THE STATE OF ALABAMA JEFFERSON COUNTY (BESSEMER DIVISON)

I, Ikie Hardy Freeman, Principal Court Clerk of the Probate Court of said County and State, do hereby certify the foregoing papers to be, and contain a full, true and correct copy of the Petition for Probate of Will, Waiver of Notice, Certificate to the Probate of Will, Last Will and Testament of Marjorie G. Cole, Order on Filing and Probating the Last Will and Testament, Petition for Letters Testamentary, Order Granting Letters Testamentary Without Bond, Letters Testamentary and Notice to Creditors of Marjorie G. Cole, deceased in Case Number 23BES00008 as appears on file and of record in this Court.

Witness my hand and seal of said Court, this the 18th day of September 2023.

IKIE HARDY PREEMAN

Principal Court Clerk

THE STATE OF ALABAMA JEFFERSON COUNTY (BESSEMER DIVISON)

I, James P. Naftel, Judge of the Probate Court of said County and State, do hereby certify that, Ikie Hardy Freeman, whose name is signed to the proceeding certificate of exemplification, is the Principal Court Clerk of the Probate Court of Jefferson County, Alabama, Bessemer Division, duly appointed and sworn, and that said Court is a Court of Record, and that full faith and credit are due to her official acts.

This the 18th day of September 2023.

JAMES P. NAFTEL

Judge of Probate

THE STATE OF ALABAMA JEFFERSON COUNTY (BESSEMER DIVISION)

I, Elizabeth North, Deputy Judge of the Probate Court of said County and State, do hereby certify that James P. Naftel, whose name is signed to the foregoing certificate, is the Judge of the Probate Court of Jefferson County, Alabama, duly elected and sworn, and that the signature of said Judge is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this the 18^{th} day of September 2023.

ELIZABETH NORTH

Deputy Judge of Probate

IN THE MATTER OF THE ESTATE OF) PROBATE COURT OF) JEFFERSON COUNTY,	- •
; ;) ALABAMA	
MARJORIE G. COLE, DECEASED.) CASE NO. 23BESOUC	8

PETITION FOR PROBATE OF WILL

TO THE HONORABLE JAMES NAFTEL, JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

Comes your petitioner, David Alan Garcia, and upon information and belief, respectfully shows unto your Honor the following facts:

- 1. Marjorie G. Cole, died at Jefferson County, Alabama on or about Alabama.
- 2. Surrendered herewith is said decedent's last will and testament naming petitioner as Executor thereof, which was duly signed by said decedent when over twenty-one years of age, and was attested by the following witnesses, namely:

<u>Name</u>

Son

Present Address

Jim Keyes P.O. Box 3570, Hueytown, AL 35023 Kenny Joe Ausman P.O. Box 3570, Hueytown, AL 35023

3. The following is a true, correct, and complete list of the names, ages, conditions, relationships, and addresses of said decedent's widow and next-of-kin, namely:

Name, age, condition, relationship

Address

William Cole, over 21, sui juris
Spouse
David Alan Garcia, over 21, sui juris
Son
John Gregory Garcia, over 21, sui juris

2401 Blackridge Drive Hoover, AL 35244 2401 Blackridge Drive Hoover, AL 35244

Wherefore your petitioner prays that your Honor will take jurisdiction of this petition; will cause all such notices or citations to issue to the said next-of-kin, and attesting witnesses as may be proper in the premises; and will cause such proceedings to be had and done, 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 said deceased.

DAVID ALAN GARCIA

Petitioner

2401 Blackridge Drive Address:

Hoover, AL 35244

Attorney for Petitioner: Jim Keyes AUSMAN & KEYES ATTORNEYS, LLC P.O. Box 3570 Hueytown, AL 35023 (205) 491-7432

STATE OF ALABAMA JEFFERSON COUNTY

2022.

Before me, the undersigned, a notary public in and for said county in said state, personally appeared David Alan Garcia, who, being first duly sworn, makes oath he has read the foregoing petition and know the contents thereof, and that he is informed and believes, and, upon such information and belief, avers that the facts alleged therein are true and correct.

DAVID ALAN GARCIA

Petitioner

2401 Blackridge Drive Address:

Hoover, AL 35244

Subscribed and sworn to before me this 30^{40} da

IN THE MATTER OF TH MARJORIE G. COLE,	E ESTATE OF)	PROBATE COURT OF JEFFERSON COUNTY, ALABAMA,
	DECEASED)	CASE NO.23BESOUDO8
	WARD OF	እነረንጥነረን	T.

