

Entered and Filed 03/13/2024 9:02 AM Kimberly Melton Chief Clerk Probate Court Shelby County Alabama

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF)
HOLLACE B. WILLINGHAM,) **CASE NO. PR-2007-000220**
Deceased.)

ORDER

This matter comes before the Court on the Petition For Possession And Sale Of Real Property And Petition For Declaratory Relief filed on February 1, 2024 by Marilyn Sue Whitlock, personal representative of the estate of Hollace B. Willingham. Notice of the hearing was given as required by law. Present in open court of the hearing were: Marilyn Sue Whitlock, along with W. Eric Pitts, Esq., her attorney of record; David Willingham, who appeared pro se; and Margaret M. Casey, Esq., court appointed administrator ad litem for Lisa Jean Davis, deceased daughter of the decedent. The case was called and the Court proceeded to consider the evidence properly before the Court. The Court having considered the same, hereby **FINDS** as follows:

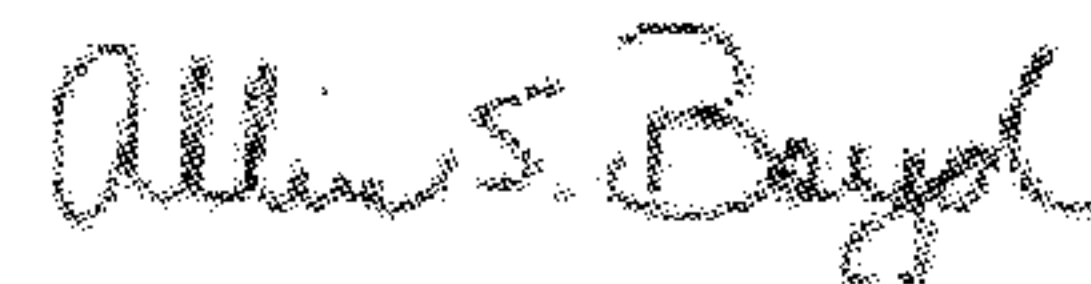
1. Letters Testamentary were issued to Marilyn Sue Whitlock on April 23, 2007.
2. At the time of his death, the Decedent owned approximately 110 acres located at 3060 Highway 47, Columbiana, AL 35051 (the "Property").
3. The estate is solvent and no claims have been filed in this matter.
4. The decedent's Last Will and Testament provides that all property and estate shall be divided between his children, namely: Marilyn Sue Whitlock, David Willingham and Lisa Jean Davis.
5. The decedent's Last Will and Testament gives the personal representative the authority, without the necessity for any order from any court to "sell (for payment of debts and all other purposes), exchange, convey, lease, invest, reinvest, mortgage or encumber all or any portion of my estate in such manner and upon such terms and conditions as she or he may approve".
6. Despite this Court's Order of October 9, 2008, David Willingham continues to reside on the real property owned by the decedent at the time of his death and has not allowed the personal representative access to the same for the purpose of inventorying and securing the property of the estate.

7. The personal representative has determined that the sale of the real property is necessary for the division of the assets of the estate, but cannot proceed with the marketing and sale until the property is vacated by David Willingham.
8. David Willingham is in agreement with the property being sold and agreed to vacate the property within sixty (60) days to allow the personal representative to make entry to the property and take steps necessary for the property to be marketed and sold.

It is hereby **ORDERED, ADJUDGED and DECREED** as follows:

1. It is necessary for the Personal Representative to possess the real and personal property of the decedent for the purposes of administration.
2. David Willingham shall vacate the estate property located at 3060 Highway 47, Columbiana, AL 35051 no later than 4:30PM on Friday, May 10, 2024 and shall notify W. Eric Pitts of the date he has vacated the property and arrange for the transfer of any keys to the property to the personal representative.
3. David Willingham shall remove only his personal property from the real property located at 3060 Highway 47, Columbiana, AL 35051.
4. Court costs are taxed to the estate of Hollace B. Willingham.

DONE and ORDERED this the 12th day of March, 2024.



Allison S. Boyd
Judge of Probate

cc: W. Eric Pitts, Esq.
Margaret M. Casey, Esq.
David Willingham



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
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Shelby County, AL
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