

IN THE PROBATE COURT OF MADISON COUNTY, ALABAMA

IN RE: THE ESTATE OF)
 SARAH BUSBY ROBERTS,) **CASE NO. 70220**
 deceased)

PETITION TO PROBATE LATER DISCOVERED WILL

COMES NOW the Petitioner, **PATRICIA ROBERTS BAHR**, and hereby represents unto this Court as follows:

1. Your Petitioner is an adult of sound mind and resides at 108 Woodrow Balch Drive, Huntsville, AL 35806.
2. **SARAH BUSBY ROBERTS** who was at the time of her death, an adult and a resident of Madison County, Alabama, died in Madison County, Alabama on August 29, 2019, leaving real and personal property in Madison County, Alabama, and leaving a Last Will and Testament dated January 6, 1989, duly signed and published by said Testatrix, and attested by Joe L. Payne and Edna M. O'Rear. The Last Will and Testament was delivered, along with the death certificate of the Testatrix, and surrendered to the Probate Court of Madison County, Alabama on December 10, 2019 and admitted to probate January 28, 2020 following a hearing.
3. Since the admission of the January 6, 1989 will, a later will of the Testatrix dated October 25, 2004 was discovered by Petitioner among the effects of the Testatrix. The Petitioner was also nominated in said later-discovered October 25, 2004 will as Personal Representative thereof. The said later-discovered October 25, 2004 Last Will and Testament also exempts the Petitioner from giving bond concerning the administration of the estate and gives Petitioner broader powers than the already-admitted will.
4. The names, residences and conditions of the next-of-kin of **SARAH BUSBY ROBERTS** entitled to notice are as follows, to wit:

SUSAN ROBERTS GATLIN, surviving daughter, over the age of nineteen years, of sound mind and residing at P.O. Box 100, Vandalia, MI 49095;

WILLIAM ALLEN ROBERTS, surviving son, over the age of nineteen years, of sound mind and residing at 4640 Glenn Hollow Lane, Hickory, NC 28601;

PATRICIA ROBERTS BAHR, surviving daughter, over the age of nineteen years, of sound mind and residing at 108 Woodrow Balch Drive, Huntsville, AL 35806; and

DOUGLAS MACK ROBERTS, surviving son, over the age of nineteen years, of sound mind and residing at 1301 North Malone Street, Athens, AL 35611.

5. Except for SUSAN ROBERTS GATLIN, the said next-of-kin have consented to the probate of said later discovered October 25, 2004 Will and Last Will and Testament of **SARAH BUSBY ROBERTS**, without hearing and without notice to them. The consents of said next-of-kin are attached hereto and made a part thereof.

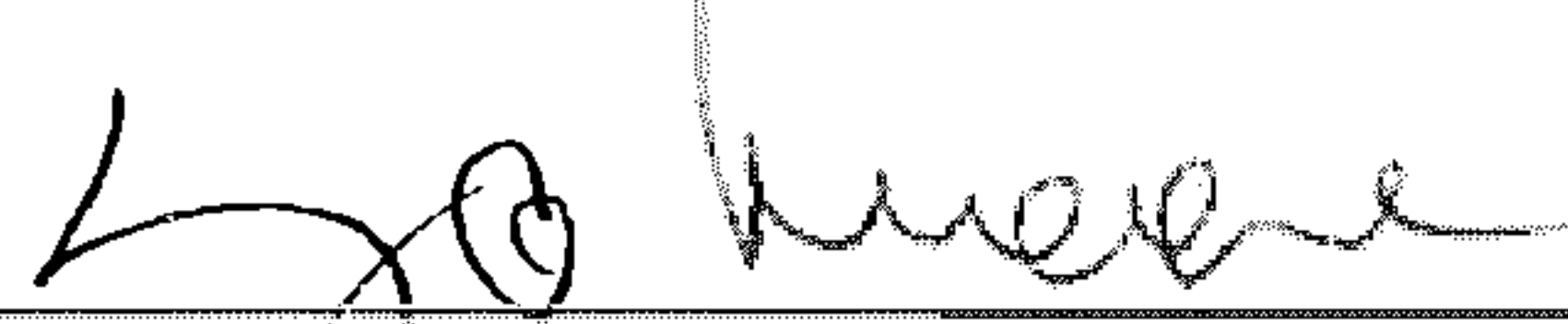
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WHEREFORE, your Petitioner, **PATRICIA ROBERTS BAHR**, prays that a day be set for hearing of this Petition; that due notice of the filing of this Petition and the date set for hearing thereon be given as required by law to the aforesaid next-of-kin who has not consented to the probate of the will submitted herewith, to wit: SUSAN ROBERTS GATLIN; that upon a hearing of this Petition that the said later discovered October 25, 2004 Last Will and Testament of **SARAH BUSBY ROBERTS**, deceased will be deemed to be the true Last Will and Testament of **SARAH BUSBY ROBERTS**; and that such other proceedings, orders, and decrees may be had and made in the premises as may be necessary to duly probate and admit to record said October 25, 2004 Will as the true Last Will and Testament of **SARAH BUSBY ROBERTS** in priority over and replacement of the January 6, 1989 will admitted January 28, 2020.

