

STATE OF ALABAMA
COUNTY OF SHELBY

AFFIDAVIT


20181011000361920 1/12 \$63.00
Shelby Cnty Judge of Probate, AL
10/11/2018 11:38:21 AM FILED/CERT

Before me, the undersigned authority, personally appeared Sue Garrett, who, being known to me and being by me first duly sworn, deposed and said as follows:

1. My name is Sue Garrett. I am an adult resident of Harpersville, Shelby County, Alabama, and I was one of the plaintiffs in a case in the Circuit Court of Shelby County, Alabama, Case No. CV2006-000912. I have personal knowledge of the facts contained in this Affidavit.

2. The property described in Count II of the complaint in Case No. CV2006-000912 is:

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 32, Township 19 South, Range 2 East, Shelby County, Alabama.

I acquired ownership of this property, less certain parcels which had been conveyed to others, as set out below. This information is based on my personal knowledge of my extended family and on the copies of recorded documents attached hereto as Exhibits:

A. The property was originally owned by Archie E. Wyatt. As part of the administration of his estate, in 1941, the Shelby County Probate Court decreed that Ella Wyatt, Mamie Wyatt (same as Mamie Wyatt Stone), and Lynda Mae Wyatt (same as Lynda Mae Wyatt Strickland) each owned an interest in the property. See **Exhibit A**.

B. In 1956, Ella Wyatt deeded her interest in 4.62 acres of this property to Vester (Dick) Wyatt and Janie Wyatt by deed recorded in Deed Book 183, page 249, in the Probate Office of Shelby County, Alabama. Ella Wyatt died testate in 1960, leaving her interest in a 4 acre square in the NE corner of the property to Rosa Lee Wyatt and Roxie Wyatt as joint tenants with survivorship. She left her interest in the remaining 71 acres, more or less, as follows: life estate to Rosa Lee Wyatt Caddell, who died in 2001, and Roxie Wyatt, who died in 1964, with remainder equally to Mamie Wyatt Stone, Vester Wyatt, and Lynda Mae Wyatt Strickland. See **Exhibit B**.

C. Mamie Wyatt Stone died testate in 2001, leaving her interest in this property to me. See **Exhibit C**.

D. Vester "Dick" Wyatt died intestate in 1990, leaving as his heirs at law his widow, Jane Wyatt, and 3 children, Jenny Rowe, Sherry Snyder, and Jane Cobb. Jane Wyatt died

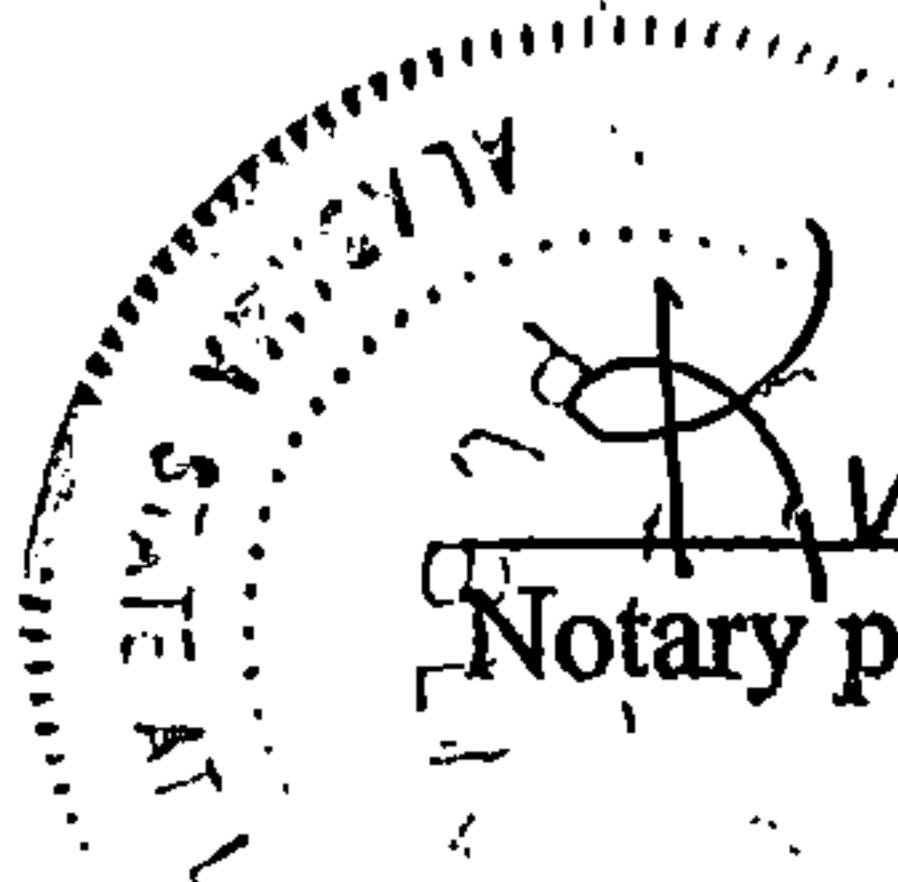
intestate in 1997, leaving as her only heirs at law the same three children. All three children deeded their interests in the property to me by deed recorded as Instrument # 20100505000140920 in the Probate Office of Shelby County, Alabama.

