

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF )

BETTY SUE PAYNE HAMRICK, )  
deceased. )

Case No. PR-2015-000010



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Shelby Cnty Judge of Probate, AL  
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**ORDER ON FINAL SETTLEMENT OF SURETY**

This matter came before the Court on October 4, 2021 for hearing on the Petition for Final Settlement filed by Western Surety Company ("Western Surety"), as Surety for Kenny Payne, Personal Representative of the Estate of Betty Sue Payne Hamrick, deceased. Notice was given as required by law. Present for the hearing were: Brian A. Dodd, Esq., attorney for the Bonding Company and G. Daniel Head, Esq., attorney for Kenny Payne, Personal Representative of the estate. The case was called and the Court proceeded to review the documents and supporting evidence filed in this matter.

On or about January 16, 2016 this Court issued Letters of Administration to Kenny Payne ("Personal Representative") upon the posting of a Bond in the amount of Ten Thousand Dollars (\$10,000). The Personal Representative noted in his Petition for Letters of Administration that the estate was worth "approximately \$10,000". He was Ordered to file an Inventory within two months of his appointment. An Inventory was filed on January 19, 2018 indicating that the estate consisted of personal property (jewelry, clothes, furniture) in the amount of \$500 and a wrongful death case pending in the state of Mississippi. The case was set on this Court's Noncompliance Docket on June 22, 2021 for failure to file an Annual Accounting or Final Settlement. The Personal Representative's attorney appeared but represented to the Court that he had lost contact with his client and had been informed by the Mississippi law firm that had handled the wrongful death case that the personal representative was deceased. Western Surety was then ordered by the court to file a Final Settlement of the estate.

The Bonding Company filed a Final Settlement on July 23, 2021. Upon examination of the allegations set forth in the petition and of the record, the Court FINDS as follows:

1. The estate in this matter was opened for the purpose of pursuing a wrongful death case which has now been resolved.
2. The decedent was possessed of not more than \$1,000.00 of personal property at the time of his death.
3. More than six (6) months have elapsed since the granting of Letters of Administration and there have been no claims filed in the estate.
4. The heirs and next of kin of the Estate appear to be:

|              |                            |
|--------------|----------------------------|
| Kenny Payne  | Son of Decedent (deceased) |
| Sylvia Payne | Daughter of Decedent       |
5. That there are no assets to be distributed to the heirs.

It is therefore, **ORDERED, ADJUDGED and DECREED** by the Court that the costs of this proceeding are hereby taxed against Western Surety Company, and it is

**ORDERED, ADJUDGED and DECREED** by the Court that upon payment of the aforesaid sums, the account heretofore filed by Western Surety Company will be passed and allowed, and that



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the Bond on which Western Surety Company is named as surety, will be cancelled and discharged of record, and said Western Surety Company will be released and discharged of any and all further liability thereon, and it is

**FURTHER ORDERED** that the Personal Representative is removed and his Letters of Administration are revoked.

DONE this the 5<sup>th</sup> day of October, 2021.

Allison S. Boyd  
Allison S. Boyd  
Judge of Probate

cc: G. Daniel Head, Esq.  
Brian A. Dodd, Esq.

I certify this to be a true and  
correct copy Allison S. Boyd  
Probate Judge  
Shelby County

Date 10/5/2021

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