Dated this the 3rd day of February, 2020.

Attorney for Petitioner:



Y. Albert Moore, III
P.O. Box 2087
Huntsville, AL 35801
(256) 535-1100

Petitioner:



PATRICIA ROBERTS BAHR

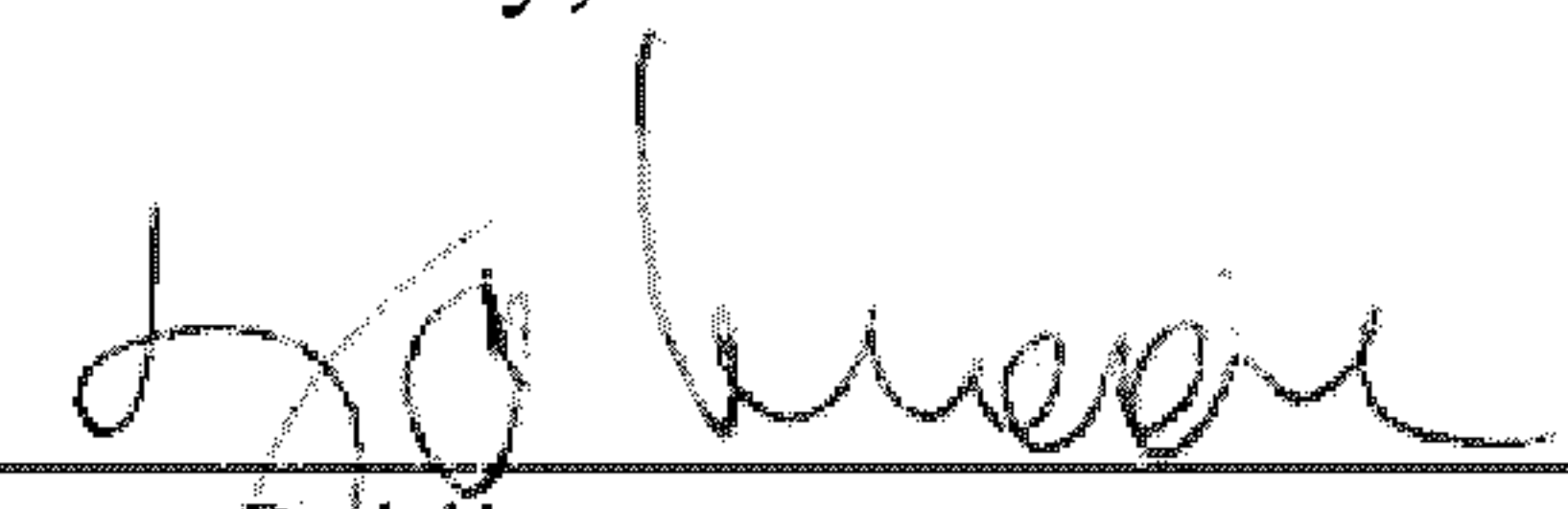
STATE OF ALABAMA)
MADISON COUNTY)

The undersigned, **PATRICIA ROBERTS BAHR**, being first duly sworn, states that she is the Petitioner named in the foregoing Petition and that the allegations contained therein are true according to the best of her knowledge, information and belief.



PATRICIA ROBERTS BAHR

Sworn to and subscribed before me, this 3rd day of February, 2020.



Notary Public

My Commission Expires: 5/31/2023

Of Counsel:

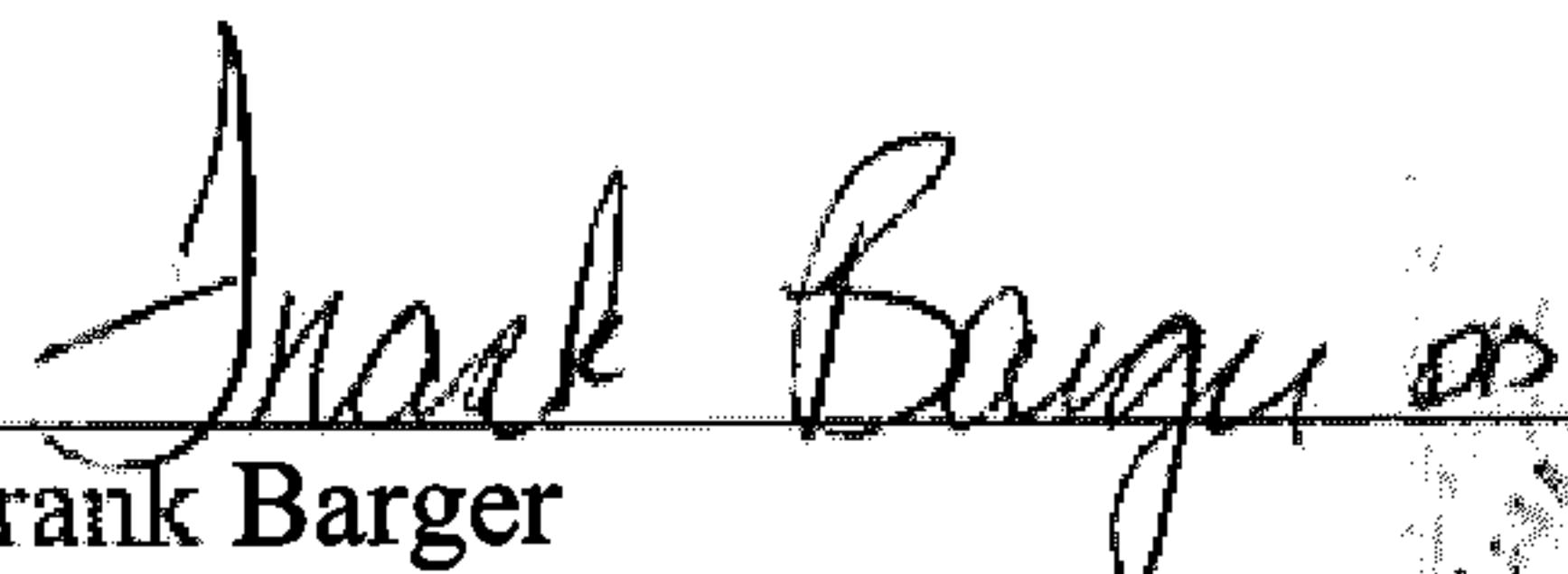
Y. Albert Moore, III
LANIER FOR SHAVER & PAYNE, P.C.
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yam@lanierford.com