E. Lynda Mae Wyatt Strickland was my mother. She died intestate in 1996, leaving me as her sole heir at law.

3. The judgments in Case No. CV2006-000912 resulted in any claims to this property which may have been made by the other descendants of Ella Wyatt being transferred to me.

Sue Garrett
Sue Garrett

Sworn to and subscribed before me this
8th day of October, 2018.


Kimm M. Foster
Notary public


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EXHIBIT A

Case No 9-203



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Shelby Cnty Judge of Probate, AL
10/11/2018 11:38:21 AM FILED/CERT

State of Alabama,)

Shelby County.)

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA.

In the Matter of the Estate of Archie E. Wyatt, deceased.

This being the day set by the court, by decree of the 23rd day of October, 1941, to hear and pass upon the report of the Commissioners setting aside a homestead to Ella Wyatt, the widow of Archie E. Wyatt, deceased, and to Mamie Wyatt and Lynda Mae Wyatt, who were minor children of said Archie E. Wyatt at the time of his death; and it appearing to the court that all of the heirs at law and next of kin of said Archie E. Wyatt, deceased, have been notified that said Ella Wyatt, Mamie Wyatt and Lynda Mae Wyatt on the 3rd day of September, 1941, filed their petition in writing and under oath, seeking to have set aside to them a homestead or homestead exemptions out of the real estate owned by said Archie E. Wyatt at the time of his death, and that a decree was entered in said cause on said date appointing John Baker and Henry Morris as Commissioners to set apart and allot to petitioners a homestead or homestead exemptions as prayed for in the petition, and that said Commissioners on the 10th day of September, 1941, filed their written report in this court setting aside to said petitioners the following described land as a homestead, as prayed for, viz:

The north half of the north east quarter of Section 32,
Township 19, Range 2 East, Shelby County, Alabama,

and that in said report said commissioners valued said homestead at thirteen hundred dollars, after deducting the sum of seven hundred dollars, which represents the amount due by mortgage on said land, that is to say, they reported the net value of said property to be thirteen hundred dollars, and reported that it was all the land that said Archie E. Wyatt owned at the time of his death, and that it was occupied by him as a homestead at the time of his death, and that it did not exceed one hundred and sixty acres in area and that title was vested absolutely in them, that is, in petitioners, and that this day has been set by the court for the hearing of said report and for action thereon; and it further appearing to the Court that Ernest Wyatt and Roy Wyatt were notified of the aforementioned proceedings by citation served on them by Holt McDowell, Sheriff of Jefferson County, Alabama, on the 14th day of September, 1941, and that Clara Wyatt Harris, Roxie Wyatt, Rosalie Wyatt and Vester Wyatt, were notified of the

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aforementioned proceedings by citation served on them by W. B. White,
as Sheriff of Shelby County, Alabama, on the 30th day of October, 1941.

Thereupon said report is heard before the Court and proof
being made as to the facts set forth in the petition and in the report of the
Commissioners, the court is of the opinion that petitioners are entitled
to the relief prayed for:

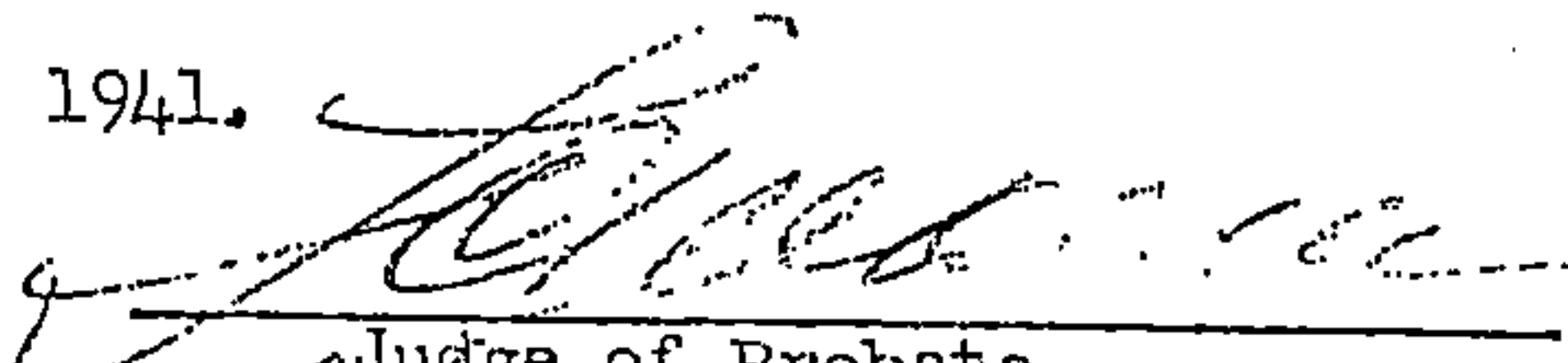
It is, thereupon, ordered, adjudged and decreed by the court
that the report of the Commissioners filed in this cause on the 10th
day of September, 1941, be and the same is hereby ratified and
confirmed and that the land so set aside by said Commissioners to the
petitioners in this cause, viz:

The north half of the north east quarter of Section 32,
Township 19 Range 2 East, Shelby County, Alabama,

was the homestead of said Archie E. Wyatt at the time of his death, that
the same was of no greater value than two thousand dollars, and of less
area than one hundred and sixty acres, and it has continued to be of less
value than two thousand dollars continuously to this time, and that it
was all the property owned by said Archie E. Wyatt at the time of his
death, and that the same be and hereby is set aside as a homestead to
said Ella Wyatt, as the surviving widow of Archie E. Wyatt, and to
Mamie Wyatt and Lynda Mae Wyatt, minor children of said Archie E. Wyatt
at the time of his death, and that they be and are vested with fee simple
title to said property.

It is further ordered, adjudged and decreed by the court
that said report of said Commissioners as aforesaid be and the same is
hereby ratified and confirmed, and the property therein described be and the
same is set aside and said property is set aside to petitioners in fee simple
title as a homestead, and that the cost of this proceeding be taxed against
petitioners for which let execution issue.

This the 29th day of November, 1941.


Judge of Probate

STATE OF ALABAMA

EXHIBIT B

SHELBY COUNTY



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Shelby Cnty Judge of Probate, AL
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I, Ella Wyatt, of Harpersville, Shelby County, Alabama, being of sound mind and disposing memory and being muddful of the certainty of death and of the uncertainty of life, do hereby make and publish this my last will and testament, hereby revoking all former wills, if any, by me made, viz:

ITEM ONE: It is my will that all of my just debts and funeral expenses be paid as soon after my death as possible.

ITEM TWO: I will, devise and bequeath to my daughters, Rosa Lee Wyatt and Roxie Wyatt, a 4 acre square of land in the NE corner of the NE $\frac{1}{4}$ of Section 32, Township 19, Range 2 East, Shelby County, Alabama, as joint tenants with the right of survivorship, reserving however, a life estate unto myself in said property. In the event one of said devisees survive the other, the entire land will go the survivor in fee simple.

ITEM THREE: I will, devise and bequeath to my two daughters Rosa Lee Wyatt and Roxie Wyatt, all other real estate I may own at the time of my death; reserving unto myself a life estate in said property. Said land bequeathed in this item shall be for the life only of my said two daughters and in the event ether of them should die the other will take the entire land for her life time, that is the life time of the one surviving. At the termination of the life estate herein created in my two daughters, I will, devise and bequeath said land, not including the 4 acres bequeathed in Item 2, to my three children, Mamie Wyatt Logan, Vester Wyatt and Lynda Mae Wyatt Strickland, share and share alike.

I strickly provide herein that I shall have a life estate in all of said land and Will takes effect only at my death.

ITEM FOUR: I will, devise and bequeath to my two daughters Rosa Lee Wyatt and Roxie Wyatt, all personal property of which I may die seized possessed.

