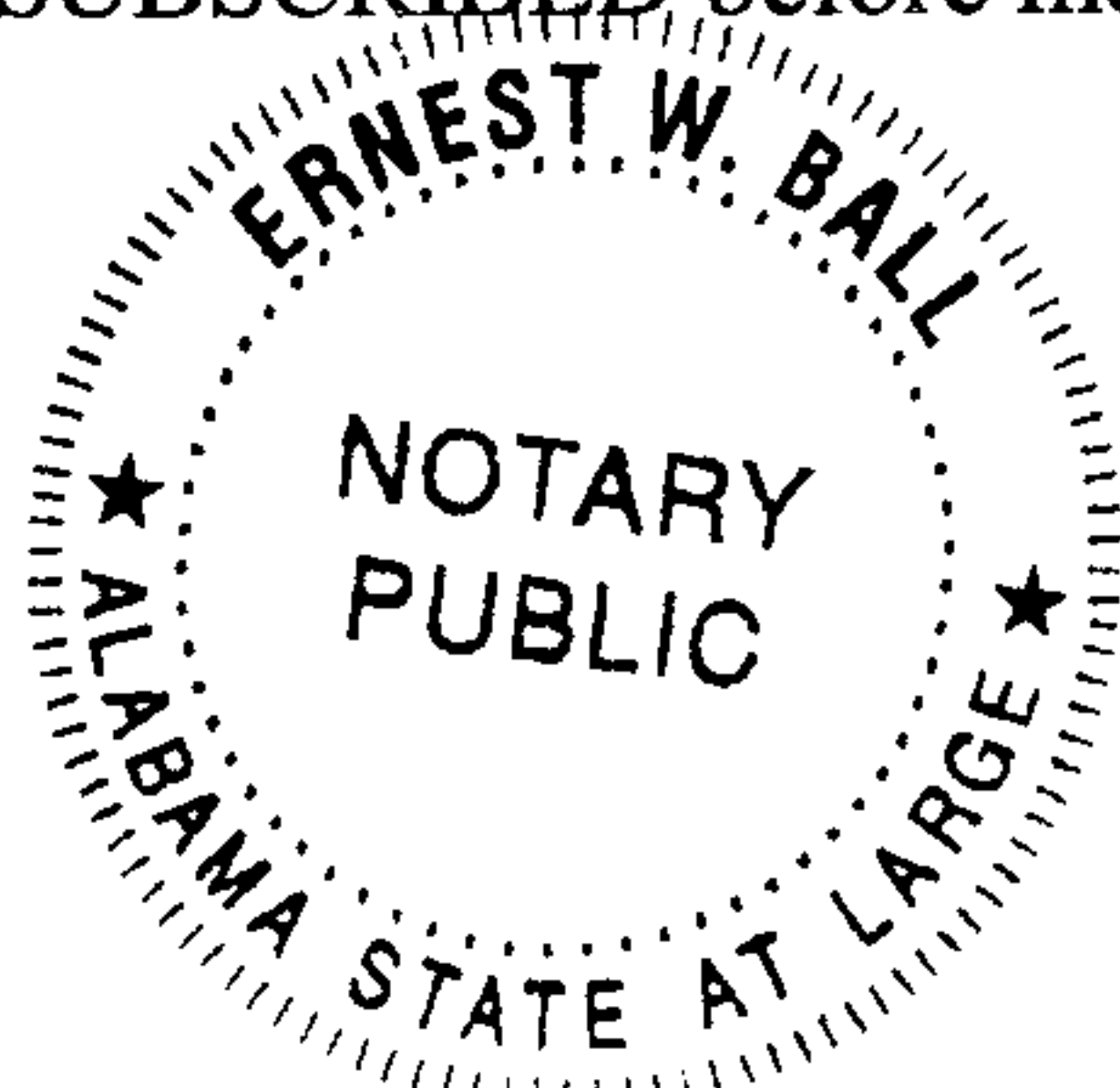
Executed this the 16<sup>TH</sup> day of May, 2016.

  
WESLEY BRIAN WARD

STATE OF ALABAMA )  
COUNTY OF MORGAN )

SWORN TO AND SUBSCRIBED before me by WESLEY BRIAN WARD on this the 16<sup>TH</sup> day of March, 2016.

