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I, Andrew Weathington, Judge of Probate, do hereby certify that  
the foregoing is a FULL, TRUE and CORRECT copy of the  
Instruments(s) herewith set out as same appears of record in:  
PROBATE MINUTES BOOK - 2022, AT PAGE - 65 in said court.

Witness my hand and seal this 6 Day of May, 2022.

  
\_\_\_\_\_  
Judge of Probate  
St. Clair County, Alabama

IN THE PROBATE COURT FOR ST. CLAIR COUNTY, ALABAMA  
SOUTHERN JUDICIAL DIVISION AT PELL CITY

IN RE: THE ESTATE OF  
ANTHONY J. PITTS,  
deceased.

\*  
\*  
\*

Case No.: S- 2022-5

PETITION FOR PROBATE OF WILL  
(Self-Proved Will)

COMES NOW the Petitioner, Mary Sparks, and shows unto this Honorable Court as follows:

1. Anthony Pitts (the "decedent") died testate at 444 Majestic Way, Pell City, Alabama on or about November 29, 2021, and, at the time of such death, was an inhabitant of St. Clair County, Alabama, with a permanent residence located at 444 Majestic Way, Pell City, AL 35125.
2. Surrendered herewith is the decedent's Last Will and Testament naming the Petitioner as Successor Personal Representative thereof, which was duly signed by the decedent when over eighteen (18) years of age, and was attested by the following witnesses:

Name:

Present Address:

Jan Zorn

4433 Corinth Drive  
Birmingham, AL 35213

Marie Scarpulla

1436 Oakridge Drive  
Birmingham, AL 35242

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Mike Bowling - Judge of Probate  
St. Clair County, Alabama

3. The decedent's Last Will and Testament, as identified in paragraph 2 hereof, was self-proved in a manner substantially in accordance with the requirements of Ala. Code §43-8-132. The name and present address of the officer authorized to administer oaths before whom said will was acknowledged are as follows:

Name:

Present Address:

Michael G. Graffeo

1445 Milner St S  
Birmingham, AL 35205-2913

4. The following is a true, correct and complete list of the names, ages, conditions, relationships and addresses of the decedent's surviving spouse and next-of-kin (as determined by application of Ala. Code §43-8-42):

**Name, age, condition, relationship:**

**Address:**

Mary Sparks, Adult  
Competent, Daughter

444 Majestic Way  
Pell City, AL 35125

Joseph Pitts, Deceased  
**Son, D/O/D 10/17/2016**

Ryan Zackary Pitts, Adult  
Competent, Grandson


207 Knollwood Court  
Peachtree City, GA 30269

Kristen Alexandria Pitts, Adult  
Competent, Granddaughter

207 Knollwood Court  
Peachtree City, GA 30269

WHEREFORE, the Petitioner prays that this Court will take jurisdiction of this petition, will cause all such notice or citations to issue to the said surviving spouse, next-of-kin, attesting witnesses, and oath-administering officer, as may be proper in the premises; and will cause such proceedings to occur, and such proof to be taken, and render such orders and decrees as will duly and legally effect the probate and record in this Court of said Will as the Last Will and Testament of the decedent. This petition is deemed to be verified pursuant to Ala. Code §43-8-22.

  
Mary Sparks, Petitioner

  
Randall K. Richardson  
Attorney for Petitioner

**OF COUNSEL:**  
PRUITT & RICHARDSON, P.C.  
#2 16<sup>th</sup> Street North  
Pell City, Alabama 35125  
Telephone: (205) 338-6400  
Facsimile: (205) 338-6405

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**ALABAMA**  
**Center for Health Statistics**  
**ALABAMA CERTIFICATE OF DEATH**