TO THE HONORABLE JAMES NAFTEL, JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

The undersigned, John Gregory Garcia, hereby accepts service of Notice of the filing of the Petition for Letters of Testamentary and Petition for the Probate of the Will in the matter of the Estate of Marjorie G. Cole, Deceased, and hereby waives all other further notice thereof, either by publication or otherwise, and further enters his appearance in Court on the day set for hearing said matter, and on any day to which the same may be continued.

Dated this the 30 day of December, 2022.

OHN GREGORY GARCIA

Witness:

Charles Duntero

IN THE MATTER OF THE ESTATE OF) PROBATE COURT OF
) JEFFERSON COUNTY,
•) ALABAMA,
MARJORIE G. COLE,	CASE NO. 23BESCUUUS
DECEASED)
,	TO 3. T. CRETIT (CITY

WAIVER OF NOTICE

TO THE HONORABLE JAMES NAFTEL, JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

The undersigned, William F. Cole, hereby accepts service of Notice of the filing of the Petition for Letters of Testamentary and Petition for the Probate of the Will in the matter of the Estate of Marjorie G. Cole, Deceased, and hereby waives all other further notice thereof, either by publication or otherwise, and further enters his appearance in Court on the day set for hearing said matter, and on any day to which the same may be continued.

Dated this the 30day of December, 2022.

MITIAME COIE

Witness:

CERTIFICATE TO THE PROBATE OF WILL

State of Alabama Jefferson County

CASE NUMBER: 23BES000008

I, the undersigned, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument of writing has this day, in said Court, and before me as the Judge thereof, been duly proven by the proper testimony to be the genuine last Will and Testament of MARJORIE G COLE and that said will together with the proof thereof have been recorded in my office.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date the January 4, 2023.

James P. Naftel

JUDGE OF PROBATE

STATE OF ALABAMA

JEFFERSON COUNTY

LAST WILL AND TESTAMENT

OF

MARJORIE G. COLE

I, Marjorie G. Cole, a resident of said County and State, being of sound mind and disposing memory, and being aware of the uncertainties of this life, do hereby make, publish, and declare this instrument to be my Last Will and Testament. I hereby revoke any and all wills and codicils thereto heretofore made by me.

Statement of Family

I am married to William Cole since 2003. My first husband, John Raymond Garcia died in 1995 and we had two children, John Gregory Garcia and David Alan Garcia. Both are living. Greg has two children from his first marriage to Melinda Bellsnyder, namely Megan Elizabeth Garcia Hamm and Joshua Gregory Garcia. Greg has two children from his second marriage to Tracy Garcia, namely Taylor Alexandra Garcia and John Hunter Garcia.

David Alan Garcia has no children.

ONE: It is my will that my Executor hereinafter named pay all of my just debts as soon as possible after my death as is practicable.

TWO: I hereby give, devise and bequeath the sum of Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars to my husband, William F. Cole, absolutely and forever.

THREE: BEQUEST OF BALANCE OF ENTIRE ESTATE:

I hereby give, devise and bequeath the rest, residue and remainder of my entire estate, real, personal, and mixed, of which I die seized and possessed, or to which I am, may be, or may become entitled, wherever situated, absolutely and forever, to my son, David Alan Garcia.

If my son, David Alan Garcia shall fail to survive me then in that event I give, devise and bequeath the rest, residue and remainder of my entire estate, real, personal, and mixed, of which I die seized and possessed, or to which I am, may be, or may become entitled, wherever situated, absolutely and forever as follows:

Seventy-five percent (75%) to my son, John Gregory Garcia, absolutely and forever per stirpes.

Twenty-five percent (25%) to be evenly distributed to my grandchildren as follows: One-third (1/3) to Joshua Gregory Garcia, one-third (1/3) to John Hunter Garcia and one-third (1/3) to Taylor Alexandra Garcia, absolutely and forever, per stirpes.

Despite the preceding provisions of this instrument my executor may elect to withhold any property otherwise distributable under paragraph THREE to a beneficiary, (meaning a descendant or descendants of a deceased child), who has not reached the age of thirty years and may retain as trustee, the property for that beneficiary in a separate trust named for the beneficiary, to be distributed to the beneficiary when he or she reaches the age of thirty years, or before then if the trustee so elects. The trustee shall apply as much of the net income and principal of the trust so retained as the trustee determines to be required for the health, support in reasonable comfort, and education of the beneficiary for whom the trust is named, considering all circumstances and factors deemed pertinent by the trustee. Any undistributed net income shall be accumulated and added to principal, as from time to time determined by the trustee. If the beneficiary for whom the trust is named dies before complete distribution of the trust, the remaining net income and principal of the trust shall be distributed to the beneficiary's estate. I nominate, constitute and appoint John Gregory Garcia as trustee of any trust created hereby. If John Gregory Garcia cannot or will not serve then William F. Cole shall serve. I grant to the trustee in addition to the above powers all powers granted to my executor in item FOUR below.

