

IN THE MATTER OF:	)	IN THE PROBATE COURT OF
THE ESTATE OF:	)	JEFFERSON COUNTY, ALABAMA
MYRTICE EVELYN WELCH AKA	)	
MYRTICE E WELCH AKA	)	CASE NO. 19BHM01701
MYRTICE WOODARD WELCH,	)	
DECEASED	)	

**ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT**

This day came Wayne B. Welch and 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 Myrtice Evelyn Welch aka Myrtice E. Welch aka Myrtice Woodard Welch, deceased. Said Will bears the date of August 14<sup>th</sup>, 2013, and is attested to by Gene M. Sellers and Barbara J. Cox. Praying that the same be probated as provided by law, the petitioner, Wayne B. Welch, is the son of said deceased, and is named in said Will as Personal Representative thereof. The next of kin of said deceased are as follows, to-wit: Wayne B. Welch, William Garrett Welch, Gregory Austin Welch, and Rhonda Welch Anthony, of whom are all 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 notice and acceptance 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 Myrtice Evelyn Welch aka Myrtice E. Welch aka Myrtice Woodard Welch, deceased, and is **ORDERED** to be recorded together with the proof thereof and all other papers on file relating to this proceeding. It is further **ORDERED** that petitioner pay the cost of this proceeding.

**DONE** this date, July 30<sup>th</sup>, 2019.



Judge of Probate

IN THE MATTER OF:  
THE ESTATE OF:  
MYRTICE EVELYN WELCH AKA  
MYRTICE E WELCH AKA  
MYRTICE WOODARD WELCH,  
DECEASED

)  
)  
)  
)  
)

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMA

CASE NO: 19BHM01701

**ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND**

Now on this day comes Wayne B. Welch and files in this Court his petition in writing, under oath, praying that Letters Testamentary upon the Will of Myrtice Evelyn Welch aka Myrtice E. Welch aka Myrtice Woodard Welch, deceased, be issued to Wayne B. Welch.

It is therefore **ORDERED** and **DECREED** by the Court that Letters Testamentary upon said will be granted to Wayne B. Welch, 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, July 30<sup>th</sup>, 2019.