State  
File  
Number

101 2021-60031

*8-2022-5*

1. DECEASED LEGAL NAME Anthony Joseph Pitts		2. DATE AND TIME OF DEATH Nov 29, 2021 0036	
3. ALIAS NAME (IF ANY) None Given		4. DATE AND TIME PRONOUNCED DEAD	
5. COUNTY OF DEATH Saint Clair	6. CITY, TOWN OR LOCATION OF DEATH AND ZIP CODE Pell City, 35125	7. PLACE OF DEATH 444 Majestic Way	
8. SEX Male	9. LAST NAME PRIOR TO FIRST MARRIAGE	10. SERVED IN ARMED FORCES Yes	
11. AGE 92	12. DATE OF BIRTH Dec 29, 1928	13. BIRTHPLACE (State or Foreign Country) Alabama	14. SOCIAL SECURITY NUMBER
15. MARITAL STATUS Widowed		17. RESIDENCE STATE Alabama	
18. RESIDENCE COUNTY St Clair	19. CITY, TOWN OR LOCATION AND ZIP CODE Pell City, 35125	20. STREET ADDRESS 444 Majestic Way	
21. INFORMANT NAME, RELATIONSHIP AND ADDRESS Mary Sparks, Daughter, 444 Majestic Way, Pell City, AL 35125			
22. FATHER/PARENT NAME PRIOR TO FIRST MARRIAGE Joseph Tony Pitts		23. MOTHER/PARENT NAME PRIOR TO FIRST MARRIAGE Mary Lovoy	
24. DISPOSITION OF BODY Burial	25. CEMETERY OR CREMATORY Elmwood Cemetery	26. LOCATION Birmingham, Alabama	
27. DATE OF DISPOSITION Dec 7, 2021	28. FUNERAL DIRECTOR OR OTHER AGENT Doug Glasscock	29. LICENSE NUMBER 05619	30. DATE SIGNED Dec 6, 2021
31. FUNERAL HOME NAME AND ADDRESS Ridout's Southern Heritage, 475 Cahaba Valley Rd, Pelham, AL 35124		32. LICENSE NUMBER	
33. MEDICAL CERTIFICATION: Certifying Physician			
34. NAME Rutwij K Jotani MD		35. LICENSE NUMBER 27238	36. DATE SIGNED Dec 2, 2021
37. ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH 2048 Martin St South, Pell City, Alabama 35128			
38. REGISTRAR Nicole Henderson Rushing		39. DATE FILED Dec 6, 2021	

## CAUSE OF DEATH

40. PART I. DISEASES, INJURIES OR COMPLICATIONS THAT CAUSED DEATH		INTERVAL	
IMMEDIATE CAUSE	A. Hypertensive Coronary Artery Disease DUE TO (OR AS A CONSEQUENCE OF):	Unknown	
UNDERLYING CAUSE	B. DUE TO (OR AS A CONSEQUENCE OF):	11-29-2021 10:49:05 AM	
	C. DUE TO (OR AS A CONSEQUENCE OF):	11-29-2021 10:49:05 AM	
	D. DUE TO (OR AS A CONSEQUENCE OF):	11-29-2021 10:49:05 AM	
41. PART II. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH			
42. MANNER OF DEATH Natural Causes	43. PREGNANT (IF FEMALE)	44. AUTOPSY Unk	45. FINDINGS CONSIDERED Unk
		46. TOXICOLOGY Unk	47. FINDINGS CONSIDERED Unk
49. HOW INJURY OCCURRED		48. TOBACCO USE CONTRIBUTED TO DEATH Unknown	
50. DATE AND TIME OF INJURY	51. INJURY AT WORK	52. IF TRANSPORTATION INJURY, SPECIFY	
53. PLACE OF INJURY	54. LOCATION OF INJURY		

ADPH HS F2/REV 01-21

This is an official certified copy of the original record filed in the Center of Health Statistics, Alabama Department of Public Health, Montgomery, Alabama. 2021-506-508-9

December 10, 2021

*Nicole H. Rushing*  
 Nicole Henderson Rushing  
 State Registrar of Vital Statistics



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I, Andrew Weathington, Judge of Probate, do hereby certify that  
the foregoing is a FULL, TRUE and CORRECT copy of the  
Instruments(s) herewith set out as same appears of record in:  
WILL BOOK - 2022, AT PAGE - 33 in said court.

Witness my hand and seal this 6 Day of May, 2022.

A handwritten signature in black ink, reading "Andrew Weathington", is written over a horizontal line.

Judge of Probate

St. Clair County, Alabama

*S-2022-5*

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Tara Bowlin - Judge of Probate  
Shelby County, Alabama

# Last Will and Testament

OF

ANTHONY J. PITTS

STATE OF ALABAMA     )  
                                      )  
SHELBY COUNTY         )

I, **ANTHONY J. PITTS**, a resident of the State of Alabama, Shelby County, being of sound mind and disposing memory, do hereby make, publish and declare this instrument as and for my Last Will and Testament and hereby expressly revoke all prior wills and codicils that I have made.

**ITEM ONE: Introduction.** My name is Anthony J. Pitts. I am married to Clara Jean P. Pitts, hereinafter sometimes referred to as my wife. As of the date of this Will, I have two adult children: Mary Theresa P. Sparks, born May 4, 1963, and Joseph G. Pitts, born February 5, 1965. For the purposes of this Will, references to my "children" shall mean only the children named herein.