- 1. To sell, exchange, transfer, or convey, either before or after option granted, all or any part of said trust estate, real, or personal, or mixed, upon such terms and conditions as the Trustee sees fit, and to invest and re-invest the proceeds therefrom in such loans, stock, bonds, or other securities, mortgages, common trust funds, or other property, real, personal, or mixed, as to it seems necessary, whether so-called legal investments of trust funds or not.
- 2. To improve, repair, lease, rent for improvement or otherwise, for a term beyond the possible termination of this trust, or for any less term, either with or without option of purchase, and to let, exchange, release, partition, vacate, dedicate, or adjust the boundaries of any real estate constituting a part of said trust estate.
- 3. To borrow, for such time and upon such terms as it sees fit, without security or on mortgage or any real, personal, or mixed property held by it as Trustee hereunder; and to execute mortgages or pledge agreements therefore.
- 4. To hold any property or securities originally received by it as part of the trust estate, so long as it shall consider the retention thereof for the best interests of said trust estate; irrespective of whether such property or securities are a so-called "legal" investment of trust funds, without liability for depreciation or loss through error of judgment, and in disposing of any property constituting a part of the trust estate, to acquire other property

which is not a so-called "legal" investment of trust funds, where such course is in its opinion for the best interests of the said trust estate.

- 5. To determine whether any money or property coming into its hands shall be treated as part of the principal or part of the income from said trust estate; to apportion between such principal and income any loss or expenditures in connection with such trust estate, as to it may seem just and equitable; and to set up reserves out of income to meet such items of depreciation, obsolescence, future repairs for construction, or amortization of indebtedness deemed by the Trustee to be proper or necessary.
- 6. To keep any property constituting a part of said Trust Estate properly insured against fire and tornado, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon said property; and generally to pay all of the expenses of the trust incurred in the exercise of the powers herein vested in the Trustee which in its judgment may be proper or necessary.
- 7. To make divisions and distributions hereunder provided for either in cash or in kind, or partly in cash and partly in kind, and for that purpose to determine the market value thereof, and determine the identity of the person or persons entitled to take hereunder.
- 8. To hold any or all trust securities or other property in bearer form, in the name of the Trustee, or in the name of its nominee, without disclosing any fiduciary relationship.
- 9. To vote in person or by proxy upon all stocks held by it to unit with other owners of similar property in carrying out any plan for re-organizing any corporation, or company whose securities form a portion of the trust estate; to exchange the securities of the corporation for other securities upon such terms and conditions as they deem proper. To assent to the consolidation or merger of any such corporation, as it may deem expedient for the protection of the interest of the trust estate in the same fashion as the holder of stocks, bonds or other securities may so assent.
- 10. To institute and defend any and all suits or legal proceedings relating to the said trust estate in any court, and to employ counsel, and to compromise, or submit to arbitration all matters of dispute in which said trust estate may be involved, as in its judgment may be necessary or proper.
- 11. To pay from and out of the income of the trust estate any and all expenses reasonably necessary for the administration of the trust including interest, taxes, insurance, including public liability insurance, as well as other expenses incurred for the benefit of the trust estate, and in the event that income from the trust property is insufficient for the purpose of paying such expenses, to pay the same from the corpus of the trust estate.
- 12. To execute and deliver any and all contracts, conveyances, transfers, or other instruments, and to do any acts necessary or desirable, in the execution of the powers herein vested in it.

