



20211203000578400 1/6 \$42.00
Shelby Cnty Judge of Probate, AL
12/03/2021 01:28:47 PM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

AFFIDAVIT OF HEIRSHIP

RE: Description of a tract located in the Southeast quarter of the Southeast quarter of Section 24, T-18-S, R-01-E, and the Southwest quarter of the Southwest quarter of Section 19, T-18-S, R-02-2, Shelby County, Alabama.

Beginning at the Northwest corner of the Southeast quarter of the Southeast quarter of Section 24, T-18-S, R-01-E, Shelby County, Alabama; thence South 90 degrees 00' 00" East from the point of beginning a distance of 1,298.83 feet to a point of the Southwesterly right-of-way of Alabama Highway No. 25, said point being the Northeast corner of the Southeast Quarter of the Southeast quarter of Section 24, T-18-S, R-01-E, Shelby County, Alabama; thence South 39 degrees 55' 25" East along the Southwesterly right-of-way of said Alabama Highway No. 25 a distance of 371.80 feet; thence South 45 degrees 49' 50" West a distance of 87.00 feet; thence S 39 degrees 55' 28" East a distance of 244.91 feet to the Northerly right-of-way of Shelby County Road No. 45; thence South 45 degrees 49' 50" West along the Northerly right-of-way of said Alabama Highway No. 45 a distance of 95.44 feet to the beginning of the curve of the Northerly right-of-way of Shelby County Road No. 45, said curve having a radius of 497.96 feet, a central angle of 41 degrees 06' 25" and a chord of 349.65 feet with a chord bearing of South 58 degrees 15' 28" West; thence Southwesterly along the arc of the said described curve to the end of said curve; thence North 02 degrees 52' 29" East along the change in the right-of-way of Shelby County Road No. 45 a distance of 10.00 feet to the beginning of the curve of the Northerly right-of-way of Shelby County Road No. 45, said curve having a radius of 491.81 feet, a central angle of 57 degrees 43' 27" and a chord of 471.08 feet with a chord bearing of N 78 degrees 03' 53" West; thence Northwesterly along the arc of the said described curve to the end of said curve; thence North 69 degrees 63' 05" West along the Northerly right-of-way of Shelby County Road No. 45 a distance of 131.11 feet; thence North 45 degrees 06' 33" East a distance of 400.00 feet; thence North 59 degrees 52' 49" West a distance of 260.00 feet; thence South 89 degrees 24' 55" West a distance of 499.33 feet to the Northerly right-of-way of Shelby County Road No. 45; thence North 56 degrees 53' 05" West along the Northerly right-of-way of Shelby County Road No. 45 a distance of 331.24 feet; thence North 01 degrees 43' 03" East a distance of 207.52 feet to the point of beginning. The said tract of land is located in the Southeast quarter of the Southeast quarter of Section 24, T-18-S, R-01-E and the Southwest quarter of the Southwest quarter of Section 19, T-18-S, R-02-2, Shelby County, Alabama.

LESS AND EXCEPT:

Lots 1 and 2, Block M, of Crume's Map of Sterrett as recorded in Deed Book 11, Page 332 in the Probate Office of Shelby County, Alabama.

| | | |
|---------------------------------|-----------------------|-----------------------|
| Parcel ID#05-4-19-3-003-007.000 | 05-4-19-3-003-006.000 | 04-6-24-0-000-048.000 |
| 05-4-19-3-003-005.000 | 04-6-24-0-000-047.000 | |

Property Address: 50 Highway 45, Sterrett, AL 35147

CLAYTON T. SWEENEY, ATTORNEY AT LAW



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Before me, the undersigned, a Notary Public in and for said State and County, personally appeared, **Randy Hamilton**, (hereinafter referred to as "Affiant"), whose address is 60 Sweet Gum Lane, Chelsea, AL 35043, who, after being duly sworn by me, deposes and says:

Affiant knows of his own knowledge and belief that the above described property was owned by **John R. Gay, Sr.**, and **Sara B. Gay**, deceased, by those certain Quit Claim Deeds and Warranty Deeds as set out hereinafter: 1) Quit Claim Deed dated March 26, 1999 from Janet C. Dorsey to John R. Gay, Sr. and wife, Sara B. Gray, husband and wife as recorded in Instrument #1999-15049; Note that this deed contained an error in that it listed Sara B. Gay as Sara B. Gray; 2) Quit Claim Deed dated March 26, 1999 from Todd Matthew McGuire to John R. Gay, Sr. and wife, Sara B. Gray as recorded in Instrument #1999-15050; 3) Quit Claim Deed dated March 26, 1999 from James Brian McGuire to John R. Gay, Sr. and wife, Sara B. Gay as recorded in Instrument #1999-15051; 4) Quit Claim Deed dated December 29, 2001 from Todd Matthew McGuire, James Brian McGuire and Janet G. Dorsey to John R. Gay, Sr. and wife, Sara B. Gay as recorded in Instrument #2002-03313; 5) Warranty Deed dated August 27, 2004 from Brandon Reed to John R. Gay, Sr. And Sara B. Gay, as joint tenants with rights of survivorship, as recorded in Instrument No. 20040830000484190; and 6) Quit Claim Deed dated September 25, 2013 from John Richard Gay to John R. Gay and Sara B. Gay as recorded in Instrument No. 20141230000408560; Note said deed failed to include the marital status of John Richard Gay; Affiant knows that John Richard Gay was a married man at the time of the execution of this Quit Claim Deed and was married to Sara B. Gay; Further, Affiant states that John Richard Gay, Sr., John Richard Gay, John R. Gay and John Gay are one and the same person; that **Sara B. Gay** died on or about the 24th day of March, 2019; that **Sara B. Gay** did leave a Last Will and Testament (copy attached hereto as Exhibit "A"); Said Will did leave all real and personal property to John Richard Gay, Sr. that there has not been any Last Will and Testament filed for Probate and the heirs and beneficiaries taking under the Estate have no plans to file a will for probate or open an intestacy proceeding for **Sara B. Gay**, deceased; that there has been no administrator appointed to administer the affairs and estate of the said **Sara B. Gay**, deceased; that **Sara B. Gay** celebrated one marriage during her lifetime; her only marriage was to **John R. Gay. Sr.**; that four (4) children were born of the marriage between **Sara B. Gay** and husband, **John R. Gay. Sr.**; a son, **John R. Gay, Jr.**, a son, **Ronald Alan Gay**, a son, **Michael David Gay** and a



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daughter, **Melissa Gay Logan**, now known as **Melissa Gay Fitts**; that there were no other children or
predeceased children, or children of predeceased children; that affiant is familiar with the business
affairs of **Sara B. Gay**, deceased; that according to the best of my knowledge, information belief, and so
far as I have been able to ascertain, after making a diligent effort to find the facts, there are no creditors
or persons, firms or corporations, having claims of any character whatsoever against the said **Sara B.**
Gay, deceased, or her estate, real or personal. Affiant is over the age of 19 years and of sound mind and
memory. This affidavit is furnished for the purposes of establishing title in and to the real property
described hereinabove, in the heirs at law of **Sara B. Gay**, deceased. The names of the heirs at law of
Sara B. Gay, deceased are as follows a son, **John R. Gay, Jr.**, a son, **Ronald Alan Gay**, a son, **Michael**
David Gay and a daughter, **Melissa Gay Logan**, now known as **Melissa Gay Fitts**:

In Witness Whereof, the undersigned has caused this affidavit to be executed this the 22 day of
November, 2021.

Randy Hamilton
AFFIANT - Randy Hamilton

State of Alabama)
County of Shelby)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that
Randy Hamilton, whose name is signed to the foregoing affidavit, and who is known to me,
acknowledged before me on this day, that, being informed of the contents of the affidavit, he executed
the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22 day of November, 2021.

DENISE H DIXON
Notary Public, State of Alabama
Alabama State At Large
My Commission Expires

April 13, 2023
This instrument prepared by:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 160
Birmingham, AL 35223

Denise H. Dixon
NOTARY PUBLIC

My Commission Expires: 4-13-2023

Last Will and Testament

of
SARA B. GAY

STATE OF ALABAMA

SHELBY COUNTY

I, Sara B. Gay 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 unto my husband, **John Richard Gay, Sr.**, all 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, to be his absolutely.

ITEM THREE: In the event my husband, John Richard Gay, Sr., should predecease me or we should die at the same or approximately the same time as the result of a common disaster, I then give, devise and bequeath all 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 my children, **John Richard Gay, Jr., Ronald Alan Gay, Michael David Gay and Melissa Gay Logan**, in equal parts, share and share alike. If any of my said children should predecease me leaving lineal descendants surviving, such lineal descendants shall take per stirpes the share to which my deceased child would have been entitled if living.