Judge of Probate

---

**CERTIFICATE TO COPIES**

---

**STATE OF ALABAMA  
JEFFERSON COUNTY**

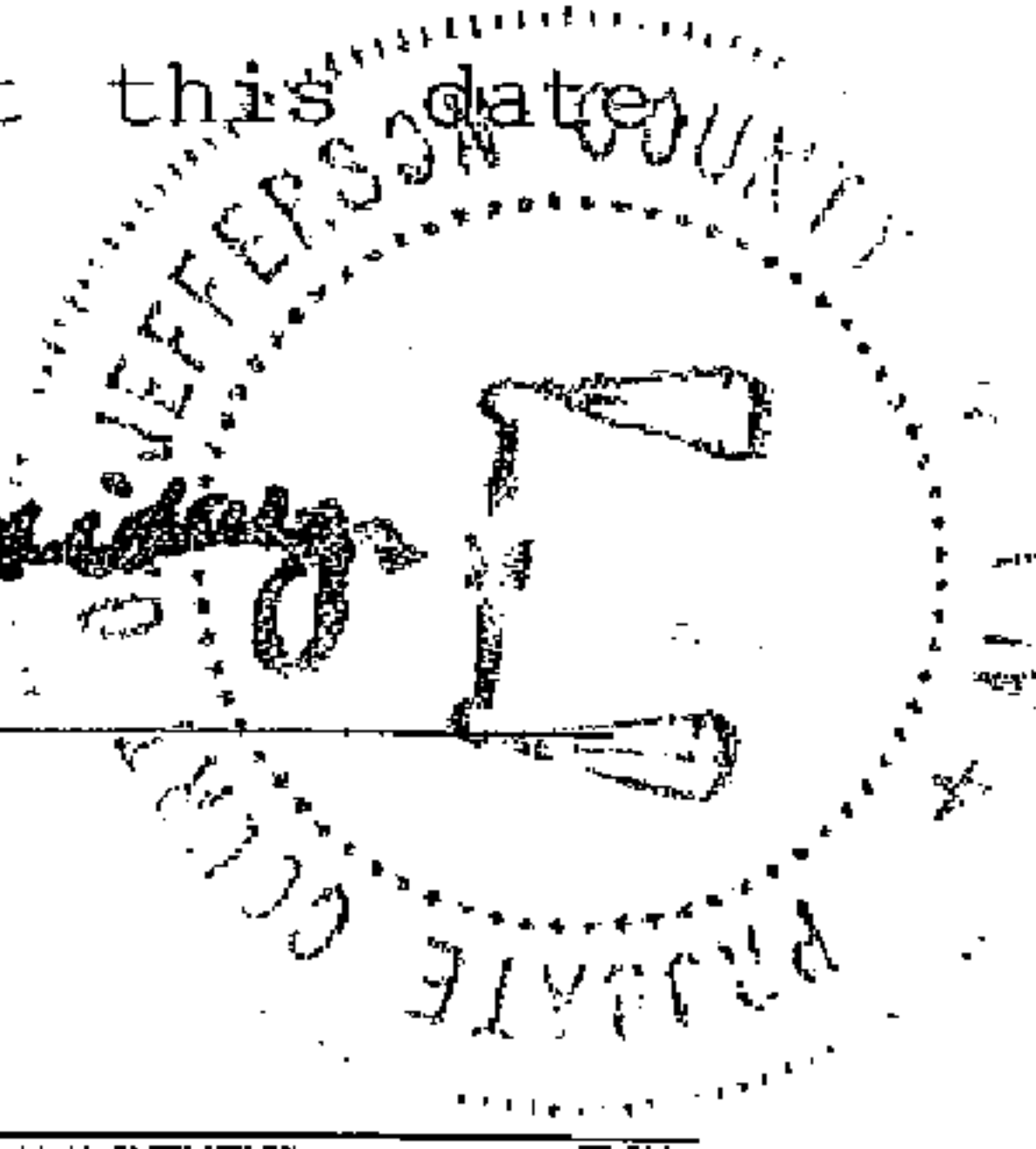
**PROBATE COURT  
CASE NO.19BHM01701**

I, Judge Sherri C. Friday, Judge of Probate Court, in and for said County in said State hereby certify that the foregoing contains a full, true, and correct copy of the ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT AND ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND in the matter of MYRTICE EVELYN WELCH a/k/a MYRTICE E WELCH a/k/a MYRTICE WOODARD WELCH as the same appears on file and of record, in this office.

Given under my hand and seal of said Court this date  
January 12, 2024.

*Sherri C. Friday*

Judge of Probate



LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF  
JEFFERSON COUNTY, ALABAMAMYRTICE EVELYN WELCH a/k/aMYRTICE E. WELCH a/k/aMYRTICE WOODARD WELCH

Deceased

CASE NO. 19BHM01701

## LETTERS TESTAMENTARY

The Will of the above-named deceased having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to WAYNE B. WELCH 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 30<sup>th</sup> day of July 2019.SHERRI C. FRIDAY

