



20210903000432400 1/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

This document prepared by:
Elizabeth A. Roland, Attorney
Roland Milling Law LLC
304 Canyon Park Drive
Pelham, AL 35124

(Description furnished by Grantor. No
survey examined and no title examination
made by this attorney.) Source of Title:
Instrument # 19770826000089620, Deed Book 307,
Page 466, Judge of Probate, Shelby County,
Alabama, 08/26/1977.

DEED

STATE OF ALABAMA)

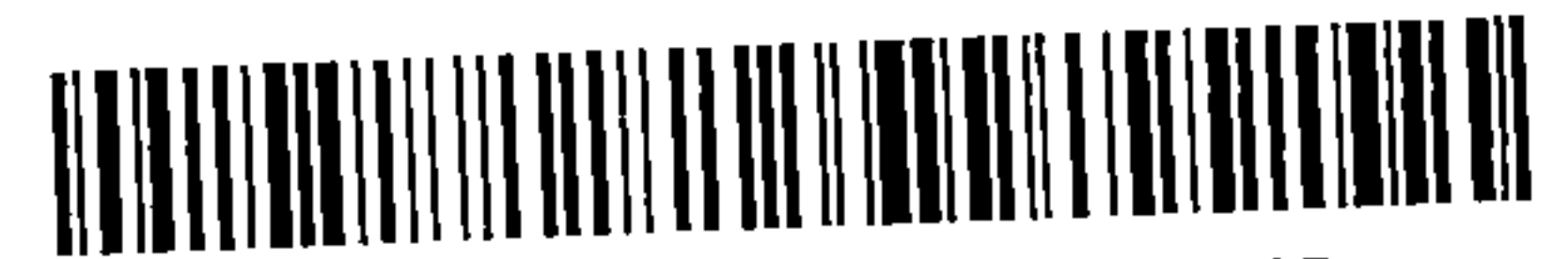
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that, For and in consideration of the sum of Ten (\$10.00) Dollars, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, **Robert Avery Clark, Jr.**, a married man, and **James William Clark**, an unmarried man, according to the Will of **W. Eleanor Clark** and by operation of law as the only heirs to **W. Eleanor Clark**, as Grantors, warrant unto **Robert Avery Clark, Jr.**, hereinafter referred to as GRANTEE, the following described property situated in Shelby County, Alabama, to-wit:

The West 165 feet of the NE-1/4 of SW-1/4 and all of the West 165 feet of the SE-1/4 of NW-14, lying South of Florida Short Route Highway right-of-way, all in Section 24, Township 19, Range 1 East, containing 5-1/2 acres, more or less.

Robert Avery Clark, Jr., and **James William Clark** are the only living children of **W. Eleanor Clark**, deceased as of May 7, 2019, and according to the Will of **W. Eleanor Clark** and by operation of law are entitled to inherit this real property. It is their desire to deed this property to **Robert Avery Clark, Jr.**

Robert A. Clark, the other joint tenant in the deed recorded at Instrument # 19770826000089620, Deed Book 307, Page 466, died on or about June 19, 2008. **W. Eleanor Clark** and **Robert A. Clark** had another child, **Cathy Lynn Clark Talley**, deceased as of August



20210903000432400 2/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

2, 2012 who had no children at the time of her death.

Two Affidavits of Heirship are recorded herewith.


This property is no part of the homestead of **James William Clark**.

The heirs have chosen not to probate the Will of **W. Eleanor Clark** as there is no other property of the estate, but a copy of the Will is being recorded herewith.

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

And we do for ourselves and for our heirs, executors, and administrators covenant with the said Grantee, his heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators shall warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 2 day of September, 2021.


Robert Avery Clark, Jr. (L.S.)


James William Clark

STATE OF ALABAMA)
SHELBY COUNTY)

I the undersigned, a Notary Public in and for the State of Alabama at Large, do hereby certify that **Robert Avery Clark, Jr.**, a married man, and **James William Clark**, an unmarried man, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of this conveyance, they, executed the same



20210903000432400 3/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

voluntarily on the day the same bears date.

Given under my hand and official seal this the 2nd day of September, 2021.