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STATE OF ALABAMA

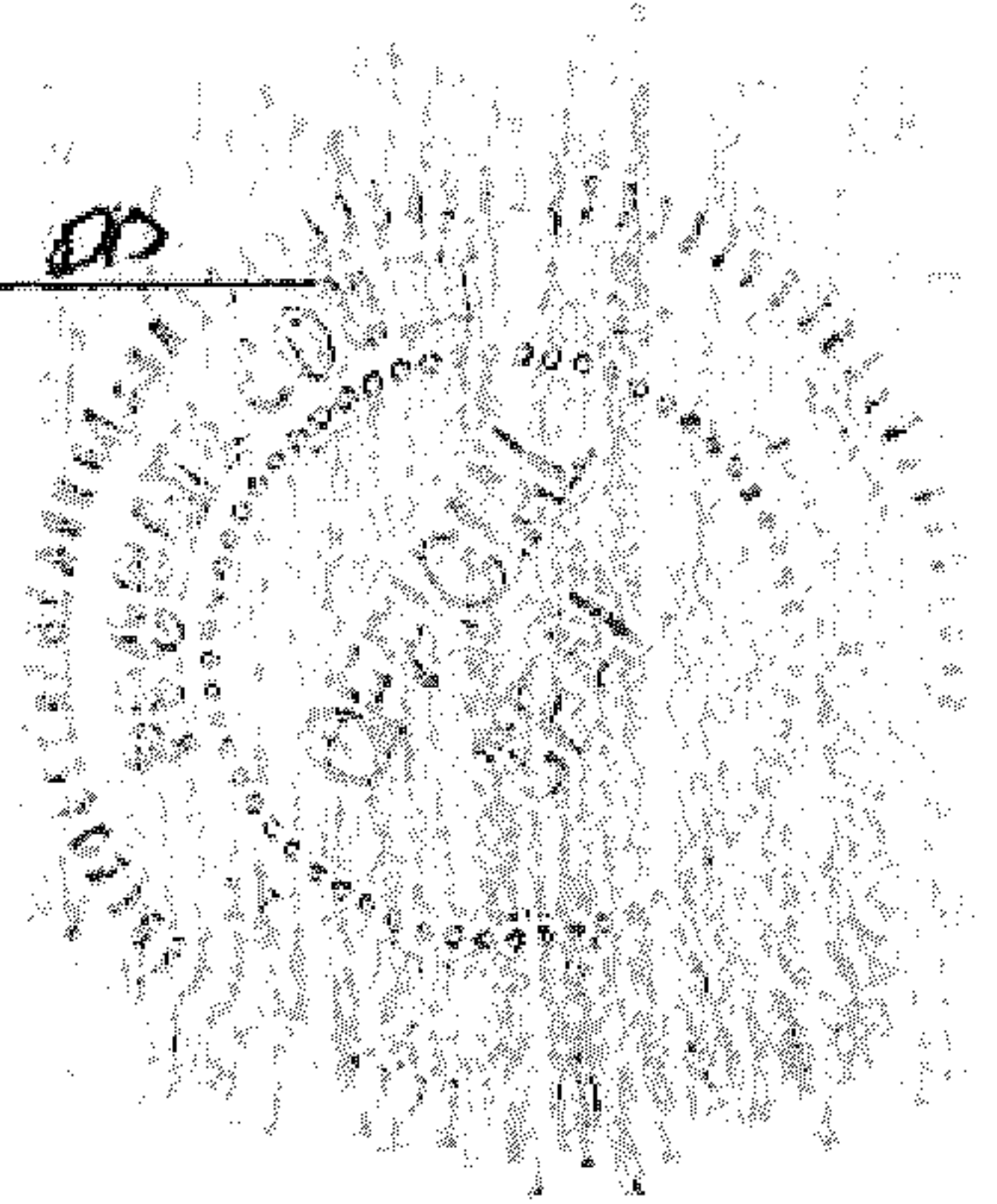
MADISON COUNTY

I, Frank Barger Judge of Probate Court in and for the County and State
aforesaid, hereby certify that the within and foregoing is a true, correct and complete
copy of Petition to Probate Later Discovered Will , in the Probate Case of Sarah Busby
Roberts, Case # 70220.

Given under my hand and seal of office this the 28th day of July 2022.



Frank Barger
Judge of Probate



Last Will and Testament

OF

SARAH GERALDINE BUSBY ROBERTS

I, SARAH GERALDINE BUSBY ROBERTS, a resident of Madison County, Alabama, declare this to be my Last Will and Testament hereby revoking all prior wills and codicils by me made.

ITEM I

I direct that my debts, my funeral expenses, the expenses of my last illness, and the cost of the administration of my estate be paid out of my estate as soon as practicable after my death.

ITEM II

I give, devise and bequeath all of the rest, residue and remainder of my property, both real and personal and wheresoever situated, to my children, SUSAN ROBERTS GATLIN, WILLIAM ALLEN ROBERTS, PATRICIA ROBERTS BAHR, and DOUGLAS MACK ROBERTS, in equal shares. Notwithstanding the foregoing, if a child of mine is deceased at the time of my death, I give, bequeath and devise the share such deceased child would have taken had he or she survived me to (a) such deceased child's then living lineal descendants, per stirpes, or (b) if such deceased child has no descendants then living, to my other then living lineal descendants, per stirpes.

ITEM III

I hereby appoint my daughter, PATRICIA ROBERTS BAHR, as Personal Representative of this, my Last Will and Testament. In the event PATRICIA ROBERTS BAHR, is unable or unwilling to serve as my Personal Representative or having been appointed, dies, resigns or becomes incapacitated prior to the completion of the administration of my estate, I hereby appoint my son, DOUGLAS MACK ROBERTS, as my successor Personal Representative.

I direct that neither my Personal Representative nor any successor shall be required to post any bond nor to file any inventory, report or accounting with any court concerning the administration of my estate.



ITEM IV

In the administration of my estate or the separate shares herein created, the following provisions shall apply:

(a) When the context permits, each pronoun includes pronouns of the same person in different genders and numbers, and words used in the singular shall be expanded to mean the plural and words used in the plural shall be restricted to mean the singular.

(b) If any amount or share herein devised is payable to a minor or a person under a legal disability, then such amount or share may be paid by my Personal Representative in such of the following ways as my Personal Representative may deem best:

- (1) Directly to such beneficiary;
- (2) To the guardian, conservator, curator or custodian (which custodian may be appointed by my Personal Representative under the Alabama Uniform Transfers to Minors Act) of such beneficiary; or
- (3) By my Personal Representative using such amounts for such beneficiary.

(c) Notwithstanding the provisions of ITEM I above, any mortgage, lien, or other encumbrance upon any property bequeathed or devised hereunder shall be assumed by the legatee or devisee of such property.

(d) My Personal Representative shall be vested with title to all of my property, including real estate, owned by me at the time of my death with the right on the part of my Personal Representative to convey any realty owned by me in carrying out the provisions of this will.