- 13. If, at any time during the period of trust, the net income from said trust estate shall not in the opinion of the Trustee be sufficient for the proper purposes of the trust, I direct that the Trustee shall pay over to the beneficiaries such additional sum or sums out of the trust principal as it may deem necessary. All payments made by the Trustee hereunder shall fully discharge the Trustee as to the amounts so paid without obligation on the part of the beneficiary to account therefore.
- 14. To pay over the entire net income from the trust estate to the income beneficiary, or for the use of the income beneficiary, in such installments as may be convenient and satisfactory to the Trustee, but such installments to be paid at least monthly.
- 15. The beneficiaries shall receive the balance of their distributive share from this trust when they attain the age of thirty years. When the youngest beneficiary has received his or her final distributive share, the Trustee shall stand discharged. If any of my beneficiaries shall die before receiving his or her final distribution under this trust, then his or her proportionate share shall at his or her death be paid over to the administrator of his or her estate.
- 16. Other and additional property may be made subject to this trust, but only with the consent of the Trustee by delivering the property to it with written instructions that the property is to be held subject to the terms of this Trust.
- 17. Whenever the word Trustee, or Trustees, "Executor" or "Executors" is used, it shall be construed, either as singular or plural, as masculine or feminine whichever is proper in the context.
- 18. During the continuance of the Trust, the Trustee shall pay to or for the benefit of the beneficiaries so much of the income and principal of the beneficiary's share as the Trustee may deem necessary or desirable to provide for the health, maintenance, support and education of the beneficiary. Any part of the net income not so used shall be accumulated and added to the principal of said share being thereafter invested and treated in all respects as a part thereof, or may be distributed in such manner as the Trustee deems to be in the best interests of the beneficiary.
- 19. The income of the trust herein created shall accrue from the date of my death and until the trust established. I authorize my Executor in his sole discretion, from time to time and at any time, to pay out of my general estate to the respective income beneficiaries of such trusts, as advance payments of income, such sums as in the Trustee's judgment are not in the excess of the income which such beneficiary probably would have been entitled to receive from said trust had the same been established. Any such sum paid from the principal of my general estate shall be regarded merely as a temporary advance to be restored to the principal from income otherwise payable to the beneficiary to whom such advance shall have been made.
- 20. As to the net income, which by any of the provisions of this will may be payable to any person, he or she shall have no right or power, either directly or indirectly, to

anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell, or otherwise dispose of same, or any part thereof, until same shall have been actually paid in hand to him by the Trustee. Nor shall such income, nor the principal or corpus of any trust estate, nor any part of, or interest in, either of them be liable for or to any extent subject to any debts, claims, or obligations of any kind or nature whatsoever, or to any legal process in aid thereof, contracted or incurred by or for such person, before or after my death.

FOUR: I hereby nominate, constitute and appoint my son, David Alan Garcia as Executor of this my Last Will and Testament. I hereby direct that my said Executor shall not be required to give or furnish any bond, or other security in any jurisdiction, or file any inventory, or make any accounting and or settlement in or with any court as to the administration of the affairs of my estate. I hereby vest in my Executor full power and authority to sell, transfer and convey any and all property owned by me, real, personal and mixed, at public or private sale, without order of court, and to exercise with respect thereto any and all of the rights and powers which I myself would possess and might exercise if I still survived, and to do every other act or thing necessary or appropriate to the complete administration of this will.

If David Alan Garcia shall predecease me, or cannot act as my Executor for any reason, or shall refuse to act, then in that event I hereby nominate, constitute and appoint my husband, William F. Cole to act as Executor of this my Last Will and Testament, with all the rights, powers, privileges, immunities and responsibilities herein conferred upon my first named Executor.

I signed this will on March 14, 2019.

MARJORIE G. COLE

On the date last above written, we saw Marjorie G. Cole, in our presence, sign the foregoing instrument at its end. She then declared it to be her will and requested us to act as witnesses to it. We then, in her presence and in the presence of each other, signed our names as attesting witnesses, believing her at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

Address

I, Marjorie G. Cole, the testatrix, sign my name to this instrument this 14th day of March, 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.

Testatrix

We Service Lesson, 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 signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the testatrix, hereby signs this will as witness to the testatrix' signing, and that to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Witness

Witness

STATE OF ALABAMA COUNTY OF JEFFERSON

Subscribed, sworn to and acknowledged before me by Marjorie G. Cole, the testatrix, and subscribed and sworn to before me by

"Tran KENGO (E KENGO)

witnesses, this 14th day of March, 2019.

NOTARY PUBLIC

My commission expires: 7300

Prepared by:

AUSMAN & KEYES ATTORNEYS, LLC

Attorneys at Law P.O. Box 3570

Hueytown, AL 35023

Phone: (205) 491-7432

20231103000323700 11/03/2023 08:25:56 AM WILLS 13/17

IN THE MATTER OF

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

CASE NO: 23BES000008

MARJORIE G COLE

DECEASED

ORDER ON FILING AND PROBATING THE LAST WILL AND TESTAMENT

This day came 4th day of January 2023, petitioner 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 MARJORIE G

COLE, deceased, said will bearing date the March 14, 2019 and he, praying that the same be probated as provided

by law; that the petitioner is the Son of the deceased, and is named in said Will as executor thereof; and there are next

of kin of said deceased are as follows, to-wit: William Cole, Spouse, Hoover, Al, Davis Alan Garcia, son, Hoover,

Al and John GRegory Garcia, Son,, who are over nineteen years of age and of sound mind.