Judge of Probate

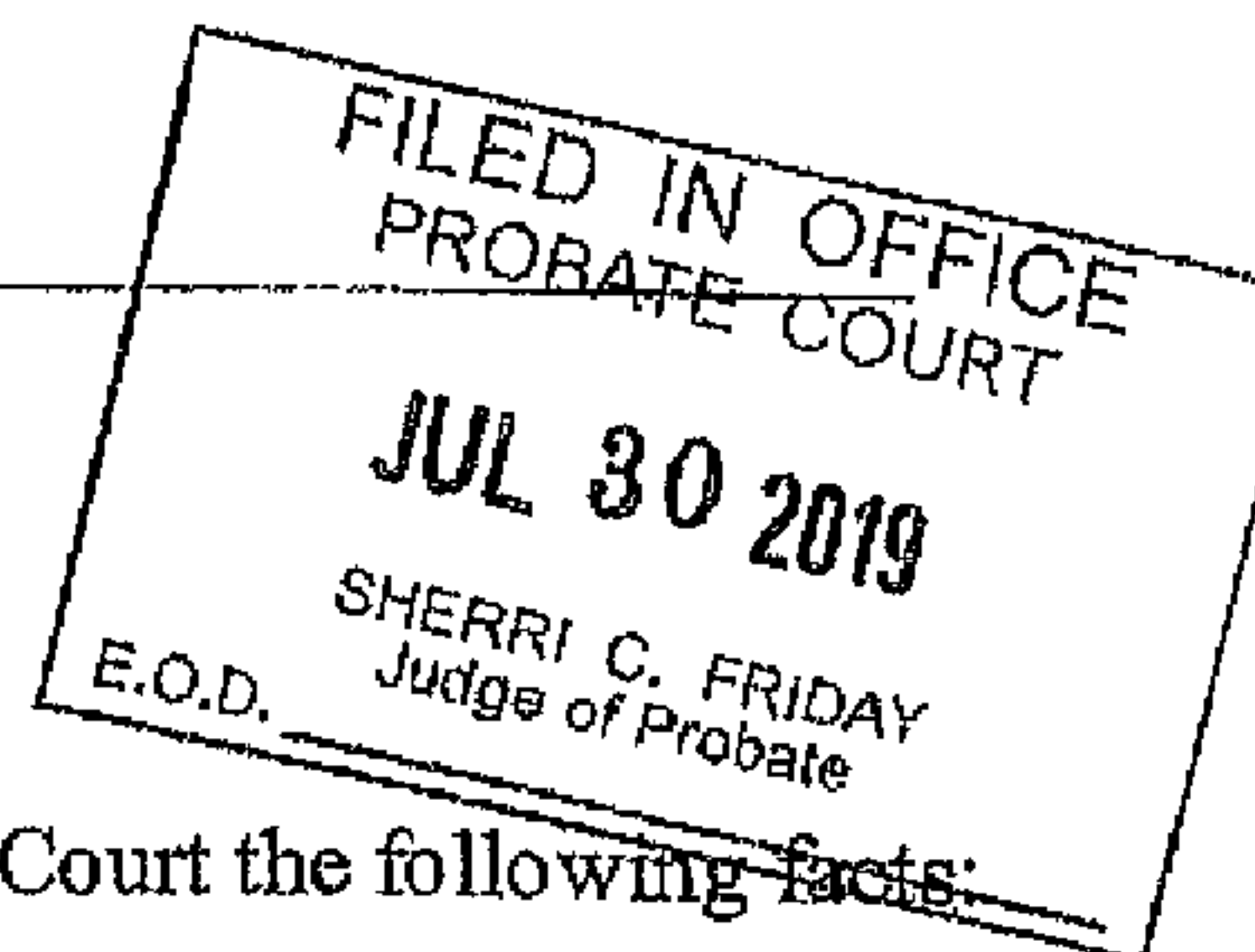
I, Judge of Probate of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the **Letters Testamentary** issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

WITNESS my hand and seal of said Court this date, January 12, 2024*Sherri C. Friday*

Judge of Probate

IN THE MATTER OF THE ESTATE OF ) IN THE PROBATE COURT  
 MYRTICE EVELYN WELCH ) OF JEFFERSON COUNTY, ALABAMA  
 AKA MYRTICE WOODARD WELCH, )  
 )  
 DECEASED. ) CASE NO. \_\_\_\_\_

**PETITION FOR PROBATE OF WILL**  
 (Self-Proved Will)



Comes the petitioner, Wayne B. Welch, and shows this Court the following facts:

1. Myrtice Evelyn Welch, aka Myrtice Woodard Welch, aka Myrtice E. Welch (the "decedent"), died testate in Jefferson County, Alabama on or about the 29th day of June, 2019, and, at the time of such death, was an inhabitant of Jefferson County, Alabama.