ITEM V

I grant to my Personal Representative and any successor the authority to deal with any property in my estate in the same manner that I could if alive. In this regard, my Personal Representative and any successor shall have the authority, without prior court approval and by way of illustration and not limitation, to: buy, sell, lease and exchange property; borrow money and secure the same by a mortgage of or security interest in any estate assets; retain any property received on my death, even though not suitable as a fiduciary investment; invest and reinvest in

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property, real or personal, tangible or intangible, without diversification and without restriction by any judicial ruling, statute or constitutional provision limiting fiduciary investments; execute deeds, notes, security agreements, mortgages, options, leases, contracts and other documents incidental to the authority herein granted; make distribution from my estate wholly or partially in cash or kind; and employ agents, advisors, accountants and attorneys. No person dealing with my Personal Representative or any successor shall be required to make inquiry as to the propriety of any action taken by my Personal Representative or any successor.

All of the above powers and authorities shall be considered purposes of my estate under Code of Alabama § 19-3-120.2.

IN WITNESS WHEREOF, I, SARAH GERALDINE BUSBY ROBERTS, the Testatrix, sign my name to this instrument this 25 day of October, 2004, 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, 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.

Sarah Geraldine Busby Roberts (SEAL)
SARAH GERALDINE BUSBY ROBERTS

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that SARAH GERALDINE BUSBY ROBERTS, the Testatrix, signs and executes this instrument as her Last Will and Testament and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Last Will and Testament as witnesses to the Testatrix's signing, and that to the best of our knowledge the Testatrix is nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Thomas Bruce Howell
Witness

Donna C. Gilley
Witness

Stacy McClure
Witness

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STATE OF ALABAMA
COUNTY OF MADISON

Subscribed, sworn to and acknowledged before me by SARAH GERALDINE BUSBY
ROBERTS, the Testatrix, and subscribed and sworn to before me by Christine Burke Ashwell,
Donna C. Gilley and Stacy McClure, witnesses, this
25 day of October, 2004.



Notary Public
My Commission Expires: 6-2-07

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STATE OF ALABAMA
COUNTY OF MADISONIN THE PROBATE COURT
CASE NO 70220

I, Frank Barger, Judge of Probate in and for the County and State aforesaid, do hereby certify that the within instrument in writing has been duly proven to be the genuine Last Will & Testament of Sarah Geraldine Busby Roberts, deceased in my office in Will Book No. 158 of Wills at Page No. 354.

In witness, whereof, I have here unto set my hand and affixed the seal of said Probate Court, on this 12th day of March, 2020.



