

LETTERS TESTAMENTARY



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Shelby Cnty Judge of Probate, AL
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IN THE MATTER OF THE ESTATE OF:

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

GUY LOUIS BURNS, JR.,
Deceased

CASE NO. 22BHM02463

LETTERS TESTAMENTARY

The Will of the above-named deceased having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to ROY F. KING, JR., the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in §43-8-76, Code of Alabama (1975, as amended), the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions under §43-2-843, Code of Alabama (1975, as Amended).

WITNESS my hand this date, 10TH day of OCTOBER, 2022.

(SEAL)

SHERRI C. FRIDAY
Judge of Probate

I, James P. Naftel, II, Judge of Probate Court of Jefferson 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 date, 11TH day of MAY, 2023.

James P. Naftel, II
Judge of Probate

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**LAST WILL AND TESTAMENT
OF
GUY L. BURNS, JR.**

**FILED IN OFFICE THIS THE
10th DAY OF Oct., 2022
FOR PROBATE AND RECORD.
Sheeri C. Feiday
JUDGE OF PROBATE**

I, **Guy L. Burns, Jr.** of Jefferson County, Alabama, declare this to be my will,
and I revoke all previous wills and codicils that I have made.

FAMILY IDENTIFICATION

At this time I am unmarried. I have two (2) sons, Guy L. Burns, III (hereinafter sometimes "Guy", and Borden Burr Burns (hereinafter sometimes "Borden").

**ARTICLE I
Specific Gifts**

A. I give my tangible personal property (together with any assignable insurance policies thereon), including any household furniture and furnishings, automobiles, books, pictures, jewelry, art objects, guns, hobby equipment and collections, and other articles of household or personal use or ornament, together with any insurance on any specific item, but excluding coins held for investment and paper currency, to Guy and Borden, to be divided as they shall agree or, if they shall fail to agree upon a division within three months after the date of my death, all such items are to be sold at public sale or private auction as my personal representative shall in his sole unfettered discretion determine and the net proceeds after expenses and commissions of sale, divided in equal shares between Guy and Borden.

B. All costs of safeguarding, insuring, packing, and storing my tangible personal property before its distribution and of delivering each item to the residence of the beneficiary of that item shall be treated as administration expenses.

Guy Burns

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ARTICLE II

Gift of Residue

I give my residuary estate, which shall not include any property over which I have power of appointment, in equal shares to Guy and Borden. If either Guy or Borden shall predecease me, then his share shall pass to the other of them. Notwithstanding the foregoing, as the personal representative of my father's estate, I have made unequal partial distributions to Guy and Borden of their one quarter ($\frac{1}{4}$) shares of the residue of said estate, I direct that the difference in the total distributions to Guy and Borden from my said father's estate be determined in consultation with my accountant, Roger Barlow, and that said difference be treated both as an addition to the residue of my estate, at no interest, and as an advancement to the recipient of the said excess amount, in the calculation of the equal division of the residue of my estate. In the event that the heretofore mentioned unequal distribution in my father's estate shall be accounted for in the closing of the administration of his estate, then the "hotchpot" instruction herein may be disregarded. In no case shall my personal representative, nor my said accountant, be responsible to my estate or to any beneficiary thereof, for the good faith effort made to carry out my directions, and I therefore absolve and hold them harmless from any claim as a result of their determination of a final division of assets of my estate.

ARTICLE III

Payment of Taxes and Expenses

My personal representative shall pay from my residuary estate all estate and inheritance taxes (including any interest and penalties) together with the expenses of my last illness and all administration expenses, including an appropriate marker for my grave, payable in any jurisdiction by reason of my death, whether or not the assets generating those taxes and expenses pass under this will.



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**ARTICLE IV
 Personal Representative Nomination and Powers**

A. I name Roy Floyd King, Jr. as personal representative of this will. If Roy Floyd King, Jr. should otherwise fail or be unable to serve for any reason, I appoint as my personal representative such person or corporation as may be designated in an instrument signed by my said friend and lawyer, Roy Floyd King, Jr.