2. At the time of her death, the decedent owned real and personal property located in Jefferson County, Alabama.

3. Surrendered herewith is the decedent's Last Will and Testament naming the petitioner as 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
Gene M. Sellers	Birmingham, AL
Barbara J. Cox	Birmingham, AL

4. The decedent's last will and testament, as identified in paragraph 3 hereof, was self-proved in a manner substantially in accordance with the requirements of Ala. Code §43-8-132 and Title 10 U.S.C. 1044a. The name and present address of the officer authorized to administer oaths before whom said will was acknowledged are as follows:


Name	Present Address
Leatha Kay Gilbert	1971 Waterford Place Hoover, AL 35224


5. 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
Wayne B. Welch, Over 19 Of sound mind, Child	2201 Royal Crest Circle Birmingham, AL 35216
William Garrett Welch, Over 19 Of sound mind, Child	1728 Native Dancer Circle McCalla, AL 35111
Gregory Austin Welch, Over 19 Of sound mind, Child	2960 Vestavia Villa Lane Birmingham, AL 35226
Rhonda Welch Anthony, Over 19 Of sound mind, Child	3320 Cottrell Drive Flower Mound, TX 75022

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 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.

  
 Attorney for Petitioner:  
 George D. Gaskin III  
 Carney Dye, LLC  
 300 Office Park Drive  
 Suite 160  
 Birmingham, Alabama 35223  
 (205) 802-0696

  
 Petitioner's Signature  
 Wayne B. Welch  
 2201 Royal Crest Circle  
 Birmingham, AL 35216