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ITEM FIVE: I hereby constitute and appoint my daughter, Roxie Wyatt,
as Executrix of this will, without bond.

In witness whereof, I have hereunto set my hand this the 28th
day of June, 1954.

Ella Wyatt
Ella Wyatt

We, the undersigned witnesses, have
hereunto set our names to the above
Will as witnesses, in the presence of
Ella Wyatt and in the presence of each
other and at her request on this the
day the same bears date.

Handy Ellis

Betty Lee

CERTIFICATE

STATE OF ALABAMA
SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, in and for said County, in said State,
do hereby certify that the within instrument in writing having this day
in the Probate Court of Shelby County and before me as the Judge thereof,
been duly proven by the testimony of Handy Ellis, one of the subscribing
witnesses thereof, to be the genuine last Will and Testament of Ella Wyatt,
deceased, and that said Will and Testament has been admitted to probate
as such on this day and said Will and Testament, together with the proof
thereof have been duly recorded in the Probate Office of Shelby County,
Alabama, in book of Wills No. 12 at page 286.

In Witness Whereof I have heretuno set my hand and official seal of Probate
Court on this the 1st day of April, 1960.

Conrad M. Fowler
Conrad M. Fowler
Judge of Probate
Shelby County, Ala.

286 3/24/60

This is a true and exact copy of the record on file with the Shelby County Health Department.

Sheela Keller
 Signature of Local Registrar

DEC 05 2001

Date of Issue

ALABAMA

CERTIFICATE OF DEATH

20181011000361920 7/12 \$63.00
 Shelby Cnty Judge of Probate, AL
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TYPE IN PERMANENT
 BLACK INK. DO NOT
 USE GREEN, RED, OR
 BLUE INK.

County
 File
 Number

State File Number 101

1. DECEASED - NAME First Middle Last (Type last name of capital)		2. DATE OF DEATH (Month, Day, Year)		3. COUNTY OF DEATH	
Rosa Lee CADDELL		November 27, 2001		Shelby	
4. CITY, TOWN, OR LOCATION OF DEATH AND ZIP CODE		5. INSIDE CITY LIMITS (Specify Yes or No)		6. PLACE OF DEATH - HOSPITAL OR OTHER INSTITUTION - (If not in either, give street and number)	
Alabaster 35007		Yes		Shelby Baptist Medical Center	
7. IF HOSPITAL (Specify Inpatient, E.R. or Outpatient, etc.)		8. OF HISPANIC ORIGIN (Specify Yes or No) If Yes, Specify Cuban, Mexican, Puerto Rican, etc.		9. RACE (Specify American Indian, Black, White, etc.)	
Inpatient		No		White	
11. AGE		12. UNDER 1 YEAR		13. DATE OF BIRTH (Month, Day, Year)	
94 YRS		MOS		September 23, 1907	
14. EDUCATION (Specify High School, College, etc.)		15. MARITAL STATUS (Specify Married, Never Married, Widowed, Divorced)		16. SURVIVING SPOUSE (If wife, give maiden name)	
8		Widowed		No	
17. STATE OF BIRTH (If not in USA, name country)		18. RESIDENCE - STATE		19. COUNTY	
Alabama		Alabama		Shelby	
20. INSIDE CITY LIMITS (Specify Yes or No)		21. STREET AND NUMBER		22. CITY, TOWN, OR LOCATION AND ZIP CODE	
Yes		89 Rosa Drive		Harpersville 35078	
23. USUAL OCCUPATION (Give kind of work done during most of working life even if retired)		24. KIND OF BUSINESS OR INDUSTRY		25. INFORMANT - Name and Address	
Bus Driver		Board of Education		Sue Garrett 393 Primrose Lane, Harpersville, AL 35078	
26. FATHER - NAME First Middle Last		27. MOTHER - NAME First Middle Last		28. LOCATION - (City or Town - State)	
Archie Wyatt		Ella Ingram		Harpersville, AL	
29. DISPOSITION OF BODY (Specify Burial, Cremation, Medical Donation, Hospital Disposal, Other)		30. DATE OF DISPOSITION (Month, Day, Year)		31. CEMETERY OR CREMATORY - Name	
Burial		Nov. 29, 2001		Harpersville Cemetery	
32. FUNERAL HOME - Name and Address		33. FUNERAL DIRECTOR - Signature		34. DATE SIGNED BY FUNERAL DIRECTOR	
Bolton Brown Service PO Box 1066, Columbiana, AL 35051		<i>Connie S. Denty</i>		Dec. 3, 2001	
35. Certifying Physician (Physician certifying cause of death) To the best of my knowledge death occurred at the time and date, and due to the cause(s) and manner stated.		36. Medical Examiner (On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, place, and due to the cause(s) and manner stated.)		37. DATE SIGNED (Month, Day, Year)	
Signature: <i>Michael A. Remillard</i>		Signature: <i>Michael A. Remillard</i>		November 27, 2001	
38. TIME AND DATE OF DEATH		39. DATE AND TIME PRONOUNCED DEAD (For Coroner/M.E. use only)		40. NAME AND TITLE OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 46)	
0340 11/27/01				Michael A. Remillard MD	
41. ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 46)		42. CERTIFIER LICENSE NUMBER		43. DATE FILED (Month, Day, Year)	
270 Village Parkway Helena, AL 35050		21972		December 5, 2001	
44. REGISTRAR - Signature		45. For State or County use only			
<i>Sheela Keller</i>					