B. I give my personal representative, wherever acting, power:

1. To retain, sell (at public or private sale), exchange, lease for any term (even though commencing in the future or extending beyond the date of final distribution of my estate), mortgage, pledge, or otherwise deal for any purpose with the property, real or personal, from time to time comprising my estate, for such consideration and on such terms (with or without security) as my personal representative shall determine;

2. To invest and reinvest my estate and proceeds of sale of any portion thereof in such securities, investment companies or trusts, whether of the open and/or closed fund types, interests in general, limited or special partnerships, interests as members in limited liability companies, common trust funds, or other property as he may consider suitable, whether or not a so-called "legal" investment of trust funds, and to change investments and to make new investments from time to time as my personal representative may seem necessary or desirable;

3. To borrow money at interest rates then prevailing from any individual, bank, or other source, whether or not the lender is then acting as a personal representative;

4. To enter into any transaction authorized by this Article with trustees, personal representatives, or administrators of any other trust or estate, even though a personal representative is also a fiduciary of the other trust or estate;

5. To invest in any property;

6. To compromise or abandon any claims in favor of or against my estate;

7. To disclaim, in whole or in part, any property or interest therein which passed to me or which was created for my benefit, for any reason including, but not limited to, a concern that such property could cause potential liability under any federal, state or local environmental law;

8. To employ accountants, depositaries, investment counsel, attorneys, and agents (in each case with or without discretionary powers), who may be the personal representative himself in such other capacity or any firm or corporation with which he is associated;

9. To (i) conduct environmental assessments, audits, and site monitoring to determine compliance with any environmental law or regulation thereunder; (ii) take all appropriate remedial action to contain, clean up or remove any environmental hazard including a spill, release, discharge or

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contamination, either on its own accord or in response to an actual or threatened violation of any environmental law or regulation thereunder; (iii) institute legal proceedings concerning environmental hazards or contest or settle legal proceedings brought by any local, state, or federal agency concerned with environmental compliance, or by a private litigant; (iv) comply with any local, state or federal agency order or court order directing an assessment, abatement or cleanup of any environmental hazards; and (v) employ agents, consultants and legal counsel to assist or perform the above undertakings or actions;

10. To execute instruments of any kind, including instruments containing covenants and warranties binding upon and creating a charge against my estate and containing provisions excluding personal liability;

11. To make distributions from my estate in cash or in kind, or partly in each and to value any property for that purpose; and to allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries; and

12. To retain all real estate or any interests in real estate ventures in any form, even though such may constitute all or a large portion of my estate; to sell and invest and reinvest the proceeds thereof, in such real estate or interest in real estate ventures as my personal representative shall deem desirable; and generally to sell, exchange or otherwise dispose of such real estate or interests in real estate ventures on such terms and conditions as my personal representative shall deem desirable and as may be permitted by law; and to receive all rents or other amounts due from any rental or other real estate held hereunder, including any personal property used in conjunction therewith; to enter and maintain, repair, improve, manage and operate all such property; to effect and maintain insurance thereon; to pay all taxes and assessments thereon; to extend, renew, increase or pay off any mortgage or mortgages affecting such property; to abandon such property; to adjust boundaries; to grant easements; to partition; to enter into party-wall contracts; to insure or perfect title; to demolish or erect buildings thereon; to make, extend, renew or modify any lease, for any term or perpetually; and to do all other things necessary or proper in the management and operation of such property.

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D. The powers granted to my personal representative hereunder shall be in addition to all other powers granted by law and shall be exercisable in the discretion of my personal representative and without court order. To the extent such requirements can be legally waived, no personal representative shall be required to file an inventory or appraisal, or account to any court, or obtain the order or approval of any court before exercising any power or discretion granted in this will. I contemplate that my personal representative may take possession of assets of my estate if, in my personal representative's sole discretion, such action is necessary for purposes of estate administration. I hereby exonerate my personal representative of any liability under Ala.



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Code Section 43-2-840 in taking possession of any assets of my estate. No personal representative shall be required to furnish bond or security.