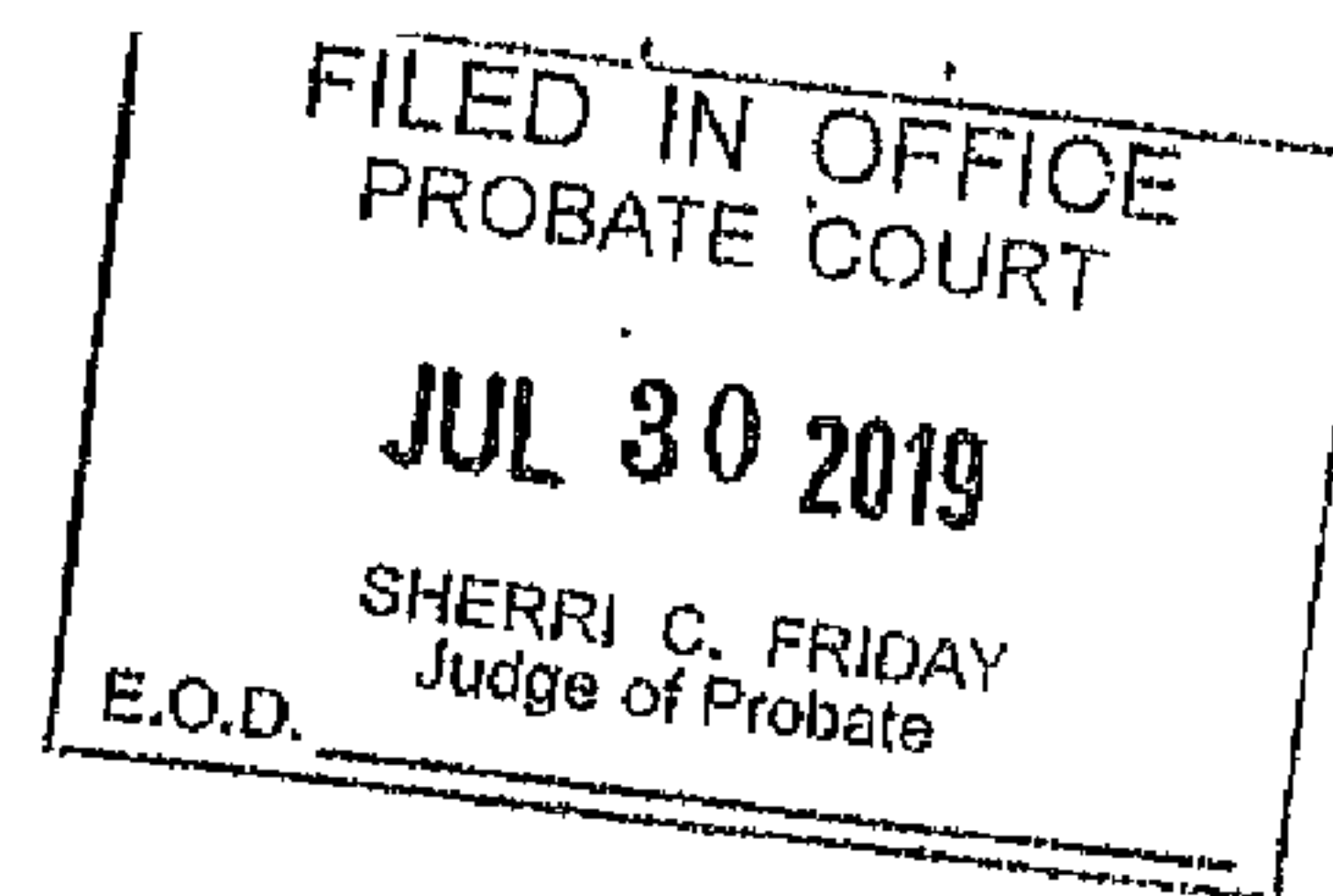
---

#### BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered recorded this the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
 Judge of Probate

---



STATE OF ALABAMA,  
JEFFERSON COUNTY.

I, **Myrtice E. Welch**, a resident of Jefferson County, State of Alabama, make, publish and declare this instrument to be my Last Will and Testament.

**ITEM ONE - SPECIFIC DEVISE**

I devise all my jewelry and my fur coat to **Rhonda L. Anthony**, if she survive, and if not, this devise shall lapse.

**ITEM TWO - PERSONAL EFFECTS**

I devise all my wearing apparel, except my fur coat mentioned in Item One, currency on hand or in my safe deposit box, books, pictures, household furniture and furnishings, automobiles and all other objects of my personal use equally to my children who survive me.

The personal representative will determine the articles of property included in the above description.

**ITEM THREE - DISTRIBUTION OF REST, RESIDUE AND REMAINDER OF ESTATE**

I devise the rest, residue and remainder of my estate to my descendants, per stirpes.

**ITEM FOUR - PERSONAL REPRESENTATIVE**

I designate and appoint **Wayne B. Welch**, as the personal representative of my estate. If **Wayne B. Welch** should fail or cease to serve as personal representative, I appoint **Rhonda L. Anthony** as his successor.

**ITEM FIVE - OTHER GOVERNING PROVISIONS**

The following provisions will govern for all purposes of this will:

A. Adopted Persons. Any adopted person will be considered as having been born to his or her adoptive parents, and his or her descendants as being descendants of such adoptive parents, whether the adoption occurs before or after the execution of this will.

B. Hold Minor's Share. If any share of my estate becomes distributable to a descendant who is under age twenty-one, although the share will be vested in him or her, the descendant's guardian will serve as custodian to hold the share until the descendant reaches age twenty-one, using and applying for the descendant's support, education and maintenance the income and principal the

custodian deems necessary or desirable. The custodian is authorized to sign Waiver, Receipt and Consent to Settlement and all other pertinent documents relating to the administration of my estate.

C. Fiduciary Powers. In addition to all powers granted by law, I give the personal representative power to retain, sell, exchange, lease, mortgage, pledge or otherwise deal with the real and personal property in my estate on such terms as the personal representative determines; to invest in loans, bonds, stocks, mortgages or other property without regard to any statutory or constitutional limitation; to borrow money; to compromise any claim; to hold property in the name of a nominee or in bearer form, to employ accountants, attorneys, and agents; to execute all documents relating to my estate; to make distributions in cash or in kind and to make such elections under the tax laws as the personal representative deems advisable.

D. Exemptions of Fiduciaries. Neither the personal representative, custodian nor their successors will be required to give bond or file an inventory or appraisal of my estate or of any trust in any court, though they will make out and keep an inventory and will show it to any party in interest at any reasonable time. They will be free from the control and supervision of any court.

E. Prevention of Lapses. All property not effectively disposed of by this will or through a trust created by it will be transferred to the individuals entitled to inherit the property and in the proportions in which they would be entitled to inherit it from me, under the laws of Alabama then in force, had I died at the time, a resident of Alabama, intestate, and owned the property.

F. Non-Pro Rata Distribution. The personal representative is authorized to distribute income and principal in cash or in kind, or partly in each, and to allocate or distribute undivided interests or different assets or disproportionate interests in assets, and to value the property for those purposes, subject to the fiduciary's duty of impartiality.