Elizabeth A. Kelcey
Notary Public

My commission expires: **My Commission Expires:**
May 22, 2022

Real Estate Sales Validation Form

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

Grantor's Name Robert Avery Clark, Jr., and
Mailing Address James William Clark
5860 South Shades Crest Road,
Bessemer, AL 35022

Grantee's Name Robert Avery Clark, Jr.
Mailing Address 5860 South Shades Crest Road
Bessemer, AL 35022

Property Address 1765 Westover Road
Westover, AL 35147

Date of Sale _____
Total Purchase Price \$ _____



20210903000432400 4/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

or
Actual Value \$ _____

or
Assessor's Market Value \$ 95,200.00

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- ☐ Bill of Sale ☐ Appraisal
☐ Sales Contract ☒ Other Shelby County (AL) Tax Assessor's Office
☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 9-2-21

Print Robert Avery Clark Jr

Unattested
(verified by)

Sign [Signature]
(Grantor/Grantee/Owner/Agent) circle one

Print Form

Form RT-1



20210903000432400 5/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

STATE OF ALABAMA)

SHELBY COUNTY)

Last Will and Testament
of
W. Eleanor Clark

I, **W. Eleanor Clark**, also known as Willie Eleanor Clark, residing in Shelby County, Alabama, and being of sound and disposing mind and memory and over the age of twenty-one (21) years, do hereby make, declare and publish this my Last Will and Testament and hereby revoke all former wills and codicils made by me.

ITEM I

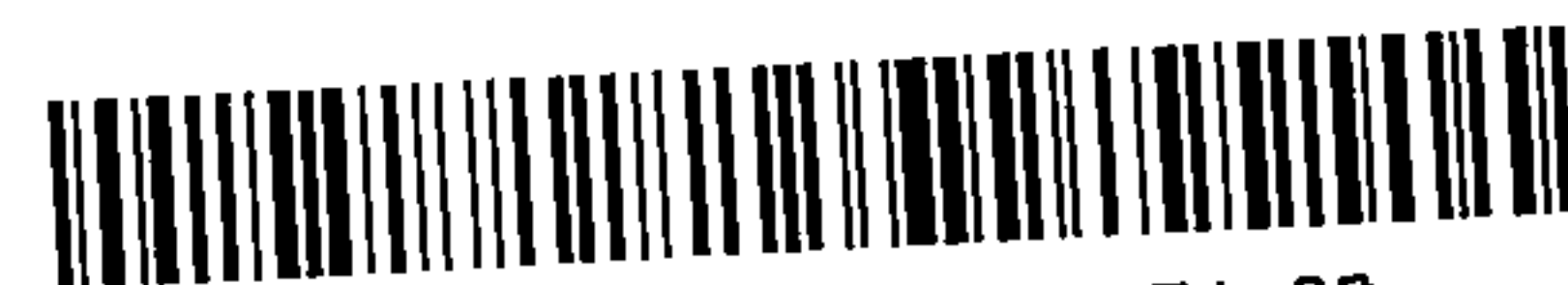
I direct that all of my just debts which are not paid by insurance, including my funeral expenses, and the expenses of my last illness, be paid first out of my estate as soon as the condition of my estate will warrant.

ITEM II

I will, give, devise, demise and bequeath my property, real, personal and mixed wherever located to my children, **Robert Avery Clark, Jr., James William Clark and Cathy Lynn Clark Talley**, in equal shares, share and share alike.

In the event **Robert Avery Clark, Jr., or James William Clark** should die simultaneously with me, predecease me, or die under such circumstances that it cannot be determined which of us survived except by the application of a legal presumption, then I will, give, devise, demise and bequeath his share of my property to his children who are living at the time of my death. In the event **Cathy Lynn Clark Talley** should die simultaneously with me, predecease me, or die under

W. E. C.
Initials



20210903000432400 6/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

*Last Will and Testament of
W. Eleanor Clark
Page 2*

such circumstances that it cannot be determined which of us survived except by the application of a legal presumption, then I will, give, devise, demise and bequeath her share of my property to **Robert Avery Clark, Jr., or James William Clark** or the remainder of them.

