

STATE OF ALABAMA)
COUNTY OF SHELBY)


20231106000325140 1/3 \$30.00
Shelby Cnty Judge of Probate, AL
11/06/2023 10:20:36 AM FILED/CERT

AFFIDAVIT OF HEIRSHIP

RE: All Easterly of the Cahaba Valley Road of SW 1/4 of SE 1/4, Section 12, Township 19, Range 2 West and all lying Easterly of the Cahaba Valley Road of the South 314 feet of SE 1/4 of SE 1/4, Section 12, Township 19, Range 2 West and all of the South 314 feet of SW 1/4 of SW 1/4, Section 7, Township 19, Range 1 West and all not included in the Oak Mountain State Park of NE 1/4 of NE 1/4, Section 13, Township 19, Range 2 West, said parcel being otherwise described as the Northeast ten (10) acres of NE 1/4 of NE 1/4, Section 13, and in addition thereto all of the NE 1/4 of the NE 1/4, Section 13 lying westerly of the crest of the ridge. Being the legal description in Inst. #1996-12309

The above described property was resurveyed into and is a part of the following:

Lots 1 and 2, according to the Survey of Family Subdivision, Kirkwood Family Subdivision #1, as recorded in Map Book 40, Page 82, in the Probate Office of Shelby County, Alabama.

Property Address for Lot 1 only: 6025 Cahaba Valley Road
Birmingham, AL 35242

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared, **Ann K. Kirkwood**, (hereinafter referred to as "Affiant"), whose address is 5931 Cahaba Valley Road, Birmingham, AL 35242, who, after being duly sworn by me, deposes and says:

Affiant knows of her own knowledge and belief that the above described property was owned by **Frank A. Kirkwood**, deceased and wife, **Margaret W. Kirkwood**, deceased, by that certain Warranty Deed recorded in Deed Book 157, Page 236, in the Probate Office of Shelby County, Alabama; Further, Affiant states that **Frank A. Kirkwood** and **Frank Auxford Kirkwood** are one and the same person; that **Frank A. Kirkwood** died on or about the 7th day of February, 1959; that **Frank A. Kirkwood** did not leave a Last Will and Testament; that there has not been any Last Will and Testament filed for Probate and the heirs and beneficiaries taking under the Estate did not file a will for probate or open an intestacy proceeding for **Frank A. Kirkwood**, deceased; that there has been no administrator appointed to administer the affairs and estate of the said **Frank A. Kirkwood**; deceased; that **Frank A. Kirkwood** celebrated one marriage during his lifetime; his only marriage was to **Margaret W. Kirkwood**; that **Margaret W. Kirkwood** is one and the same person as **Margaret L. Kirkwood** and **Margaret L.**

Huett; four (4) children were born of the marriage between **Frank A. Kirkwood** and wife, **Margaret W. Kirkwood**; a son, **Frank D. Kirkwood**, a son, **Billy J. Kirkwood**, a son, **Jimmy M. Kirkwood** and a daughter, **Kathy M. Martin**; that there were no other children or predeceased children, or children of predeceased children; that affiant is familiar with the business affairs of **Frank A. Kirkwood**, deceased; that according to the best of my knowledge, information belief, and so far as I have been able to ascertain, after making a diligent effort to find the facts, there are no creditors or persons, firms or corporations, having claims of any character whatsoever against the said **Frank A. Kirkwood**, deceased, or his estate, real or personal. Affiant is over the age of 19 years and of sound mind and memory. This affidavit is furnished for the purposes of establishing title in and to the real property described hereinabove, in the heirs at law of **Frank A. Kirkwood**, deceased. The names of the heirs at law of **Frank A. Kirkwood**, deceased are as follows: his wife, **Margaret W. Kirkwood**; a son, **Frank D. Kirkwood**, a son, **Billy J. Kirkwood**, a son, **Jimmy M. Kirkwood** and a daughter, **Kathy M. Martin**. On December 11, 1996, **Margaret L. Huett a/k/a Margaret W. Kirkwood** and husband, **Larry W. Huett**, executed a Warranty Deed conveying title to **Frank D. Kirkwood**, **Billy J. Kirkwood**, **Jimmy M. Kirkwood** and **Kathy M. Martin** which is recorded in Instrument #1996-12309, in the Probate Office of Shelby County, Alabama. Subsequent thereto the heirs joined in with their respective spouse(s), on September 10, 2008, **Francis David Kirkwood**, a married man; **Jimmy M. Kirkwood** and **Ann K. Kirkwood**, husband and wife; and **William Kirkwood**, a single man, executed a Statutory Warranty Deed conveying title to **Kathryn Kirkwood Martin** and **James Kyle Martin**, said deed being recorded in Instrument #20081030000422800, in the Probate Office of Shelby County, Alabama. Said deed recited the property was not the homestead of Francis David Kirkwood or his wife.