**ITEM TWO: Payment of Debts.** I direct that all my debts and funeral expenses, including the costs of an appropriate marker for my grave, be paid as soon after my death as may be practicable. In the event there is any indebtedness owing by me, whether secured or unsecured, which has not matured at the time of my death, I authorize my Personal Representative to pay such indebtedness either in full or according to the terms and tenor of any instrument evidencing such indebtedness as my Personal Representative may deem best advisable under the then existing circumstances. I further direct that all estate and inheritance taxes which may be asserted or levied with respect to my estate, or any part thereof, whether or not passing under my Will, including interest and penalties, if any, but excluding any generation skipping tax, shall be paid out of the principal of my residuary estate as an expense of administration and without apportionment.

**ITEM THREE: Personal Property.**

I hereby give and devise the following specific items of my personal property to the

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individuals as listed herein:

(a) I give and devise all my jewelry, wearing apparel, automobile or automobiles, books, pictures, art objects, hobby equipment, club memberships and stadium certificates, furniture and furnishings, china, crystal, and all other articles of personal and household use together with any insurance thereon, to my wife, Clara Jean P. Pitts, if she survives me. I hereby vest in my Personal Representative full power and authority to determine what objects of property are included in the foregoing description contained in this Item.

(b) If my said wife does not survive me, then I give and devise all of the property hereinabove described in subparagraph (a) of this Item to my descendants who survive me in equal shares, per stirpes. In the absence of agreement of my descendants as to the division of said property, the Personal Representative shall make such division in the Personal Representative's absolute discretion, having due regard for the personal preference of such beneficiaries, and such division shall be conclusive and binding. If any descendant entitled to a share of the property disposed of by this said paragraph shall be under the age of twenty-one (21) years at the time of my death, I authorize the Personal Representative, in the sole discretion of my Personal Representative and, in any case, without requiring bond, either to:

(1) retain for such descendant all or any part of such descendant's share of said property until such descendant attains the age of twenty-one (21) years; or

(2) deliver all or any part of any such descendant's share of such property directly to such descendant, or to any person deemed suitable by my Personal Representative for the benefit of such descendant; or

(3) sell all or any part of any such descendant's share of such property, publicly or privately, and add the net proceeds thereof to the principal of the trust hereinafter referred to or directed to be set apart for such descendant.

Upon making any payment or transfer hereunder, my Personal Representative shall be discharged as to such payment or transfer without liability for the subsequent application thereof. Storage, insurance and other carrying charges incurred in retaining any such property for any descendant shall be paid out of funds held for the benefit of such descendant under this Will.

**ITEM FOUR: Residual Estate.**

(a) All the rest, residue and remainder of my estate of whatever kind and character and wheresoever situated, I hereby give and devise to my wife, Clara Jean P. Pitts, absolutely, irrespective of there being any children born of our marriage after the execution of this Will.





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(b) If my said wife shall predecease me, I give and devise all of said rest, residue and remainder of my estate to any children of mine and the descendants of any deceased child of mine as may be living at the time of my death, in equal shares, per stirpes, absolutely, except as hereinafter provided:

(1) In the event that any of said beneficiaries have not attained the age of twenty-five (25) years at the time of my death, I give and devise unto the Trustee hereinafter named the share to which said beneficiary would be entitled if he or she had attained the age of twenty-five (25) years at the time of my death, to be held in trust for the use and benefit of said beneficiary until he or she shall attain the age of twenty-five (25) years, or until he or she dies, or until his or her share is exhausted, whichever occurs first. During such period, the Trustee shall pay or apply to or for the benefit of each such beneficiary such sums out of income or principal of such share as the Trustee, in said Trustee's sole discretion, shall determine to be necessary, proper and desirable for the health, support, maintenance and education of such beneficiary.

(2) Upon such beneficiary's attainment of the age of twenty-five (25) years, the Trustee shall convey, assign, transfer and set over to such beneficiary, free from trust, his or her entire share, including any and all accumulations, and the trust for such respective beneficiary shall thereupon be terminated.

(3) If any of said beneficiaries, having survived me, shall die before attaining the age of twenty-five (25) years, the entire remaining share of such beneficiary shall be paid or distributed absolutely to his or her descendants living at the time of distribution, in equal shares, per stirpes, or, if there are none, then to my descendants then living in equal shares, per stirpes; provided, however, that if any of such descendants of mine shall then have other property in trust for him or her under any provision of this Will, then his or her share in the share of such beneficiary so dying shall be added to, merged in and administered and disposed of like such other property so held in trust for him or her.