In the event **Cathy Lynn Clark Talley**, takes under my Will, then I will, give, devise, demise and bequeath her share of my property to the Trustee of the Cathy Lynn Clark Talley Special Needs Trust as set forth in Item III hereunder, to be held or disposed of in accordance with the provisions thereto as a separate trust. Cathy Lynn Clark Talley is referred to in Item III as the beneficiary.

ITEM III

CATHY LYNN CLARK TALLEY SPECIAL NEEDS TRUST

The Beneficiary of the trust in this Item has disabilities that are expected to continue indefinitely. I desire that the Trust described herein be used to provide for the Beneficiary's special needs which are not, in the Trustee's sole and absolute discretion, being provided sufficiently by any public agency, office or department of the State of Alabama, or of any other state, or of the United States or by any private agency or any insurance carrier with insurance policies covering the Beneficiary. For purposes of determining the Beneficiary's eligibility for any such public benefits, no part of the principal or income of the Trust shall be considered available to the Beneficiary.

(a.) **SEEK SUPPORT AND MAINTENANCE.** The Trustee (or if appointed, the Beneficiary's guardian or conservator) shall seek support and maintenance for the Beneficiary from all available public and private sources including, but not limited to, the Supplemental Security Income program (SSI), the Old Age Survivors and Disability Insurance program (OASDI), the Medicaid program and any additional similar or successor programs. When determining whether to make discretionary distributions of income and principal from the Trust, the Trustee shall take into consideration the applicable resource and income limitations of any public assistance programs for which the Beneficiary is eligible.

(b.) **DISCRETIONARY DISTRIBUTION.** The Trustee shall hold the property

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*Last Will and Testament of
W. Eleanor Clark
Page 3*

allocated to the Beneficiary in trust, for her benefit during her lifetime. During the continuance of the Trust, the Trustee in the Trustee's sole and absolute discretion shall use for the benefit of the Beneficiary as much of the net income as the Trustee deems appropriate to meet her special needs. Any income not so distributed shall be added to principal. If, in the Trustee's sole and absolute discretion, the income is insufficient, the Trustee shall also pay for the benefit of the Beneficiary as much of the principal as the Trustee considers appropriate to meet the Beneficiary's special needs.

(c) **"SPECIAL NEEDS".** "Special needs" as used herein refers to the requirements for maintaining the Beneficiary's education, health, comfort and happiness which are not being provided by any local, state or federal public agency, office or department or by any private agency. "Special needs" may include but is not limited to the following: eyeglasses, dental expenses, transportation (including vehicle purchase, insurance and maintenance) electronic equipment such as video games, radios, record players, television sets, computer equipment, video recorders and related entertainment equipment, camping trips and related accessories, admission to athletic events, movies, concerts and similar entertainment, vacations and other outings, payments for a companion, programs that provide training, education, treatment and rehabilitation, telephone services, cable television, and the like, to enhance the Beneficiary's situation.

(d) **OTHER SOURCES CONSIDERED.** In making any distribution on behalf of the Beneficiary, the Trustee shall consider any other income or resources known to the Trustee and reasonably available to the Beneficiary, may make expenditures so that the Beneficiary's standard of living will be comfortable and enjoyable, shall not be obligated or compelled to make such payments, shall not pay or reimburse any amount to any government agency or department, and, provided that all such actions taken by the Trustee are taken in good faith, the Trustee shall not be liable for any loss of benefits incurred by the Beneficiary.

(e) **NO COMMINGLING.** No public assistance benefits for the Beneficiary, nor any other assets owned by the Beneficiary, shall be added to this Trust.

(f) **FORCED TERMINATION.** In the event that any government body or agency,

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Last Will and Testament of
W. Eleanor Clark
Page 4

federal, state, or local, shall try to seize trust assets for reimbursement of services or shall try to have any part of the Trust principal or income released for payment of items or services which would otherwise be provided by such agency, the Trustee is authorized in the Trustee's discretion to oppose or deny such actions and to (1) take whatever administrative or judicial steps may be necessary to continue the Beneficiary's eligibility for such benefits, including obtaining instructions from a court of competent jurisdiction ruling that the Trust is not available to the Beneficiary for eligibility purposes, and any expenses of the Trustee in this regard, including reasonable attorneys' fees, and advisory fees from experts on persons with disabilities and special needs, shall be a proper charge to the trust estate; (2) terminate the Trust and distribute the Trust principal and remaining income to my remaining, surviving biological children.