May ewb



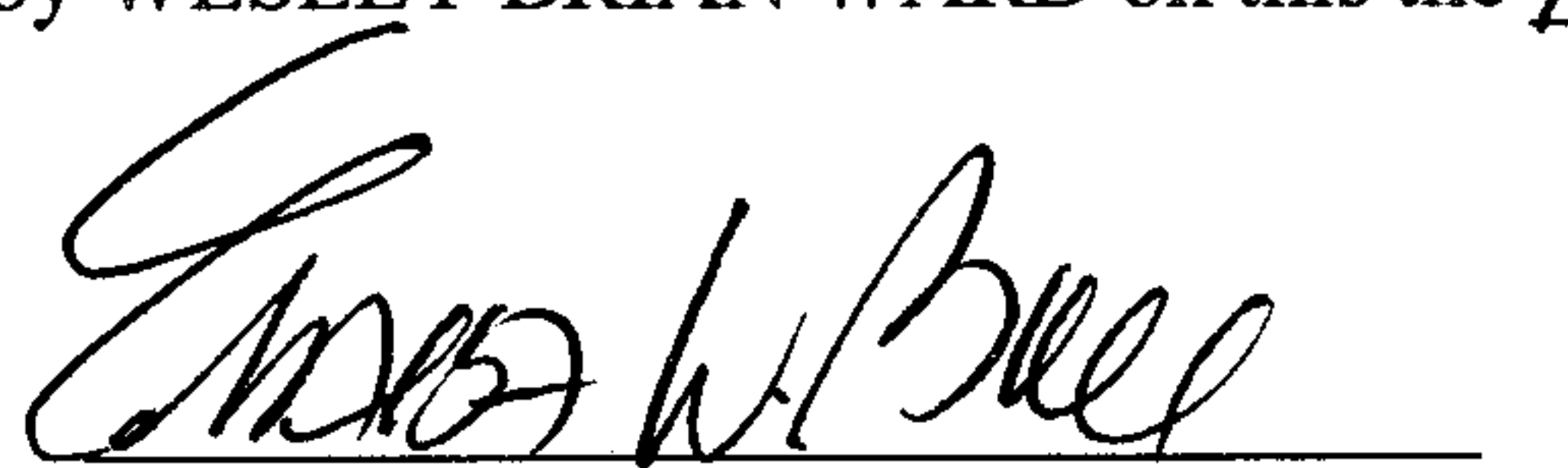
  
Notary Public  
My Commission Expires: 7-30-19


EXHIBIT "A"

COMMENCE AT THE SOUTHEAST CORNER OF THE SW ¼ OF THE SW ¼ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 4 WEST, AND GO NORTH 38 DEG. 51' 30" WEST FOR 393.46 FEET TO THE POINT OF BEGINNING; THENCE NORTH 40 DEG. 33' 30" WEST FOR 210.00 FEET TO THE SOUTHEASTERLY BOUNDARY OF HIGHWAY 93; THENCE SOUTH 55 DEG. 39' WEST ALONG SAID BOUNDARY FOR 210.00 FEET; THENCE SOUTH 40 DEG. 33' 30" EAST FOR 210.00 FEET; THENCE NORTH 55 DEG. 39' EAST FOR 210.00 FEET TO THE POINT OF BEGINNING; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

LESS AND EXCEPT ANY PORTION OF SUBJECT PROPERTY LYING WITHIN A ROAD RIGHT OF WAY.

TOGETHER WITH AN EASEMENT DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 4 WEST SHELBY COUNTY, ALABAMA AND GO NORTH 38 DEG. 51' 30" WEST FOR 393.46 FEET TO AN EXISTING IRON REBAR; THENCE NORTH 40 DEG. 33' 30" WEST FOR A DISTANCE OF 145 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 40 DEG. 33' 30" WEST FOR A DISTANCE OF 65.0 FEET TO AN EXISTING IRON REBAR SET BY LAURENCE D. WEYGAND AND BEING ON THE SOUTHEAST RIGHT OF WAY LINE OF HIGHWAY #93; THENCE RUN NORTH 55 DEG. 39' 00" EAST FOR A DISTANCE OF 30.0 FEET; THENCE RUN SOUTH 40 DEG. 33' 30" EAST FOR A DISTANCE OF 65.0 FEET; THENCE RUN SOUTH 55 DEG. 39' 00" WEST FOR A DISTANCE OF 30.0 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

  
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*THE LAST WILL AND TESTAMENT  
OF  
GENE WARD, JR.*

STATE OF ALABAMA )  
JEFFERSON COUNTY )

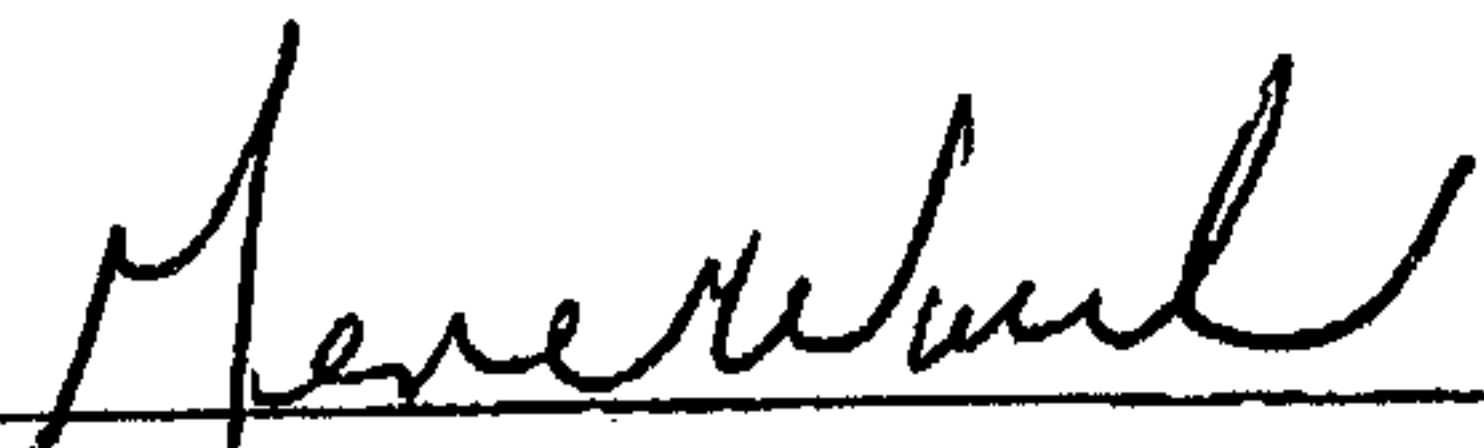
I, Gene Ward, Jr., a resident of Jefferson County, Alabama, and over the age of twenty-one (21) years, being of sound mind and disposing memory, do hereby make and publish this my LAST WILL AND TESTAMENT, revoking all former wills and codicils which may have been made at any time heretofore by me.