**ITEM FIVE: Trust For Minor Beneficiaries.** Except as otherwise provided in Item Four of this Will, if any share of my estate or of any trust created hereunder becomes distributable to any beneficiary who is under the age of twenty-five (25) years and for whom no other share is then being held in trust, then though his or her share shall be vested in such beneficiary, the Trustee shall hold the same in trust with all of the powers and authority given the Trustee with respect to other trust property held hereunder, until he or she shall attain the age of twenty-five (25) years, using and applying for such beneficiary's support, education, health and welfare such part of the income and principal of such share as the Trustee deems necessary or desirable for said purposes, accumulating and adding to principal any income not so used, and when said beneficiary attains the age of twenty-five (25) years, the Trustee shall pay over the principal, together with any accumulated and undistributed income to such beneficiary, and if such beneficiary shall die before attaining the age of twenty-five (25) years, the principal, together with any accumulated and undistributed income,





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shall be paid over to the estate of such beneficiary.

**ITEM SIX: Appointment of Personal Representative.**

(a) I hereby nominate and appoint my wife, Clara Jean P. Pitts, to serve as Personal Representative under this my Last Will and Testament. In the event that my wife, Clara Jean P. Pitts shall fail to qualify, die, resign, become incompetent, or otherwise fail or cease to serve as Personal Representative, then I appoint my daughter, Mary Theresa P. Sparks, as my Personal Representative, with all of the rights, title, powers and exemptions granted to my Personal Representative hereunder.

(b) No Personal Representative named herein shall be required to give bond or other security; or to file an inventory, accounting or appraisal in any court; or to render any report in court upon final settlement of my estate. Notwithstanding the foregoing, my Personal Representative shall make out and keep an inventory and maintain records of all transactions relating thereto, and shall exhibit the same to any party in interest at any reasonable time.

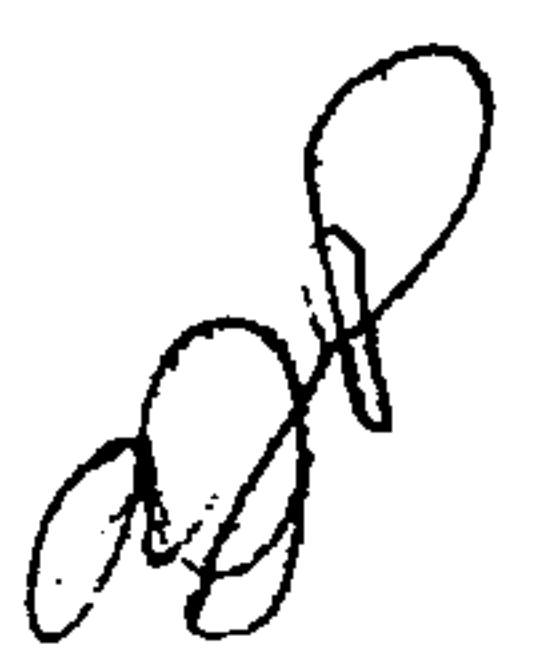
(c) During the administration of my estate, I hereby authorize and empower my Personal Representative to exercise all powers conferred upon my Trustee in Item Seven of this Will, regardless of whether or not any trust authorized by this Will shall become operative.

**ITEM SEVEN: Appointment of Trustee.**

(a) With respect to any trust created under the provisions of this Will, I appoint the Trustee as follows:

[1] In the event that a Trust is created hereunder for the minor children of my daughter Mary Theresa, I hereby appoint my son, Joseph, to serve as Trustee for said minor beneficiaries. In the event my son, Joseph, shall fail to qualify, die, resign, become incompetent, or otherwise fail or cease to serve as Trustee for the minor children of my daughter, then I appoint Michael G. Graffeo, an Attorney, of Jefferson County, Alabama, as my Trustee, with all of the rights, title, powers and exemptions granted to my Trustee hereunder. In the event that Michael G. Graffeo shall fail to qualify, die, resign, become incompetent, or otherwise fail or cease to serve as Trustee, then I appoint the oldest living child of my daughter who is over the age of 19 years as my Trustee, with all of the rights, title, powers and exemptions granted to my Trustee hereunder.

[2] In the event that a Trust is created hereunder for the minor children of my son, Joseph, I hereby appoint my daughter, Mary Theresa, to serve as Trustee for said minor beneficiaries. In the event my daughter, Mary Theresa, shall fail to qualify, die, resign, become incompetent, or otherwise fail or cease to serve as Trustee for the minor children of my son, then I appoint Michael G. Graffeo, an Attorney, in Jefferson County, Alabama, as my Trustee, with all of the rights, title,



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powers and exemptions granted to my Trustee hereunder. In the event that Michael G. Graffeo shall fail to qualify, die, resign, become incompetent, or otherwise fail or cease to serve as Trustee, then I appoint the oldest living child of my son who is over the age of 19 years as my Trustee, with all of the rights, title, powers and exemptions granted to my Trustee hereunder.