MEDICAL CERTIFICATION

46. PART I Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. LIST ONLY ONE CAUSE ON EACH LINE.		APPROXIMATE INTERVAL BETWEEN CAUSE AND DEATH	
1. <i>Pneumonia</i>		3.6 hours	
2. <i>Due to (or as a consequence of)</i>			
3. <i>Due to (or as a consequence of)</i>			
4. <i>Due to (or as a consequence of)</i>			
47. PART II Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.		48. WAS THERE A PREGNANCY IN LAST 42 DAYS? (Specify Yes, No, or Unk.)	
		No	
49. MANNER OF DEATH (Specify - Accident, Homicide, Suicide, Undetermined Circumstances, Pending Investigation, Natural Cause)		50. AUTOPSY (Specify Yes or No)	
Natural Cause		No	
51. HOW INJURY OCCURRED (Enter nature of injury in item 46, Part I for item 47, Part II)		52. DATE OF INJURY (Month, Day, Year)	
N/A		N/A	
53. BURIAL AT WORK (Specify Yes or No)		54. PLACE OF INJURY (Specify at home, farm, street, factory, office building, etc.)	
N/A		N/A	
55. LOCATION OF INJURY (Street or R.F.D. No., City or Town, State)			
N/A			

This is a legal record and must be filed within five (5) days after death.

ADPH-HS 2/Rev. 11-99

NAME OF DECEASED Caddell, Rosa Lee

SSN

34

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8/1/2017

Roxie Mary Wyatt (1903 - 1964) - Find A Grave Memorial

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Roxie Mary Wyatt

Birth: Feb. 16, 1903
Death: Aug. 7, 1964
Harpersville
Shelby County
Alabama, USA

Family links:

Parents:

Archie Erastus Wyatt (1869 - 1935)
Ella A. *Ingram* Wyatt (1882 - 1960)