ITEM FOUR: I hereby appoint as Executor of this My Last Will and Testament, my husband, **John Richard Gay, Sr.**, and I do hereby relieve and exempt him from making bond as such Executor, and also from the filing of any accounts, appraisals or inventories in any Court pertaining to the administration of my estate. It is my will and I authorize and empower my said Executor to sell any of the assets of said



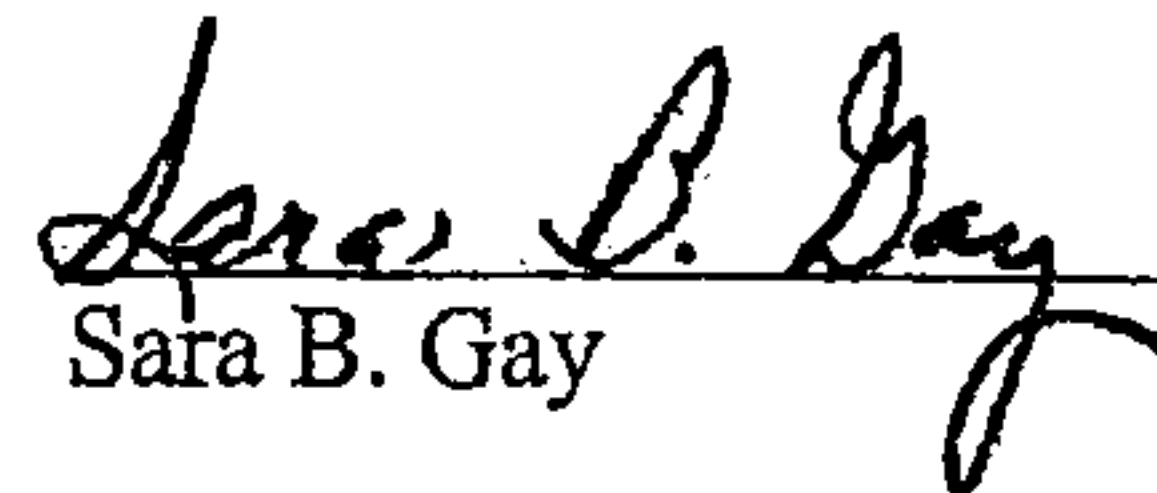
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LAST WILL AND TESTAMENT OF
Sara B. Gay
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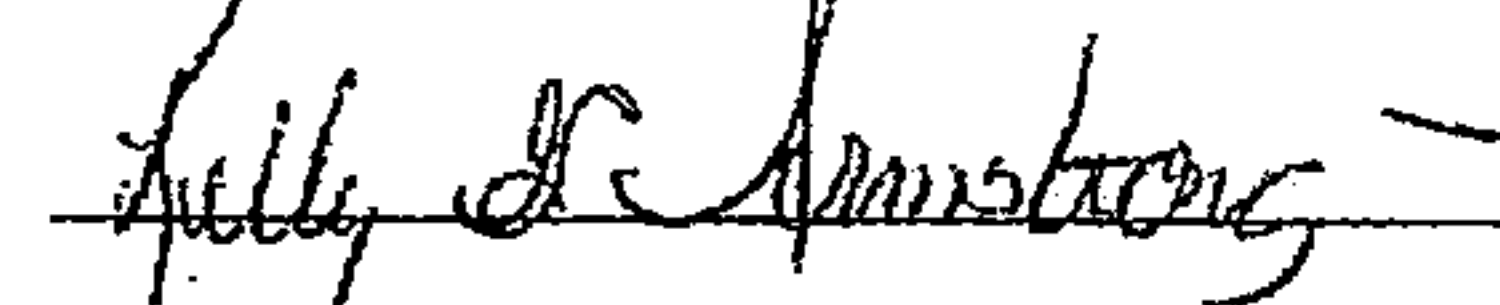
estate, whether real or personal at public or private sale and to execute all deeds,
mortgages, powers of attorney, assignments, releases and any other papers in connection
with the administration of my Estate.

ITEM FIVE: If my said husband, John Richard Gay, Sr., should predecease
me, should fail, refuse or for any reason be unable to serve as Executor, I then appoint as
Executor hereof, my son, **John Richard Gay, Jr.**, and I do hereby grant to him all the
same rights, powers and exemptions provided for my said husband as Executor herein.


IN WITNESS WHEREOF, I hereunto set my hand this 7th day of
November, 2003.


Sara B. Gay

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

I, Sara B. Gay, the testatrix, sign my name to this instrument this 7th
day of November, 2003, 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 mind, and under no constraint or
undue influence.


Sara B. Gay, 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



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LAST WILL AND TESTAMENT OF
Sara B. Gay
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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

6658 Sylacauga-Fayetteville Highway
Sylacauga, Alabama 35151

Kelly G. Armstrong
Kelly G. Armstrong

113 Stinson Drive
Wilsonville, Alabama 35186

State of Alabama

County of Shelby

Subscribed, sworn to and acknowledged before me by Sara B. Gay, the
testatrix, and subscribed and sworn to before me by Eva D. Mooney and Kelly G.
Armstrong, witnesses, this 7th day of November, 2003.

H. Hamilton
Notary Public

P. O. Box 557
Columbiana, Alabama 35051