(b) No Trustee named herein shall be required to give bond or other security; or to file an inventory, accounting or appraisal in any court; or to render any report in court upon the final settlement of the trust estate or any share thereof. Notwithstanding the foregoing, my Trustee shall make out and keep an inventory and maintain records of all transactions relating thereto, and shall exhibit the same to any party in interest at any reasonable time.

**ITEM EIGHT: Powers of Trustee.** The Trustee shall hold and manage the said trust or trusts and all shares thereof, with all of the powers and authority Trustee would have if Trustee was the absolute owner thereof, including but not limited to the following powers:

1. To collect the income therefrom.
2. To compromise, adjust and settle in Trustee's discretion any claim in favor of or against the trust.
3. To hold any property or securities originally received by Trustee as a part of the trust or to which Trustee becomes entitled by virtue of incorporation, liquidation, reorganization, merger, consolidation or change of charter or name, including any stock or interest in any family corporation, partnership or enterprise, so long as Trustee shall consider the retention for the best interests of the trust.
4. To sell, auction, convey, exchange, lease or rent for a period beyond the possible termination of the trust (or for a less period) for improvement or otherwise, or to grant options for or in connection with such purposes, or otherwise dispose of, all of any portion of the trust, in such manner and upon such terms and conditions as the Trustee may approve.
5. To invest and reinvest the trust and the proceeds of sale or disposal of any portion thereof, in such loans, bonds, stocks, mortgages, common trust funds, securities, or other property, real or personal, or to purchase options for such purposes, or to exercise options, rights, or warrants, to purchase securities or other property, as to the Trustee may seem suitable and to make temporary investments in securities of the United States or any agency thereof, and to purchase and sell fractional shares and subscription rights to which the trust may become entitled.
6. To hold, retain or acquire property or securities which in my Trustee's opinion are in the best interest of the trust, without regard to any statutory or constitutional limitation applicable to the investment of trust funds.
7. To vote any corporate stock held hereunder in person, or by special, limited or general





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proxy, with or without power of substitution, or to refrain from voting.

8. To continue or dispose of any business enterprise without liability therefor, whether such enterprise be in the form of a sole proprietorship, partnership, corporation or otherwise, and to develop, add capital to, expand or alter the business of such enterprise, to liquidate, incorporate, reorganize, manage or consolidate the same, or change its charter or name, to appoint directors and employ officers, managers, employees or agents (including any trustee or directors, officers or employees thereof) and to compensate and offer stock options and other employee or fringe benefits to them, and in exercising Trustee's powers in relation to such business enterprise, to receive extra or extraordinary compensation therefor.

9. To subdivide or otherwise develop, and to change the use or purpose of, any real estate constituting a part of the trust into residential, recreational, commercial, cemetery, or other usage, to construct, alter, remodel, repair or raze any building or other improvement located thereon, to release, partition, vacate, abandon, dedicate or adjust the boundaries as to any such property.

10. To operate farms and woodlands with hired labor, tenants or sharecroppers, to acquire real estate, crop allotments, livestock, poultry, machinery, equipment, materials, and any other items of production in connection therewith, to clear, drain, ditch, make roads, fence and plant part or all of such real estate, and to employ or enter into any practices or programs to conserve, improve or regulate the efficiency, fertility and production thereof, to improve, sell, auction or exchange crops, timber or other product thereof, to lease or enter into other management, cutting, production or sales contracts for a term beyond the possible termination of the trust or for a less period, to employ the methods of carrying on agriculture, animal husbandry and silviculture which are in use in the vicinity of any of such real estate or which the Trustee deems otherwise appropriate, to make loans or advances at interest for production, harvesting, marketing or any other purpose hereunder, in such manner and upon such terms and conditions as the Trustee may approve, and in general to take any action which the Trustee deems necessary or desirable in such operations of farms and woodlands.

11. To drill, explore, test, mine or otherwise exploit oil, gas, or other mineral or natural resources, to engage in absorption, repressuring, and other production, processing or secondary recovery operations, to install, operate and maintain storage plants and pipelines or other transportation facilities, to engage in any of the above activities directly under such business form as the Trustee may select or to contract with others for the performance of them, and to enter into and execute oil, gas and mineral leases, division and transfer orders, grants, farm-out, pooling or unitization agreements, and such other instruments or agreements in connection therewith as the Trustee deems necessary or desirable.

12. To borrow money for such time and upon such terms as the Trustee sees fit, without security or on mortgage of any real estate or upon pledge of any personal property held hereunder, and to execute mortgages or collateral agreements therefor as necessary.