(g) **IRREVOCABILITY.** This Trust is irrevocable. However, the Trustee shall have the power, acting alone, to amend the Trust in any manner required in order for the Trust to comply with Federal or state laws related to eligibility for Medicaid or other benefits.

(h) **TERMINATION BECAUSE OF DEATH.** Upon the death of the Beneficiary, the Trust shall terminate, unless it has already been terminated pursuant to paragraph (f) of the Article, and the Trustee may pay the expenses of the Beneficiary's last illness and her burial arrangements, and all administrative expenses relating to this Trust, including reasonable attorney's fees, if in the sole discretion of the Trustee other satisfactory provisions have not been made for the payment of such expenses. The Trustee shall distribute the remaining corpus and income of the Trust to my remaining living children.

(i) I nominate and appoint **Robert Avery Clark, Jr.**, as Trustee of this Trust. Should he be unable for any reason to act as Trustee, then I nominate and appoint **James William Clark** as Successor Trustee.

ITEM IV

In the event minor children should take under my Will then I authorize my PERSONAL REPRESENTATIVE to transfer property to the minor through the Uniform Transfers to Minors Act

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Last Will and Testament of
W. Eleanor Clark
Page 5

(UTMA) with the UTMA custodian to be selected by my PERSONAL REPRESENTATIVE.

ITEM V

I nominate and appoint, **Robert Avery Clark, Jr.**, to be the Personal Representative of this my Last Will and Testament. If he should die simultaneously with me or predecease me, or die under such circumstances that it cannot be determined which of us survived except by the application of a legal presumption or for any other reason declines to serve as Personal Representative, or dies before my estate is settled, then I nominate and appoint **James William Clark** to be the Successor Personal Representative with the same powers and duties as the Personal Representative.

I direct that my Personal Representative or Successor Personal Representative not be required to furnish any security or bond in such capacity. I further exempt my Personal Representative or Successor Personal Representative from having to file or make any inventory, appraisal, accounting or settlement, including a final settlement to any Court. I further authorize and empower my Personal Representative or Successor Personal Representative to sell, convey, mortgage, lease, invest, re-invest, exchange, manage, control or otherwise deal with any and all of my property, real, personal and mixed, comprising my estate, without having to obtain an Order of court to do so and without license of Court in any manner and no purchaser need look to the application of the purchase money. I further authorize and empower my Personal Representative or Successor Personal Representative to execute, acknowledge, and deliver all proper instruments and writings for the purpose of carrying out the provisions herein specified.

I, **W. Eleanor Clark**, the Testatrix, sign my name to this instrument this 29 day of DECEMBER, 2008, 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 twenty-one (21) years of age or older, of sound mind, and under no constraint or undue influence.

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20210903000432400 10/10 \$51.00
Shelby Cnty Judge of Probate, AL
09/03/2021 01:39:52 PM FILED/CERT

Last Will and Testament of
W. Eleanor Clark
Page 6

W. Eleanor Clark
TESTATRIX-W. Eleanor Clark

We Diane Van Loen, Charlotte Keon,

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 signed 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 twenty-one (21) years of age or older, of sound mind, and under no constraint or undue influence.

Diane Van Loen
Witness

1474 SECRETARIAT DRIVE
HELENA, AL 35080
Address

Charlotte C. Keon
Witness

427 River Oaks Lane
Helena, AL 35080
Address

STATE OF ALABAMA)
SHELBY COUNTY)

Subscribed, sworn to and acknowledged before me by **W. Eleanor Clark**, the Testatrix, and subscribed and sworn to before me by Diane Van Loen and Charlotte Keon, Witnesses, this 29th day of December, 2008.

Charlath A. Rola
Notary Public

WLC
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