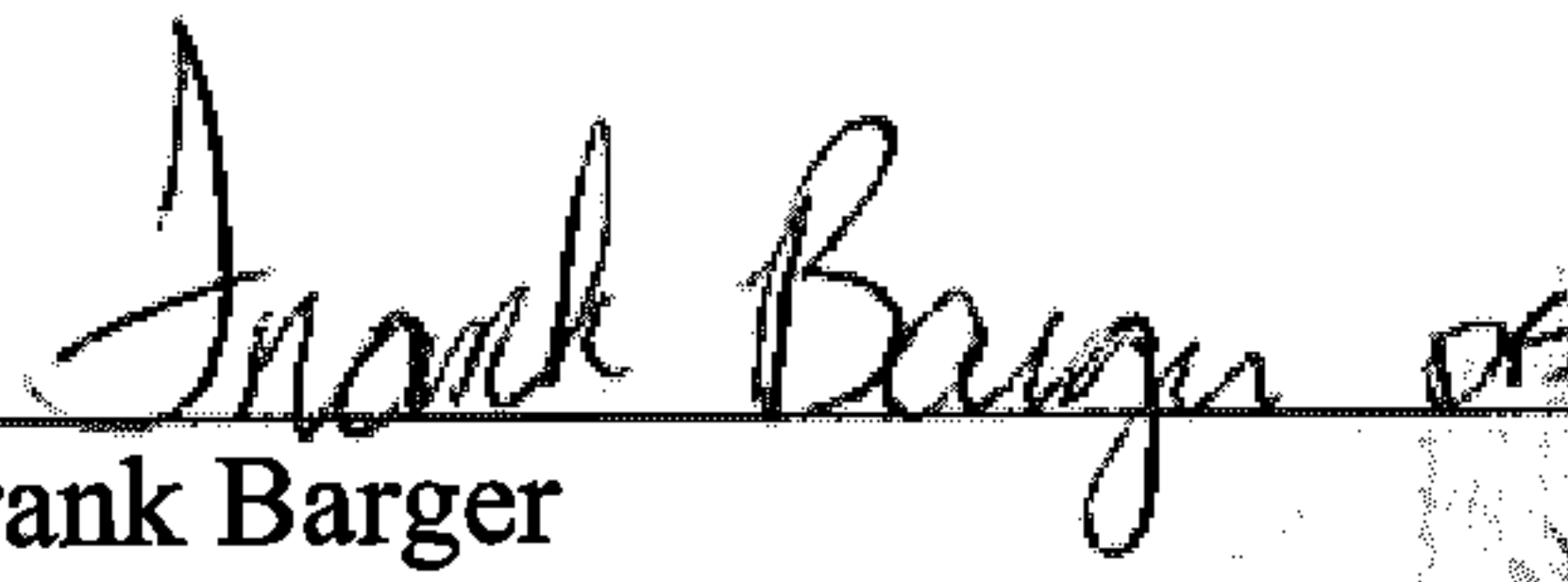
Frank Barger
Judge of Probate

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STATE OF ALABAMA

MADISON COUNTY

I, Frank Barger Judge of Probate Court in and for the County and State
aforesaid, hereby certify that the within and foregoing is a true, correct and complete
copy of Last Will and Testament , in the Probate Case of Sarah Busby Roberts, Case #
70220.

Given under my hand and seal of office this the 28th day of July 2022.


Frank Barger
Judge of Probate



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IN THE PROBATE COURT OF MADISON COUNTY, ALABAMA

IN RE: THE ESTATE OF)
 SARAH BUSBY ROBERTS,) CASE NO. 70220
deceased)

DECREE ADMITTING LATER DISCOVERED WILL TO PROBATE

Petitioner, **PATRICIA ROBERTS BAHR**, having filed a verified Petition admitting to Probate and Record an instrument which purports to be the true Last Will and Testament of **SARAH BUSBY ROBERTS**, deceased, the same having been discovered among the personal effects of the Testatrix after the filing of an earlier January 6, 1989 will (which the Court concludes to have been revoked by the later October 25, 2004 will), which October 25, 2004 will was made self-proving in accordance with Code of Alabama Section 43-8-132 (notice having been issued and served as required by law upon the next-of-kin). The Court having heard the evidence offered and the Court being satisfied from the said evidence that the instrument dated October 25, 2004, which purports to be the Will of said decedent was duly and legally executed by **SARAH BUSBY ROBERTS** thus revoking the January 6, 1989 will previously admitted to probate by this Court on January 30, 2020, and is the legal Will of the said decedent;

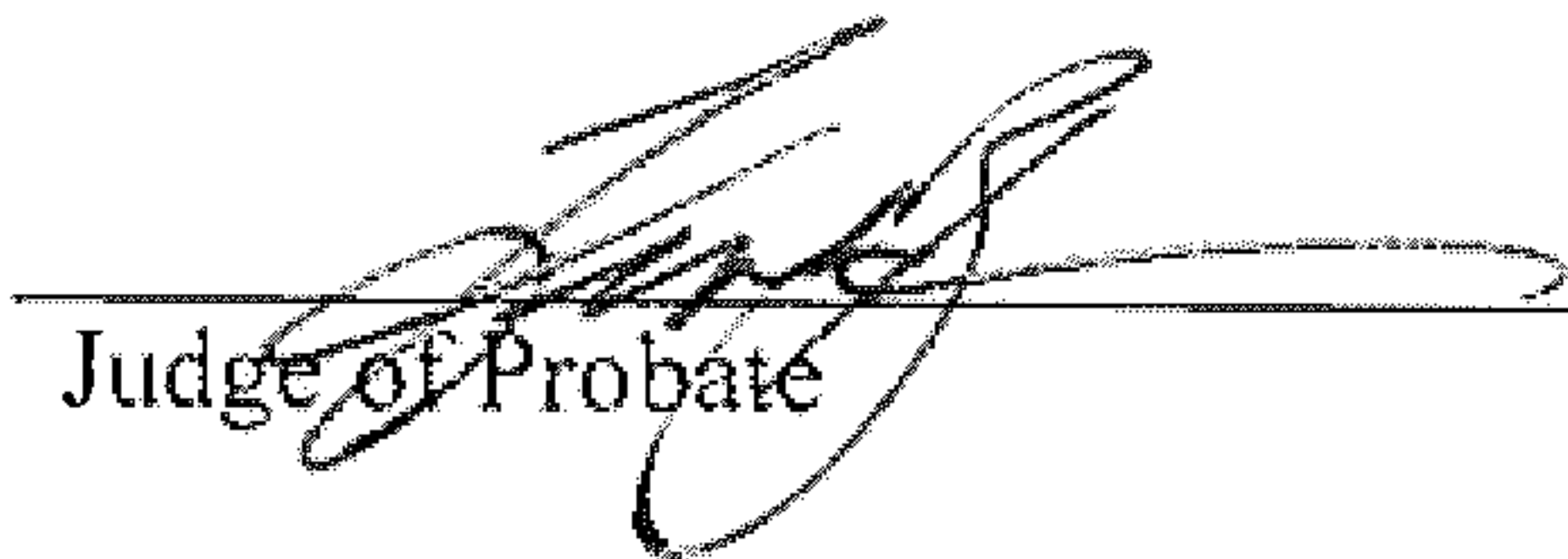
IT IS THEREFORE ORDERED by this Court that the said later discovered October 25, 2004 Will is hereby admitted to Probate and Record in this Court; the earlier admitted Will dated January 6, 1989 is hereby deemed revoked by the later-executed will, and its admission to probate is set aside; and that the Court's grant, pursuant to Code of Alabama (1975, as amended) § 43-2-21, of Letters Testamentary to **PATRICIA ROBERTS BAHR** as Personal Representative under said newly admitted Will is ratified and affirmed effective as of January 30, 2020.