13. To advance money to any trust for any purpose of the trust, and the Trustee shall





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reimburse itself for the money so advanced with reasonable interest thereon from the trust or from any funds belonging thereto.

14. To hold money in its custody while awaiting distribution or investment under the terms hereof, even though such money be commingled with Trustee's funds (in which case the Trustee shall keep a separate account of the same on Trustee's books), and the Trustee shall not be required to pay interest thereon.

15. To appoint, employ, remove and compensate such attorneys, agents and representatives, individual or corporate, as the Trustee deems necessary or desirable for the administration of the trust, and to treat as an expense of the trust any compensation so paid.

16. To hold property or securities in bearer form, in the name of the Trustee, or in the name of Trustee's nominee, without disclosing any fiduciary relation.

17. To keep any property constituting a part of said trust properly insured against hazards, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon said property, and to create reserves for depreciation, depletion or such other purposes as the Trustee deems necessary or desirable.

18. To determine whether any money or property coming into Trustee's hands shall be treated as a part of the principal of the trust or a part of the income therefrom, and to apportion between principal and income any loss or expenditure in connection with the trust as the Trustee may deem just and equitable.

19. To pay from income any expenses reasonably necessary for the administration of the trust and in the event the income is insufficient for such payments, the same shall be paid from the principal thereof.

20. To exercise any power hereunder, either acting alone or jointly with others.

21. To pay the funeral and burial expenses of any beneficiary from the principal of the trust from which income has been payable to such beneficiary.

22. To divide or distribute the trust property as provided for hereunder in cash or in kind, or partly in each, and for such purposes, to determine the value of the trust property, and to determine the share and identity of persons entitled to take hereunder.

23. To deal with the fiduciary or fiduciaries of any other trust or estate, even though the Trustee is also the fiduciary or one of the fiduciaries of the other trust or estate.

24. To receive any property, real or personal, to be added to the trust, if the Trustee consents in writing, from any person, by lifetime or testamentary transfer or otherwise.

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The powers granted in this Item shall be in addition to those granted by law and may be exercised after termination of all trusts or shares hereunder until the actual distribution of all trust principal, but not beyond the period permitted by any applicable rule of law relating to perpetuities. The Trustee's exercise or nonexercise of powers and discretions in good faith shall be conclusive on all persons. No person paying money or delivering property to any Trustee hereunder shall be required or privileged to see to its application. The certificate of the Trustee that said Trustee is acting in compliance with this instrument shall fully protect all persons dealing with the Trustee.

**ITEM NINE: Miscellaneous Tax Provisions.**

(a) I authorize my Personal Representative to make a joint income tax or gift tax return or to execute a consent to any gift for any taxable year that includes the date of my death or for any periods prior thereto, and in connection therewith, to pay such amounts of tax, interest and penalties as my Personal Representative may deem advisable, even though not attributable entirely to my own income or gifts.

(b) Furthermore, I direct my Personal Representative to make such elections under the tax laws as my Personal Representative shall deem advisable, without regard to the relative interests of the beneficiaries, and my Personal Representative shall have no liability for, or obligation to make compensating adjustments between principal and income or in the interests of the beneficiaries by reason of, the effects of those elections. Any decision made by my Personal Representative with respect to compensating adjustments or the exercise of any tax election shall be binding and conclusive on all persons. Without limiting the foregoing, I authorize my Personal Representative, to the extent permitted by law, to deduct administration expenses and commissions whether against the gross estate in computing the estate tax or against the estate income in computing estate income tax, as my Personal Representative shall elect, in the sole discretion of my said Personal Representative; and my Personal Representative shall not be required to make any adjustment on account thereof in setting up any of the trusts herein provided for.

**ITEM TEN: Simultaneous Death.** If my wife and I should die simultaneously or in circumstances which make it difficult to determine which of us died first, I direct that my wife shall be deemed to have survived me for the purposes of this Will, and I direct further that the provisions of this Will shall be construed upon that assumption, irrespective of any provisions of law establishing a contrary presumption. If any legatee or devisee under this Will other than my wife and I should die simultaneously or in circumstances which make it difficult to determine which of us died first, or if any legatee or devisee under this Will other than my wife shall not be living on the thirtieth (30th) day after the date of my death, then in either such event I direct that such other legatee or devisee other than my wife shall be deemed to have predeceased me for the purposes of this Will, and I direct further that the provisions of this Will shall be construed upon that assumption.