This affidavit is also given to state as follows:

Frank D. Kirkwood is one and the same person as Francis D. Kirkwood.

Billy J. Kirkwood is one and the same person as William Kirkwood.

James M. Kirkwood is one and the same person as Jimmy M. Kirkwood.

Kathy W. Martin is one and the same person as Kathryn Kirkwood Martin.

Further, Affiant sayeth not.



In Witness Whereof, the undersigned has caused this affidavit to be executed this the 25th day of October, 2023.

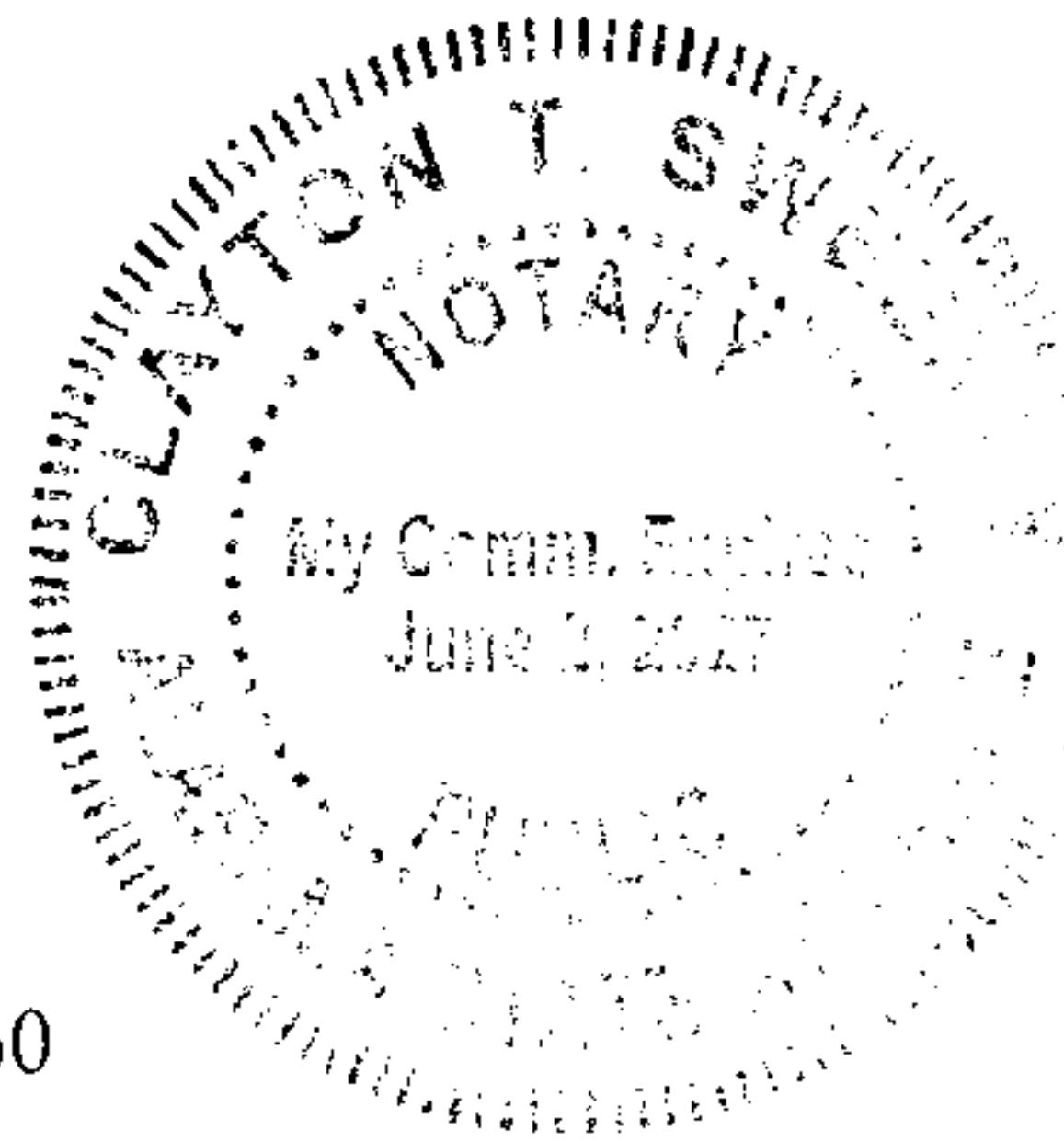

AFFIANT – Ann K. Kirkwood

State of Alabama)
County of Jefferson)

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

Given under my hand and official seal this the 25th day of October, 2023.

(affix seal)



NOTARY PUBLIC

My Commission Expires: 06/02/2027

This Instrument prepared by:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 160
Birmingham, AL 35223