FIRST: I hereby direct my Executor to pay all funeral expenses and other debts as soon as practicable after my decease.

SECOND: I will, bequeath, and devise all property which may be mine at the time of my death, of whatsoever kind and character and wheresoever situated, to Wesley Brian Ward, absolutely, to have and to hold, in fee simple forever, if Wesley Brian Ward be living at the time of my death.

THIRD: In the event that the death of Wesley Brian Ward should occur prior to my death, or simultaneously with the time of my death, I will bequeath, and devise all property which may be mine at the time of my death, of whatsoever kind and character and wheresoever situated, to Hayley Ward and Taylor Justin Ward to be theirs absolutely, to have and to hold, in fee simple forever.

FOURTH: I hereby nominate and appoint, Executor of this my LAST WILL AND TESTAMENT, and I hereby declare that Wesley Brian Ward shall not be required to make or file any inventory, settlement, or report to any Court for the actions of Wesley Brian Ward, nor to give bond for the performance of said duties hereunder as Executor of this my LAST WILL AND TESTAMENT. I hereby grant to and vest in my said Executor full power and authority to continue the operation of any business activity in which I may be engaged at the time of my death, together with full power and authority to sell, at private sale, and to convey, lease, exchange, mortgage, pledge, to otherwise alienate any or all of the assets of my estate, on such terms as Wesley Brian Ward deems to be proper without the order of any Court, it being my purpose and intention to grant to my said Executor all the powers over my said property and estate that I am capable of granting to Wesley Brian Ward as such Executor, all without the order or approval of any Court. In the event that my said Executor should not be living at the time an Executor is appointed for my estate, or if Wesley Brian Ward for any reason

  
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fails to serve and qualify as Executor, I nominate and appoint Hayley Ward, as Alternate Executrix of this my LAST WILL AND TESTAMENT, with all the powers, duties, and exemptions granted to and vested in my said Executor as such Executor.

In the event that neither my Executor or Executrix (as the case may be) or any alternate appointed in my will shall not survive me at the time of the probate of my estate, or if for any reason fails to serve and qualify as Executor, I nominate and appoint Syble Marshall, as SubAlternate Executrix of this my LAST WILL AND TESTAMENT, with all the powers, duties, and exemptions granted to and vested in my said Executor as such Executor.

I appoint Syble Marshall, guardian of the property of each of my minor children, to have the complete and exclusive management of their respective estates; and I appoint Syble Marshall, as guardian of their persons, to have exclusive control of their custody, care and education. I direct that no bond or other security shall be required of said guardian in any jurisdiction for the faithful performance of the guardian's duties as such guardian. In the event that said Syble Marshall should not be living at the time a Guardian is appointed for my child or children, or if Syble Marshall for any reason fails to serve and qualify as Guardian, I nominate and appoint Wesley Brian Ward, as Alternate Guardian of my child or children that may be under legal disability of age, with all the powers, duties, and exemptions granted to and vested in my said Syble Marshall as such Guardian.

IN WITNESS WHEREOF, I, Gene Ward, Jr., the undersigned, sign my name to this instrument this 13 day of October, 2024, 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, and that I execute it as my free and voluntary act for the purposes therein expressed, and that I am twenty-one (21) years of age or older, of sound mind, and under no constraint or undue influence.


Gene Ward Jr.  
Gene Ward, Jr.

We, Syble Marshall and Terry Marshall, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that Gene Ward, Jr. signs and executes this instrument as the afore mention's LAST WILL AND TESTAMENT and that it is signed willingly by said Gene Ward, Jr., and that each of us, in the presence and hearing of said Gene Ward, Jr., hereby signs this will as witness to said Gene Ward, Jr. signing, and that to the best of our knowledge the said Gene Ward, Jr. is twenty-one (21) years of age or older, of sound mind, and under no constraint or undue influence.

Syble Marshall

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Gene Ward

  
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WITNESS

Jerry Marshall  
WITNESS

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

Subscribed, sworn to and acknowledged before me by Gene Ward, Jr., who  
subscribed and sworn to before me by Syble Marshall and  
Terry Marshall, witnesses, this 13 day of October, 2004

Kristen Wyle  
Notary Public NCE 7/6/05

  
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Gene Ward