**ITEM ELEVEN: Miscellaneous.** The following provisions shall govern for all purposes of this Will, wherever they may be applicable:





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(a) If any beneficiary of my estate or of any trust created hereunder shall be a minor, or under any legal disability, or in the sole judgment of the Trustee, or Personal Representative, shall otherwise be unable to apply the proceeds of his or her trust or share of my estate to his or her own best interests and advantage, the Trustee or Personal Representative may, in said Trustee's or Personal Representative's sole discretion, pay or apply income or principal which the Trustee or Personal Representative is authorized or directed to pay to or for the benefit of such beneficiary in any one or more of the following ways:

- (1) directly to such beneficiary;
- (2) to the legal guardian, conservator, or custodian of such beneficiary under the Alabama Uniform Transfers to Minors Act for the use and benefit of such beneficiary, and if no custodian has been nominated, my Trustee or Personal Representative may designate a custodian from those eligible to serve under the Alabama Uniform Transfers to Minors Act;
- (3) to a relative of such beneficiary to be expended by such relative for the benefit of such beneficiary; or
- (4) by the Trustee or Personal Representative expending any such income or principal for the benefit of such beneficiary.

(b) Upon making any payment or transfer hereunder, the Personal Representative and Trustee shall be discharged as to such payment thereof, and when the final payment or transfer is made from the principal of any trust, such trust shall terminate and the Trustee shall be fully discharged as to such trust.

(c) Throughout this Will, the masculine gender shall be deemed to include the feminine and the singular the plural, and vice-versa, whenever the context admits such construction.

(d) In this Will, references to "child" or "children" mean lawful blood descendants in the first degree of the parent designated, and references to "issue" or "descendants" mean lawful blood descendants in the first, second or any other degree of the ancestor designated, provided always, however, that an adopted child, whether of myself, my issue or any other person, shall, for all purposes under this Will, whether for the determination of relationship or otherwise, be considered to have and shall be given exactly the same status as natural born children.

(e) All headings and captions contained in this Will have been included for convenience of reference only, shall not be construed as part of this Will and shall in no way be construed as defining, limiting or affecting the scope or intent of the provisions of this Will.

(f) The provisions herein made for my wife are in lieu of her distributive share, homestead allowance, exempt property, family allowance, and any and all other rights in my estate, statutory or





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*Last Will and Testament of Anthony J. Pitts*  
*Page 10 of 11*  
otherwise.

(g) Any trust created under this Will shall be treated as operating from the date of my death whether the trust property shall then be actually paid over to the Trustee and set aside or not, and I hereby authorize and empower my Personal Representative to make any payment which the Trustee is herein authorized to make.

(h) If the happening of any future event may cause the ultimate vesting of any trust or of any share therein to be extended under the provisions hereof to a time beyond that within which the same is required by law to become vested, then such trust or share therein shall continue only for as long a period of time as is allowed by law, at the end of which period the said trust or share therein shall terminate. In such case said trust or share therein shall be vested in and distributed to those persons enjoying the use and benefit of said trust or share therein at the expiration of such period, in the proportion in which they are so enjoying the same, irrespective of their attained ages.

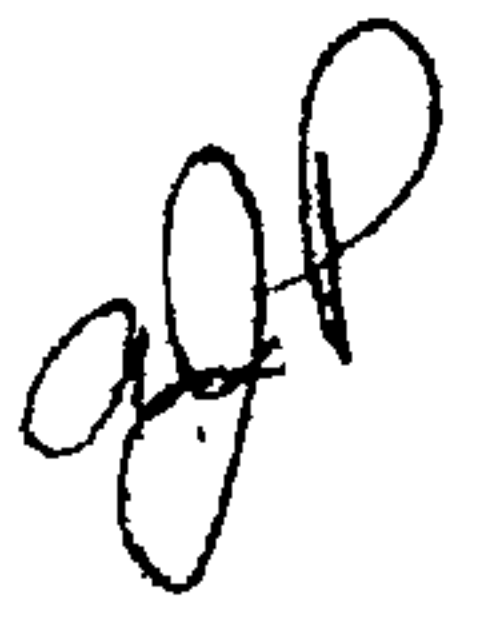
**IN WITNESS WHEREOF**, I, the said **ANTHONY J. PITTS**, do hereunto set my hand and seal to this, my Last Will and Testament (containing in all 11 pages,) on this, the 26 day of Aug, 2005; and, I also affix my initials on the margin of each of the pages hereof.

  
**ANTHONY J. PITTS**, Testator

I, **ANTHONY J. PITTS**, the Testator, sign my name to this instrument this 26 day of Aug, 2005, 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 (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am nineteen (19) years of age or older, of sound mind and under no constraint or undue influence.

  
**ANTHONY J. PITTS**, Testator

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and Testament and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the Testator, hereby signs this



**Last Will and Testament of Anthony J. Pitts**  
**Page 11 of 11**

will as witness to the Testator's signing, and that to the best of our knowledge, the Testator is nineteen (19) years of age or older, of sound mind and under no constraint or undue influence.