And thereupon comes each of the above named next of kin expressly waiving all notice 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 notices and acceptances of services are the genuine signatures

of said next to kin; now on motion of said petitioners, the Court proceeds to hear said petition; and, after due proof

and hearing had 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 said MARJORIE G COLE, and ORDERED to be recorded together with the

proof thereof and all other papers on file relating to this proceeding. It is further ORDERED that petitioners pay the

costs of this proceeding.

DONE this date January 4, 2023.

James P. Naftel

JUDGE OF PROBATE

IN THE MATTER OF THE ESTATE OF) PROBATE COURT OF
) JEFFERSON COUNTY,
•) ALABAMA
MARJORIE G. COLE)
DECEASED.	CASE NO. 23BESOWO8

PETITION FOR LETTERS TESTAMENTARY

TO THE HONORABLE JAMES NAFTEL, JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

Comes your petitioner, David Alan Garcia, and upon information and belief, respectfully shows unto your Honor the following facts:

- 1. In the last will and testament of Marjorie G. Cole, Deceased, which said will has been or shall be duly probated and admitted to record in this Court, your petitioner is named as Executor thereof.
- 2. David Alan Garcia is an inhabitant of the State of Alabama. Your petitioner is above the age of twenty-one years, and in no respect disqualified under the law from serving as such Executor.
- 3. Under said will your petitioner is exempted from giving bond as such Executor. The said decedent died seized and possessed of certain real and personal property, the value of which is estimated, in the aggregate, to be approximately less than \$\frac{1,200,000}{200,000}\$. The value of the personal property is estimated to be less than \$\frac{7,00,000}{200,000}\$.

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 said decedent, your petitioner prays that your Honor will take judicial notice of the probate of the will of the decedent, and will grant letters testamentary to petitioners in this matter-without entering into bond, as is provided by the terms of said will.

DAVID ALAN GARCIA

Petitioner
Address: 2401 Blackridge Drive
Hoover, AL 35244

Attorney for petitioner: Jim Keyes AUSMAN & KEYES ATTORNEYS, LLC P.O. Box 3570, Hueytown, AL 35023 (205) 491-7432

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned, a notary public in and for said county in said state, personally appeared David Alan Garcia, who being first duly sworn, make oath that he has read the foregoing petition and know the contents thereof, and that he is informed and believe, and, upon such information and belief, avers that the facts alleged therein are true and correct.

DAVID ALAN GARCIA
Petitioner

Subscribed and sworn to before me this $\frac{20\%}{20\%}$ a

day of December, 2

NOTARY PUBLIC

My commission expires:

LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF:
THE ESTATE OF:
MARJORIE G COLE
DECEASED

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA CASE NUMBER: 23BES000008

LETTERS TESTAMENTARY

TO ALL WHOM IT MAY CONCERN:

The Will of the above-named deceased having been duly admitted to record in said county, Letters Testamentary are hereby granted to DAVID ALAN GARCIA 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, JANUARY 4, 2023.

JUDGE OF PROBATE

I, JAMES P. NAFTEL, Judge of the Court of Probate 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, JANUARY 11,2023.

JUDGE OF PROBATE

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IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA CASE NUMBER: 23BES000008

MARJORIE G COLE **DECEASED**

LETTERS TESTAMENTARY UPON LAST WILL AND TESTAMENT of said decedent, having been granted to the Undersigned on the 4th day of January 2023. by the HONORABLE James P. Naftel, Judge of the Probate Court of Jefferson County, Alabama, notice is hereby given that all persons having Claims against said Estate are required to file an itemized and verified statement of such claim in the office of the said Judge of Probate within six months from above date, or said claim will be barred and payment prohibited.

DAVID ALAN GARCIA Personal Representative(s)

1/20/23 1/27/23 2/3/23

Attorney of Record



Filed and Recorded Official Public Records Judge of Probate, Shelby County Alabama, County Clerk **Shelby County, AL** 11/03/2023 08:25:56 AM \$70.00 MOLLY 20231103000323700

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