E. My personal representative shall make such elections and allocations under the tax laws as my personal representative considers advisable (whether or not the election or allocation relates to property passing under this will), without regard to, or adjustments between, principal and income or the relative interests of the beneficiaries. Any decision to exercise tax elections or make allocations hereunder shall be made by my domiciliary personal representative, if any, in preference to any ancillary personal representative, and shall be binding and conclusive on all persons.

F. If any portion of my estate is distributable to a beneficiary who is then under the age of twenty-one years, my personal representative may distribute that beneficiary's share, without further responsibility, either directly to that beneficiary, to a qualified individual or trust company designated by my personal representative as custodian for that beneficiary under an applicable Uniform Transfers to Minors Act or similar law, or to the individual having personal custody of that beneficiary (whether or not court-appointed), and the receipt of the distributee shall discharge my personal representative.

G. No personal representative shall be personally liable to any beneficiary or other party interested in my estate or to any third parties, for any claim against my estate for the diminution in value of estate property resulting from matters involving hazardous substances, including any reporting of or response to (i) the contamination of estate property by hazardous substances, or (ii) violations of any environmental laws related to my estate; provided that my personal representative shall not be excused from liability for its own gross negligence in administration of the estate property or wrongful or willful acts.

H. To the maximum extent permitted by law, the personal representative may withhold a distribution to a beneficiary hereunder until receiving from the beneficiary an indemnification agreement in which the beneficiary agrees to indemnify the personal



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representative against any claims filed against the personal representative as an "owner" or "operator" under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as from time to time amended, or any regulation thereunder, or any other environmental law; provided that the personal representative may not take any action under this paragraph which would in any way jeopardize any federal or state marital deduction for property passing at my death.

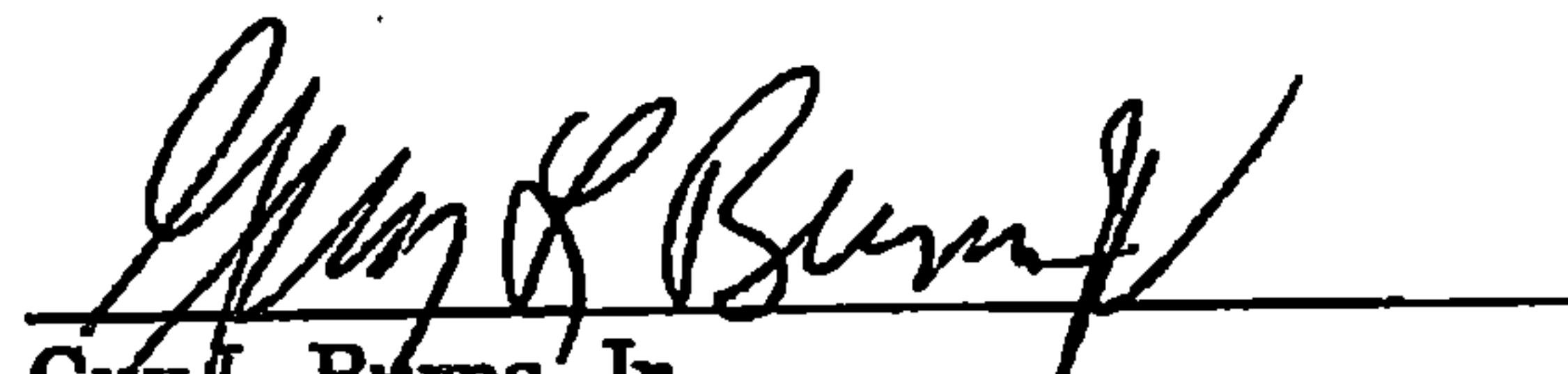
ARTICLE V Interpretive Rules

For all purposes of this will:

A. The term "personal representative" means any court-appointed fiduciary or fiduciaries of my estate from time to time qualified and acting in any jurisdiction and shall include "executor" as provided in Ala. Code Section 43-8-1.

B. The term "hazardous substance(s)" means any substance defined as hazardous or toxic or otherwise regulated by any federal, state or local law(s), rule(s) or regulation(s) relating to the protection of the environment or human health ("environmental law(s)").

I signed this will on this 2nd day of April, 2019.



Guy L. Burns, Jr.