WITNESS: [Signature]  
[Signature]  
JAN ZORN  
[name printed]  
4433 CORINTH DR.  
Address:  
BIRMINGHAM, AL 35213

WITNESS: [Signature]  
[Signature]  
MARIE SCARPULLA  
[name printed]  
1436 DAK RIDGE DR  
Address:  
BIRMINGHAM, AL 35242

STATE OF ALABAMA )  
 )  
SHELBY COUNTY )

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by ANTHONY J. PITTS, the Testator, and subscribed and sworn to before me by Anthony J. Pitts, JAN ZORN, and MARIE SCARPULLA, witnesses, this the 26<sup>th</sup> day of August, 2005.

[Signature]  
Notary Public

(NOTARIAL SEAL)


[Signature]  
June 28 2022

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Recorded in the Above  
Book & Page  
01-13-2022 10:55:13 AM  
Mike Bowline - Judge of Probate  
St. Clair County, Alabama

\*\*\* Certified Copy Page \*\*\*

I, Andrew Weathington, Judge of Probate, do hereby certify that  
the foregoing is a FULL, TRUE and CORRECT copy of the  
Instruments(s) herewith set out as same appears of record in:  
WILL BOOK - 2022, AT PAGE - 44 in said court.

Witness my hand and seal this 6 Day of May, 2022.

  
\_\_\_\_\_  
Judge of Probate  
St. Clair County, Alabama



IN THE PROBATE COURT FOR ST. CLAIR COUNTY, ALABAMA  
SOUTHERN JUDICIAL DIVISION AT PELL CITY

IN RE: THE ESTATE OF  
ANTHONY J. PITTS,  
deceased.

\*  
\*  
\*

Case No.: S-2022-

5

2022 44  
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01-05-2022 10:59:21 AM  
Mike Bowline - Judge of Probate  
St. Clair County, Alabama

**PETITION FOR LETTERS TESTAMENTARY**  
**WITHOUT BOND**

COMES NOW the Petitioner, Mary Sparks, and shows unto this Honorable Court as follows:

1. In the Last Will and Testament of Anthony J. Pitts, deceased (the "decedent"), which will has been or shall be duly probated and admitted to record in this Court, the Petitioner is named as Personal Representative thereof.
2. The Petitioner is an inhabitant of the State of Alabama, above the age of nineteen (19) years, and is not disqualified under the law from serving as such Personal Representative. Under the terms of the decedent's will, his Personal Representative is exempted from giving bond as such Personal Representative.
3. The decedent died seized and possessed of certain real and personal property, the value of which is estimated, in the aggregate, to be \$500,000.00.

WHEREFORE, to the end that the properties constituting said estate may be collected and preserved for those who appear to have a legal interest therein, and that said Will may be executed according to the requests and directions of the decedent, the Petitioner prays that the Probate Judge of this Court will grant Letters Testamentary to the Petitioner without entering into bond, as is provided by the terms of said Will and authorized by Ala. Code §43-2-81. This

IN THE PROBATE COURT OF ST. CLAIR COUNTY, ALABAMA  
SOUTHERN JUDICIAL DIVISION AT PELL CITY

IN THE MATTER OF THE  
ESTATE OF  
ANTHONY J. PITTS,  
Deceased

CASE NO: S-2022-5

LETTERS TESTAMENTARY

BE IT REMEMBERED AND MADE KNOWN TO ALL WHOM IT MAY CONCERN:

That the Will of the above-named deceased having been duly admitted to record in said County, **Letters Testamentary** are hereby granted to the **Estate of Anthony J. Pitts, by and through, Mary Sparks**, Personal Representative, who has duly qualified in compliance with the requisites of the laws (bond was excused), and is authorized to administer such estate in accordance with the procedures provided in Alabama Code 43-2-830, et seq., (Supp. 1993), including the powers and duties permitted in 43-2-843 without prior Court Order, as further modified expressly in the Will.

WITNESS my hand this the 18<sup>th</sup> day of April, 2022.

*Andrew Heathington*

JUDGE OF PROBATE

I, Aminda J. Free, Chief Clerk of the Court of Probate for St. Clair County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the Letters Testamentary issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

Witness my hand and seal of said Court this the 18<sup>th</sup> day of April, 2022.

*Aminda J. Free*  
Chief Clerk

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Will Book & Page  
04-18-2022 01:43:24 PM  
Andrew Heathington - Judge of Probate  
St. Clair County, Alabama



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
06/27/2022 10:49:46 AM  
\$76.00 JOANN  
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*Allen S. Bayl*