G. Construction. Words will be construed either as singular, plural, masculine, feminine or neuter, whichever is proper in accordance with the context. Headings will not be used in the construction of this document.

H. Venue for Probate. I authorize the probate of my will in any county, of my state of domicile, in which I own property at the time of my death.

I. Estate Taxes. Any estate taxes due by my estate on probate assets will be paid out of the residue of my estate. The beneficiary of all non-probate assets will pay the pro rata share of the estate taxes attributable to those assets.

J. Revocation of Prior Wills. This will revokes all previous wills and codicils executed by me.



IN WITNESS WHEREOF:

I, **Myrtice E. Welch**, testatrix, sign my name to this instrument on the 14 day of August, 2013, and being first duly sworn, declare to the undersigned authority that I sign and execute it as my last will 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 years of age or older, of sound mind, and under no constraint or undue influence.

Myrtice E. Welch  
Myrtice E. Welch

We, the undersigned witnesses, two being first duly sworn, sign our names to this instrument and hereby declare that the testatrix signs and executes this instrument as her last will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix and each other, hereby signs this will as witness to the testatrix's signing, and that to the best of our knowledge the testatrix is nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Gene M. Sellers  
Witness

Barbara J. Cox  
Witness

Leatha Kay Gilbert  
Witness

B'ham, AL  
Address

B'ham, AL  
Address

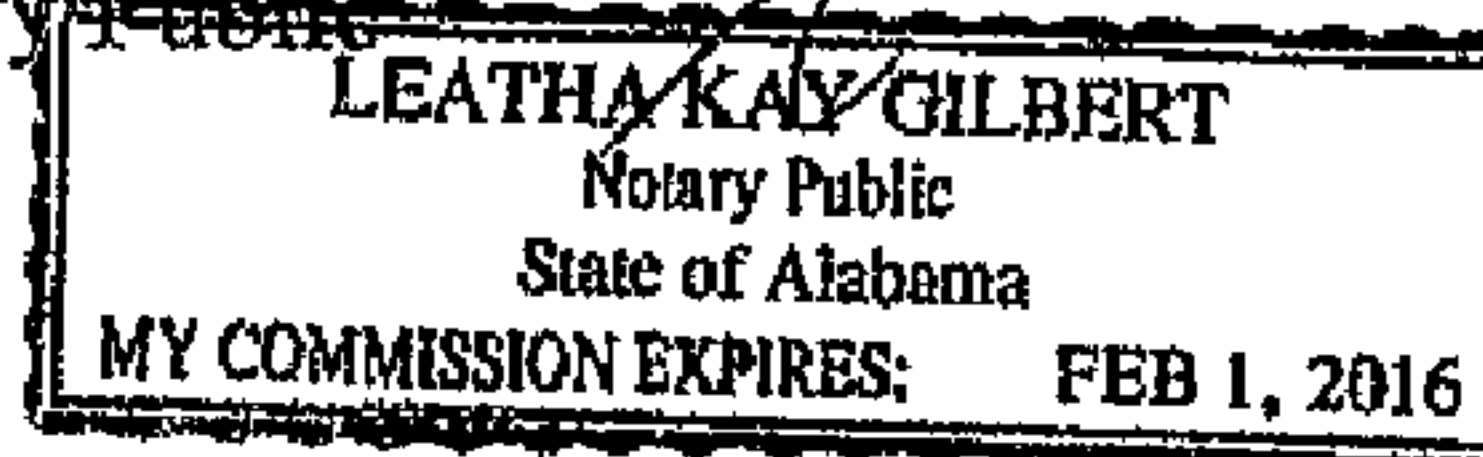
Birmingham, AL  
Address

STATE OF ALABAMA,

COUNTY OF JEFFERSON.

Subscribed, sworn to and acknowledged before me by **Myrtice E. Welch**, the testatrix, and subscribed and sworn to before me by Gene M. Sellers and Barbara J. Cox, witnesses, this 14<sup>th</sup> day of August, 2013.

Leatha Kay Gilbert  
Notary Public



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL Page 3 of 3  
01/18/2024 01:15:06 PM  
\$46.00 BRITTANI  
20240118000014020

Alvin S. Byrd