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Shelby Cnty Judge of Probate, AL
03/12/2024 11:36:10 AM FILED/CERT

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)
MARSHEL HUGHES)
Deceased)

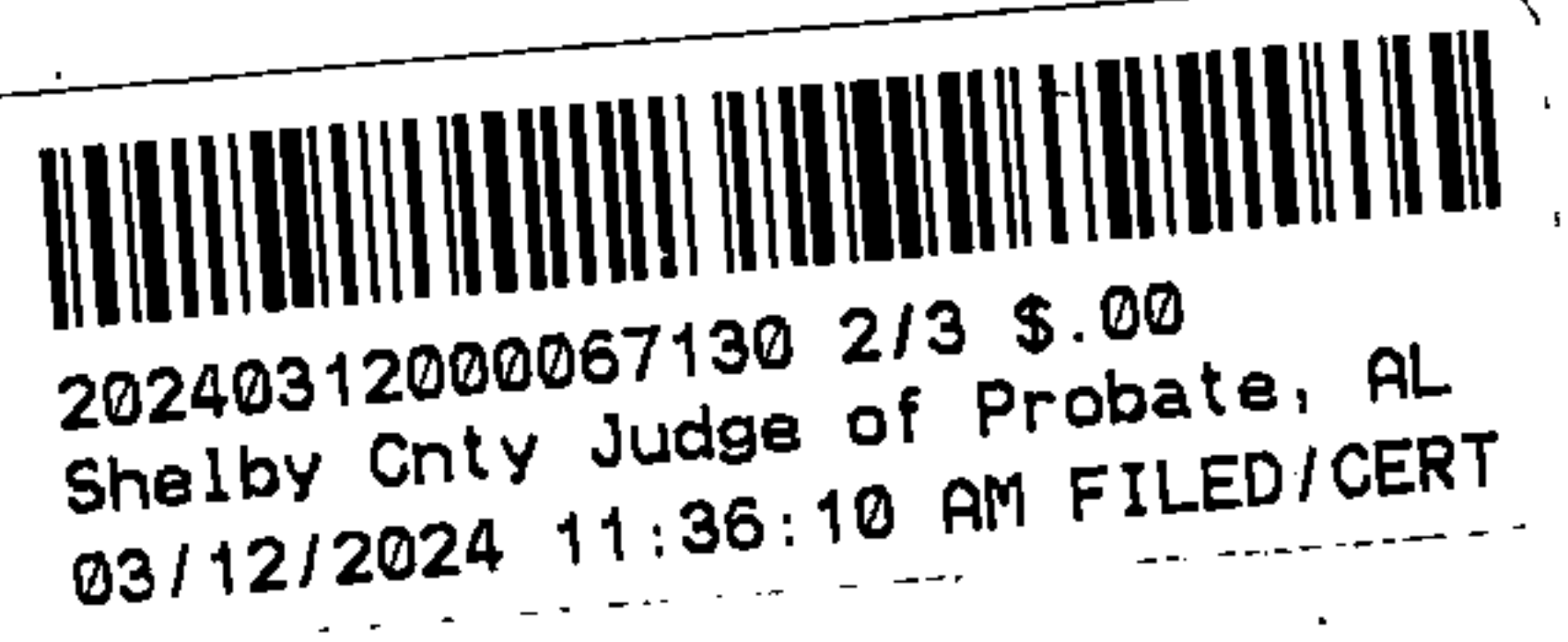
Case No: PR-2020-000549

ORDER REVOKING LETTERS & FOR BOND COMPANY TO PAY
BOND AMOUNT INTO COURT PENDING FINAL SETTLEMENT

A Petition For Consent Settlement was filed in this matter on September 16, 2021 along with consents to settlement signed by Martha Lollar and Frances L. Hughes. Although the Petition indicated that there were consents from all heirs at law, it appears from the Court record that a consent was not obtained from Kella Marie Horton. A Petition for Final Settlement was then filed with the Court on November 15, 2021 which included supporting Schedules evidencing that the Personal Representative was chargeable with receipts in the amount of \$3,000.00 and due to be credited with payments of \$0.00. The Personal Representative reported a balance on hand of \$0.00. The attached Schedules indicate that \$3,000.00 was "Balance left in Court 2007 Ford Escape". The Court records do not reflect any monies being on deposit with the Court in it's fiduciary account for the benefit of this estate.

On November 17, 2021, Michael T. Atchison, Esq., as attorney of record for the estate filed a Motion To Withdraw Petition For Final Settlement of Decedents Estate, indicating that the estate needed to remain open due to pending wrongful death asbestos litigation filed on behalf of the Estate of Marshel Hughes. The Court entered an Order Granting the Motion and requiring the filing of an Annual Accounting within thirty (30) days. The Accounting was not filed.

The Court entered an Order to File Annual Accounting on January 17, 2023. The attorney of record, Michael T. Atchison, Esq., filed a Motion To Withdraw on February 9, 2023 which was granted on February 16, 2023 in an Order which required the Personal Representative to file an



Annual or Final Settlement or appear before the Court for hearing on April 12, 2023. The Personal Representative failed or refused to file a an Annual Accounting, a Final Settlement or appear before this Court for hearing as Ordered on April 12, 2023. This Court entered an Order for the Personal Representative's Surety, Old Republic Surety Company, to File a Final Settlement in this matter within 30 days of the Court's Order entered on April 12, 2023. Old Republic Surety Company has failed or refused to comply with this Court's Order.

This Court having entered an Order requiring the Personal Representative to file an Annual Accounting or Final Settlement, and the Personal Representative having failed or refused to file the same or appear for hearing on April 12, 2023 to show cause as to why said Annual Accounting or Final Settlement could not be filed; the Letters Administration previously issued by this Court to MARTHA LOLLAR are due to be and hereby are REVOKED pending further Order of the Court.

The Court having entered an Order requiring the Personal Representative's Surety Company, Old Republic Surety Company, to file a Final Settlement in this matter and the same not having been filed as Ordered, Old Republic Surety Company shall pay the bond amount of Twenty Thousand Dollars to the Probate Court of Shelby County, to be held in its' Fiduciary Accounting pending a Final Settlement of this estate on or before 4:30 PM on October 27, 2023.

DONE and ORDERED this 13 day of October, 2023.

A handwritten signature in black ink that reads "Allison S. Boyd".

Allison S. Boyd
Judge of Probate

cc: Martha Lollar
Old Republic Surety Company



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Frances L. Hughes
Kella Marie Horton