On the date last above written, we saw Guy L. Burns, Jr., in our presence, sign the foregoing instrument at its end. He then declared it to be his will and requested us to act as witnesses to it. We then, in his presence and in the presence of each other, signed our



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names as attesting witnesses, believing him at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

Jodi Bates
 Witness signature Residing at 2414 Tarrant Heights Rd
Tarrant AL 35217

Kayanna King
 Witness signature Residing at 405 Meadow Drive
Birmingham AL 35242

I, Guy L. Burns, Jr., testator, sign my name to this instrument this ____ day of April, 2019, 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 (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 eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Guy L. Burns, Jr.
 Guy L. Burns, Jr.

We, Jodi Bates, and Kayanna King, the 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 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 will as witness to the



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IN THE MATTER OF:

THE ESTATE OF:

GUY L. BURNS, JR., A/K/A,
GUY LOUIS BURNS, JR.,
DECEASED

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IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NO. 22BHM02463

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Roy F. King, Jr., a/k/a Roy Floyd King, Jr., who filed a petition in writing, under oath, therewith producing and filing in this Court an instrument of writing purporting to be the Last Will and Testament of Guy L. Burns, Jr., a/k/a, Guy Louis Burns, Jr., deceased. Said Will bears the date of April 2, 2019 is attested to by Jodi Bates & Keyanna King. Praying that the same be probated as provided by law, the petitioner, Roy F. King, Jr., a/k/a, Roy Floyd King, Jr., is the friend of said deceased, and is named in said Will as the Personal Representative thereof. The next of kin of said deceased are as follows, to-wit: Guy L. Burns, III, son, Birmingham, Alabama & Borden Burr Burns, son, Vestavia Hills, Alabama, whom all are over nineteen years of age and of sound mind.

And thereupon comes each of the above named next of kin, expressly waiving all notices of the petition to probate said Will and consenting that the same be probated at once, and the Court having ascertained by sufficient evidence that the signatures affixed to said waivers of notice and acceptances of service are the genuine signatures of said next of kin, on motion of said petitioner, the Court proceeds to hear said petition. After due proof, according to the laws of this state, the Court is satisfied and is of the opinion that said instrument is the genuine Last Will and Testament of said deceased, and that such instrument should be probated as the Last Will and Testament of said deceased. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said instrument be duly admitted to probate as the Last Will and Testament of Guy L. Burns, Jr., a/k/a, Guy Louis Burns, Jr., deceased, and is **ORDERED** to be recorded together with the proof thereof and all other papers on file relating to this proceeding.



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It is further **ORDERED** that petitioner pay the cost of this proceeding.

DONE this date, October 10, 2022.

Sherril C. Friday

Judge of Probate



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IN THE MATTER OF:

THE ESTATE OF:

**GUY L. BURNS, JR., A/K/A
GUY LOUIS BURNS, JR.,
DECEASED**

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**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA**

CASE NO: 22BHM02463

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day comes Roy F. King, Jr., a/k/a, Roy Floyd King, Jr., and files in this Court his petition in writing, under oath, praying that Letters Testamentary upon the Will of Guy L. Burns, Jr., a/k/a, Guy Louis Burns, Jr., deceased, be issued to Roy F. King, Jr., a/k/a, Roy Floyd King, Jr.

It is therefore **ORDERED** and **DECREED** by the Court that Letters Testamentary upon said will be granted to Roy F. King, Jr., a/k/a, Roy Floyd King, Jr., and that said letters issue without bond or security being required, in accordance with the terms of said will. It is further **ORDERED** that the petition in this behalf be recorded.

DONE this date, October 10, 2022.

Judge of Probate



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CERTIFICATE TO COPIES

**STATE OF ALABAMA
JEFFERSON COUNTY**

**PROBATE COURT
CASE NO. 22BHM02463**

I, Judge of the Probate Court, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the **Last Will and Testament, Order on Filing and Probating Last Will and Testament, Order Granting Letters Testamentary without bond** in the matter of the estate of **Guy L. Burns, Jr., aka Guy Louis Burns, Jr., deceased** as the same appears on file and of record, in this office.

Given under my hand and seal of said Court
this date, **May 11, 2023.**



Judge of Probate