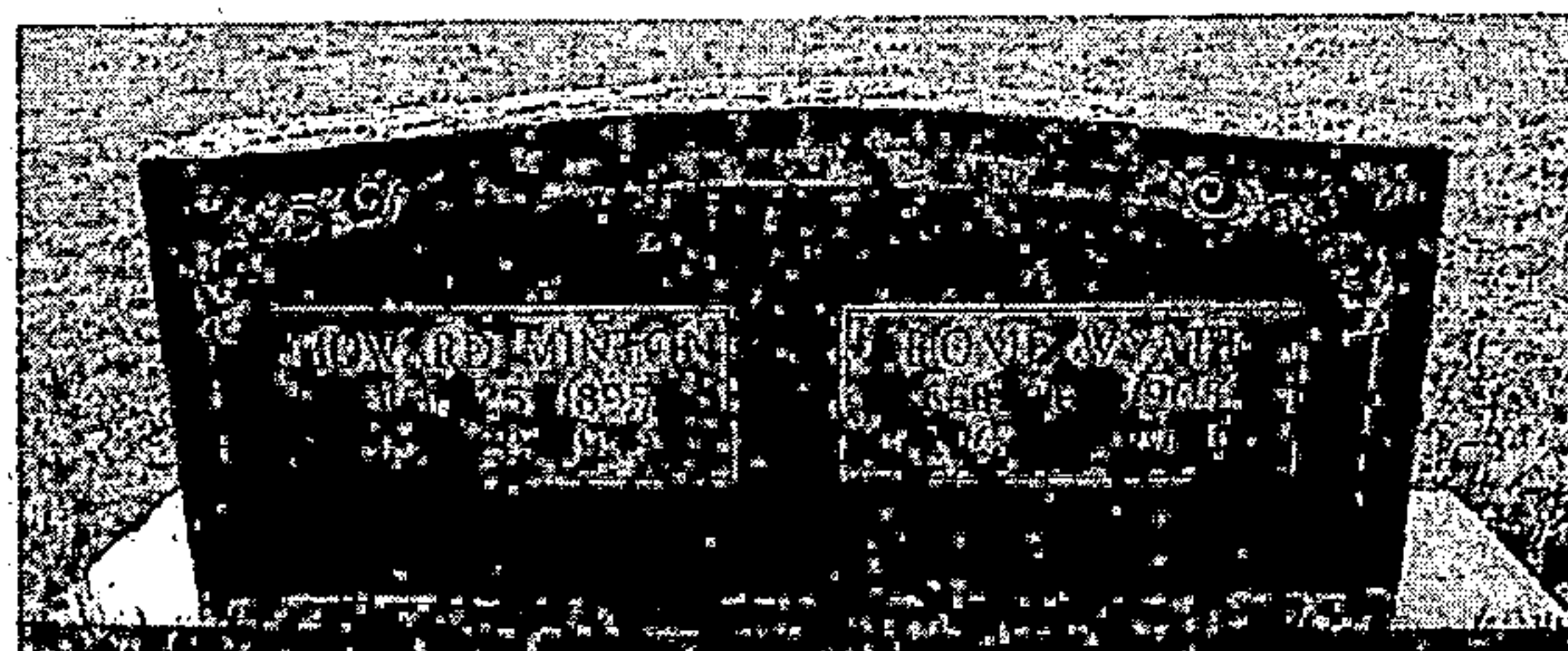
Burial:

Harpersville Garden of Memories Cemetery
Harpersville
Shelby County
Alabama, USA

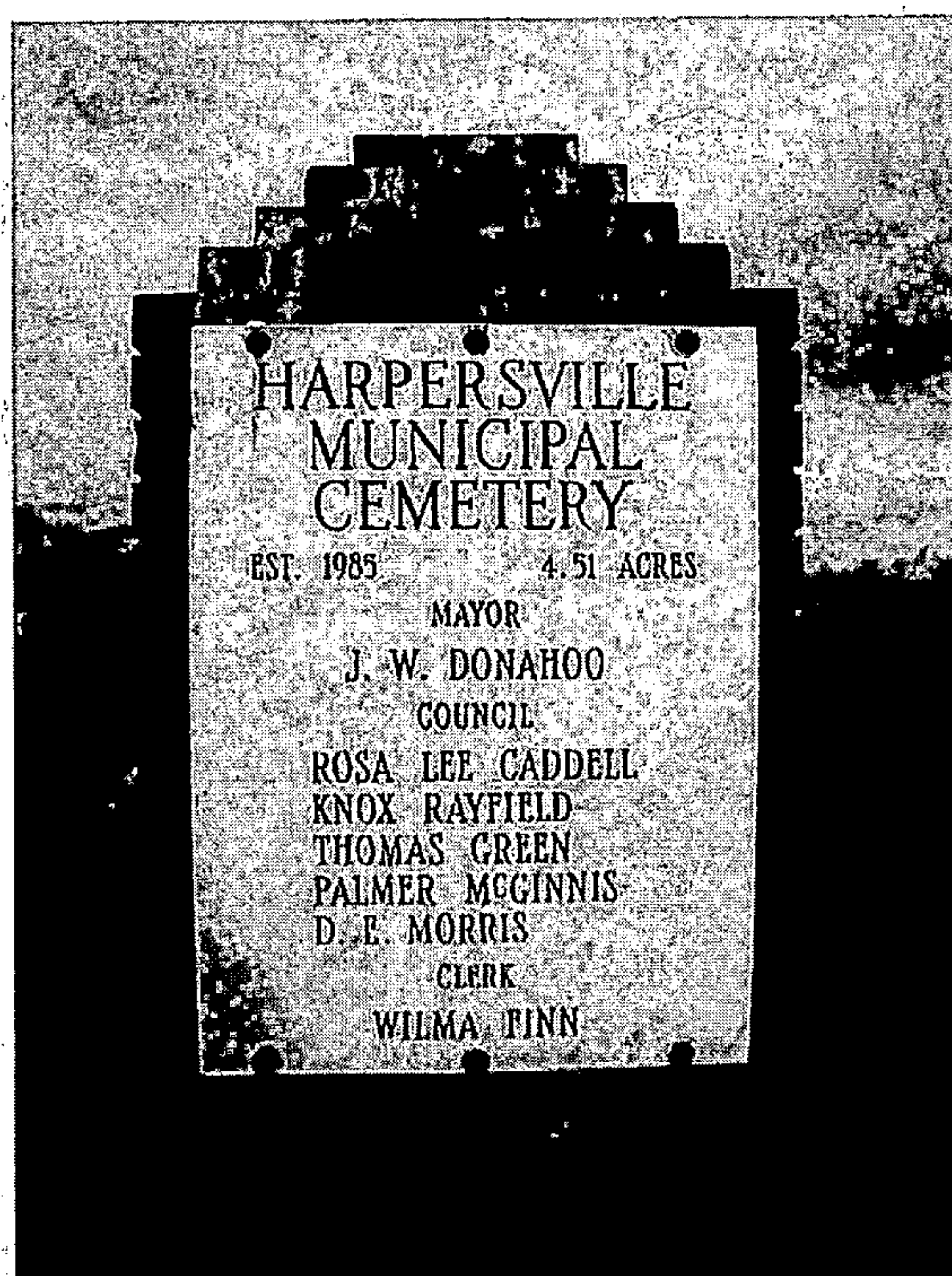
Created by: bonehead

Record added: Mar 13, 2016

Find A Grave Memorial# 159376586



Added by: bonehead



Cemetery Photo

Added by: bonehead

Last Will and Testament

of
MAMIE STONE



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Shelby Cnty Judge of Probate, AL
10/11/2018 11:38:21 AM FILED/CERT

STATE OF ALABAMA

SHELBY COUNTY

I, Mamie Stone of Shelby County, Alabama, being of sound mind and disposing memory and being mindful of the certainty of death and of the uncertainty of life, do hereby make and publish this, my last will and testament, hereby revoking all former wills, if any, by me at any time made:

ITEM ONE: It is my will that all of my legal debts and funeral expenses be paid as soon after my death as is practicable.

ITEM TWO: I give, devise and bequeath my home and approximately one-half acre on which said home is situated, and any automobile which I may own at my death, to Christopher Garrett, to be his absolutely.

ITEM THREE: I give, devise and bequeath all the rest, residue and remainder of any property which I may own at the time of my death, or in which I may have an interest, real, personal, or mixed and wheresoever situated, unto Sue Garrett, to be hers absolutely.

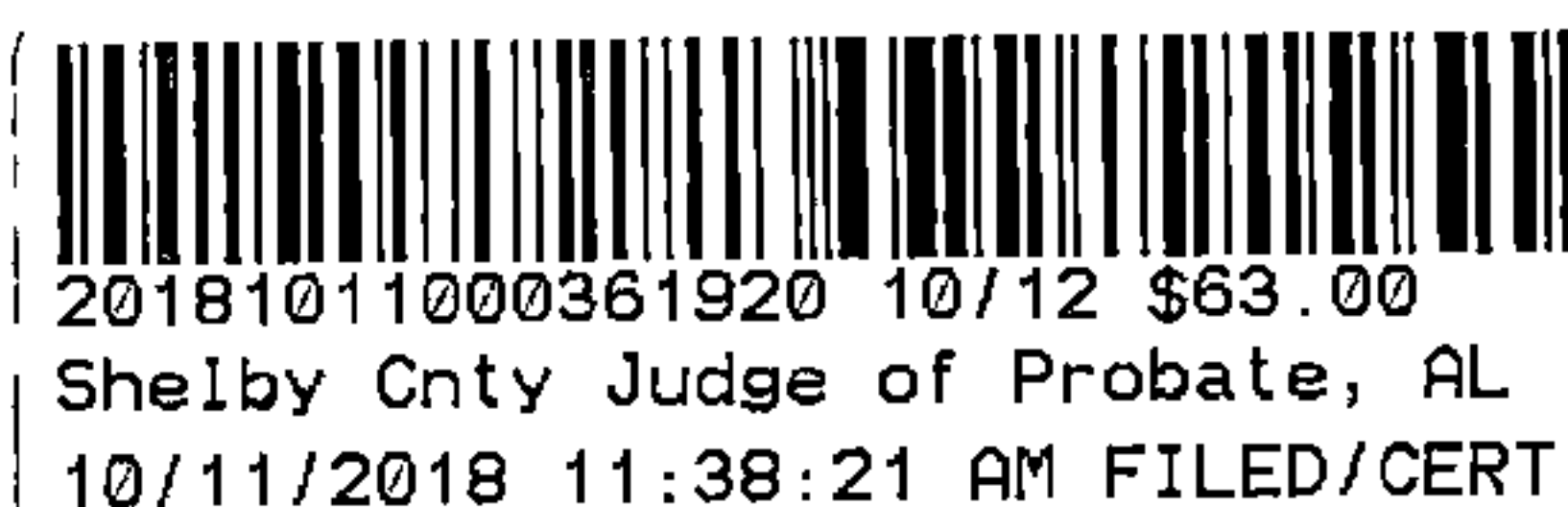
ITEM FOUR: I hereby appoint as Executrix of this My last Will and Testament, Sue Garrett, and I do hereby relieve and exempt her from making bond as such Executrix, and also from the filing of any accounts, appraisals or inventories in any Court pertaining to the administration of my estate.