It is further ORDERED by this Court that the said Personal Representative shall continue to have all the powers and duties previously granted together with those provided in the October 25, 2004 Will and all the general powers, authorized for transactions enumerated in Code of Alabama (1975, as amended) § 43-2-843.

It is further ORDERED that the Personal Representative, in addition to the general powers and duties granted, specifically retains the authority, with prior Court approval, to act in transactions enumerated in Code of Alabama (1975, as amended) § 43-2-844, unless otherwise provided in said Will.

It is further Ordered that said October 25, 2004 Will of the decedent, and all other proceedings in this cause be recorded in the Probate Records of Madison County, Alabama, as provided by law, the previously admitted Will dated January 6, 1989 being deemed by this Court revoked by the later executed will dated October 25, 2004.

DONE and ORDERED this 12th day of March, 2020.

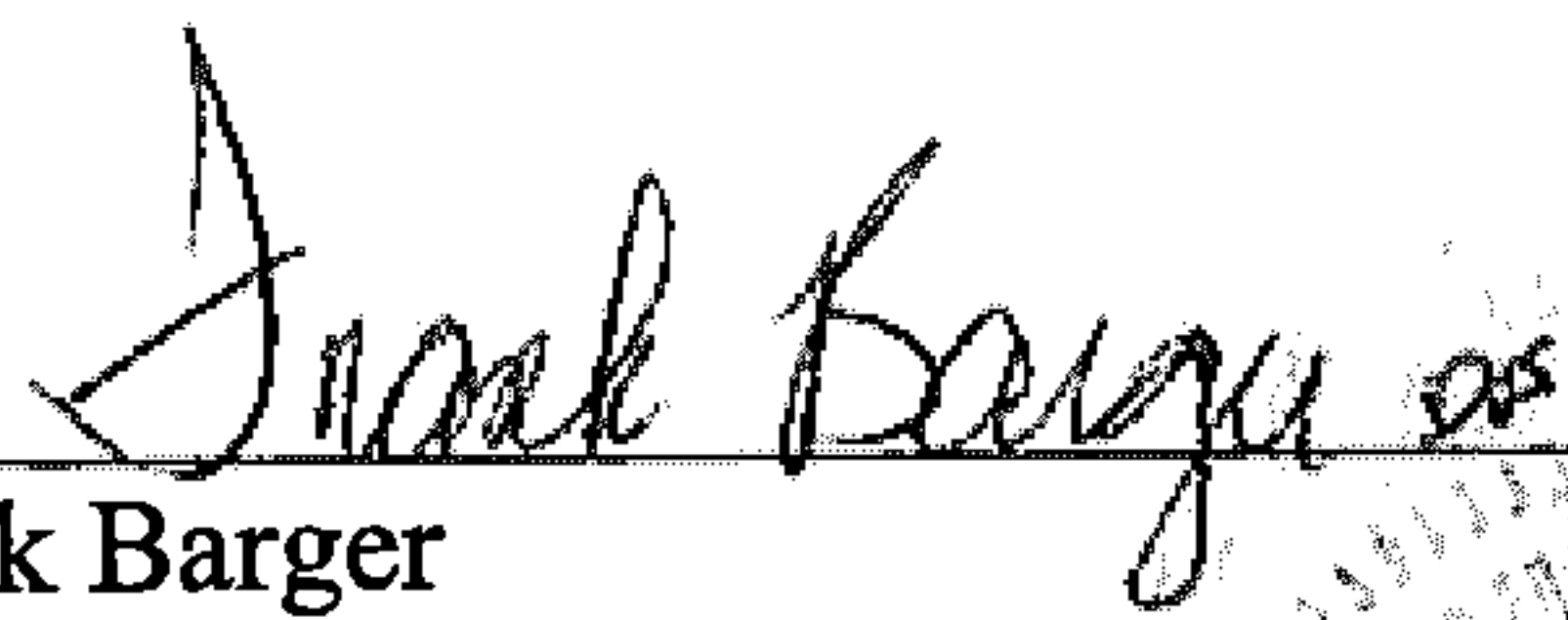

 Judge of Probate

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STATE OF ALABAMA

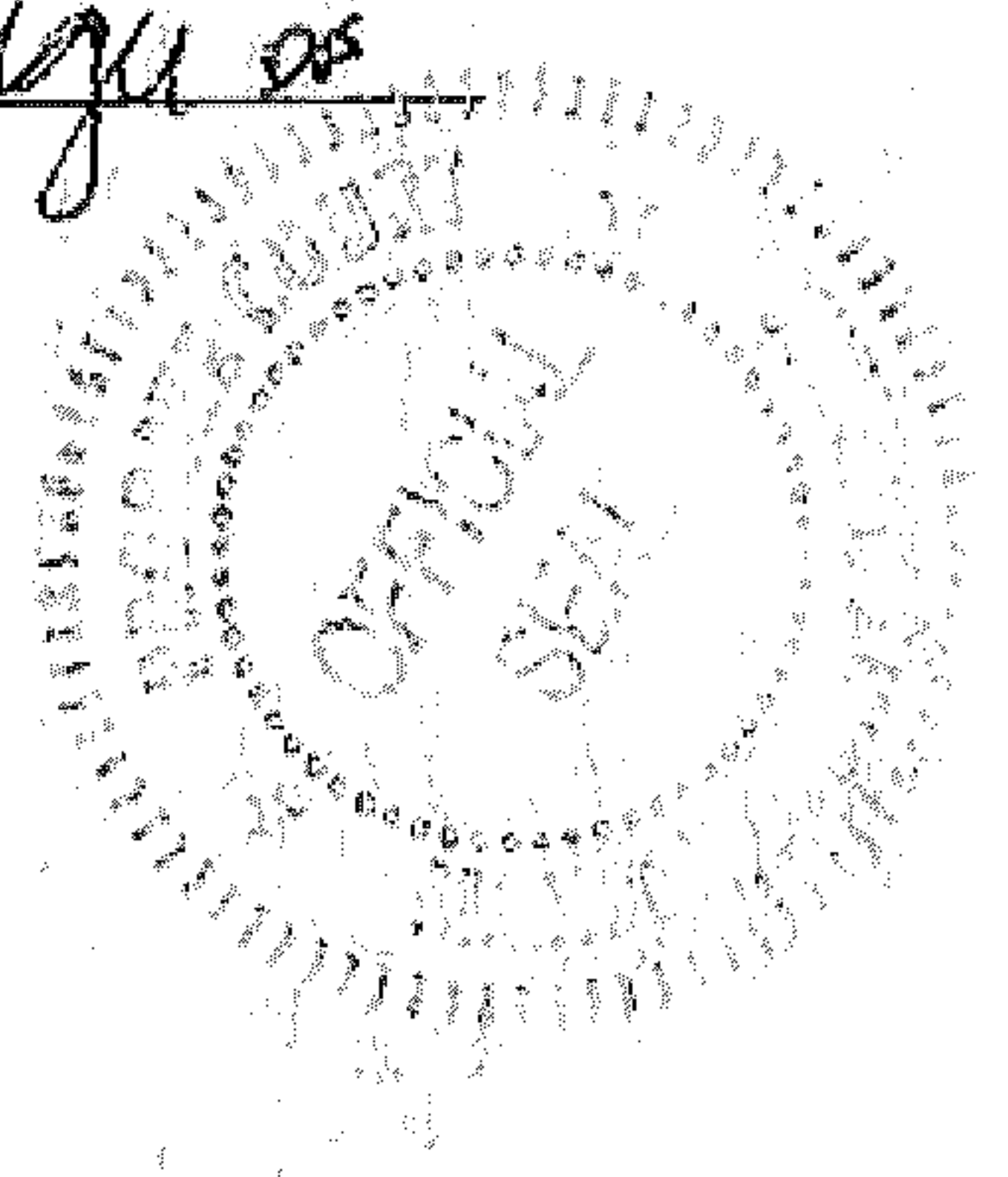
MADISON COUNTY

I, Frank Barger Judge of Probate Court in and for the County and State aforesaid, hereby certify that the within and foregoing is a true, correct and complete copy of Decree Admitting Later Discovered Will to Probate , in the Probate Case of Sarah Busby Roberts, Case # 70220.

Given under my hand and seal of office this the 28th day of July 2022.



Frank Barger
Judge of Probate



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
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