IN WITNESS WHEREOF, I herunto set my hand this 14th day of May, 1997.

Mamie Stone
Mamie Stone

WE, the undersigned witnesses, have hereunto set our names to the foregoing Will as witnesses, in the presence of Mamie Stone, and in the presence of each other, at her request on the same day the same bears date.

Eva D. Money
Kelly S. Armstrong



I, Mamie Stone, the testatrix, sign my name to this instrument this 14th day of May, 1997, 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 nineteen years of age or older, of sound, and under no constraint or undue influence.

Mamie Stone
Mamie Stone, Testatrix

WE, Eva D. Mooney and Kelly G. Armstrong, 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 that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby sign this will as witness to the testatrix' signing, and that to the best of our knowledge the testatrix is nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Eva D. Mooney
Witness

462 Blair's Place

Childersburg, Alabama 35044
Address

Kelly G. Armstrong
Witness

113 Stinson Drive

Wilsonville, Alabama 35186
Address

LAST WILL AND TESTAMENT OF
Mamie Stone
Page Three



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State of Alabama

County of Shelby

Subscribed, sworn to and acknowledged before me by Mamie
Stone, the testatrix and subscribed and sworn to before me by
Eva D. Mooney and Kelly G. Armstrong, witnesses,
this 14th day of May, 1997.

[Signature]

Notary Public

P. O. Box 557

Columbiana, Alabama 35051
Address



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Shelby Cnty Judge of Probate, AL
10/11/2018 11:38:21 AM FILED/CERT

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

Mamie Stone, deceased.)

CASE NO. 42-154

DECREE ADMITTING WILL TO PROBATE & GRANTING
LETTERS TESTAMENTARY

This 7th day of February, 2002 being the date set by this Court for the hearing of the petition of **Sue Garrett**, to have admitted to probate and record an instrument which purports to be the Last Will and Testament of **Mamie Stone**, deceased, and notice having been issued and served as required by law upon the spouse and/or next of kin, or service of notice having been accepted by those who are over the age of nineteen years and of sound mind, and the Court having heard the evidence offered and the Court being satisfied from said evidence that the instrument, which purports to be the Last Will and Testament of the said decedent is the legal Will of the said decedent.

It is therefore ORDERED by this Court that the said instrument which purports to be the Will of the said decedent was duly and legally executed by **Mamie Stone** and that the said instrument is the legal Will of the said decedent; that the said Will is hereby admitted to probate and record in this Court and that pursuant to **Ala. Code, §43-2-21 (1975)**, Letters Testamentary be granted to **Sue Garrett** as Personal Representative under said Will.

It is further ORDERED by this Court that the said Personal Representative shall have all the powers and duties provided in the Will and all the general powers, without limitation, authorized for transactions enumerated in **Ala. Code §43-2-843 (1975, as amended)**.

It is further ORDERED that the said Personal Representative proceed without delay to collect and take possession or control of the personal property and evidences of debt of the said decedent, except the personal property exempted under **Ala. Code, §43-8-111 (1975, as amended)**, in favor of the surviving spouse. The Will expressly relieves the Personal Representative of the requirement to file an inventory. The said self-proved Will of the decedent shall be recorded in the probate records of Shelby County, Alabama as provided by law.

DONE and ORDERED this the 7th day of February, 2002.

PATRICIA YEAGER FUHRMEISTER
Judge of Probate