774

Last Will and Testament

OF

CECIL F. CLEVELAND BOOK 11766 PAGE 98

KNOW ALL MEN BY THESE PRESENTS, that I, CECIL F. CLEVELAND, being of sound mind and disposing memory, and over the age of Eighteen (18) years, and a resident citizen of Colbert County, Alabama, do hereby make this my last will and testament, expressly revoking all former wills, codicils and testaments made by me.

I

I direct that all of my just debts, including the expenses of my last illness and funeral, all of which shall be legally proved and allowed, be paid first out of my estate as soon as the condition thereof warrants.

II

I hereby devise my homeplace wherein I reside on my death to my beloved daughter, **CECLIA JOY KERNCEK** to be hers in fee and absolutely. It is provided, however, that should there be a debt existing against the said homeplace at the time of my death, that my said daughter, **CECLIA JOY KERNCEK**, be responsible to pay the remaining balance of any indebtedness against the same out of her own funds. Further, I devise to my beloved daughter, **CECLIA JOY KERNCEK**, all funds which I may have in my bank accounts located at the Central Bank in Tuscumbia and Bank Independent. Said funds to be hers in fee and absolutely.

...cord of an instrument as filed ... and
... page ... Given under my hand and official
seal of Office this 24 day of Nov 1999

W. Thomas Crosslin

Page 1 of 5 Pages.....

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...LLRENCE
...COUNTY, TN.
0663147

C.F.C.
KB JCK

Provided, however, that should my daughter, CECLIA JOY KERNCEK, predecease me, then I hereby devise all that I have hereinabove provided for her, to go to my granddaughter, MICHELLE MERKLING in fee simple and absolutely.

III

I hereby devise to my beloved daughter, DENISE MYRA MERKLING the lot of land due south of my homeplace just across the roadway with road frontage, the same being known as Lot Number 1. The same shall be her property in fee and absolutely. Further, I devise to my said daughter, DENISE MYRA MERKLING, all of the kitchen utensils and, the pots and pans which are located in my homeplace on the date of my death.

Provided, however, that should my beloved daughter, DENISE MYRA MERKLING, predecease me, then that portion of my estate hereinabove devised to her shall pass to my beloved son, JIM CLEVELAND, to be his in fee and absolutely.

IV

I hereby devise to my beloved son, JIM CLEVELAND, a lot of land which lies due south of the lot of land hereinabove devised to my daughter, DENISE, the same being known as Lot Number 2, to be his in fee and absolutely. In addition, I hereby devise to my beloved son, JIM, all of my personal items such as clothing, guns and other nicknacks. Provided, however, that my automobile shall not be included nor shall the household furnishings be included in this devise.

Provided, further, that should my beloved son, JIM, predecease me, then I hereby direct that the share hereinabove set forth to my said son, JIM, shall go to my beloved daughter, DENISE MYRA MERKLING, to be hers in fee and absolutely.

CFC
KB JEN

LOGAN COUNTY

I, W. Thomas Crosslin, Judge of Probate in and for the State and County aforesaid do hereby certify that the foregoing is a true and correct copy of an instrument as shown of record in Vol. ___ page ___ Given under my hand and official seal of Office this 24 day of Nov. 1999

W. Thomas Crosslin

V

I hereby devise all of the rest, residue and remainder of my estate, wheresoever situated, and of whatever kind and nature, not specifically hereinabove devised, and including my automobile and household furnishings, to my beloved granddaughter, **MICHELLE MERKLING**, to be hers in fee and absolutely.

Provided, however, that should my said granddaughter, **MICHELLE MERKLING**, predecease me, and predecease one or more of my children, leaving one or more of my children as a survivor, then all of that portion herein devised to **MICHELLE MERKLING** shall be devised to my then living children, to be theirs to share and share alike in equal portions.

VI

I hereby nominate and appoint my beloved daughter, **CECLIA JOY KERNCEK**, to be the Executrix of this my last will and testament. However, in the event my said daughter predeceases me, or for any other reason is unable or unwilling to act as such Executrix, then I nominate and appoint my beloved daughter, **DENISE MYRA MERKLING**, to serve in the capacity as Executrix of this my Last Will and Testament. In either event, I direct that my said Executrix shall be allowed to serve as such without being required to conduct any inventory, periodic or final accounting, or a final settlement in any Court whatsoever. It is further my direction that my said Executrix, in either event, shall be allowed to serve as such without the requirement of posting any bond in any amount whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, on this the 6th day of March, 1989.

Cecil F Cleveland
CECIL F. CLEVELAND

CFC
KB JEM

COLBERT COUNTY

I, W. Thomas Crossle, Judge of Probate in and for the State and County aforesaid do hereby certify that the foregoing is a true and correct copy of an instrument as shown of record in Vol. ___ page ___ Given under my hand and official seal of Office this 24 day of Nov. 1989

W. Thomas Crossle

ATTESTATION BOOK 11766 PAGE 101

I, CECIL F. CLEVELAND, the Testator, signed my name to this instrument this 6th day of March, 1989, and being first duly sworn, do hereby declare to the undersigned authority that I signed and executed this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am Eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Cecil F Cleveland
CECIL F. CLEVELAND

We, Karen Bumpas and _____, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as witnesses to the Testator's signing, and that to the best of our knowledge the Testator is Eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Karen Bumpas
WITNESS

Janice E. Hunnicutt
WITNESS

STATE OF MISSISSIPPI
COLBERT COUNTY

I, W. Thomas Crosslin, Judge of Probate in and for the State and County aforesaid do hereby certify that the foregoing is a true and correct copy of an instrument as shown of record in Vol. ____ page ____ Given under my hand and official seal of Office this 24 day of Nov. 1999

W. Thomas Crosslin

C f C
KB JEH

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STATE OF ALABAMA *
*
COLBERT COUNTY *

BOOK 11766 PAGE 102

Subscribed, sworn to and acknowledged before me by CECIL F. CLEVELAND, the Testator and subscribed and sworn to before me by Karen Bumpas and Janice E. Rushton, witnesses, this 6 day of March, 1989.

Stanley E. Mussey
NOTARY PUBLIC

My Commission Expires:

3-26-91

COLBERT COUNTY

I, W. Thomas Crosslin, Judge of Probate in and for the State and County aforesaid do hereby certify that the foregoing is a true and correct copy of an instrument as shown of record in Vol. ____ page ____ Given under my hand and official seal of Office this 24 day of Nov 1999

W. Thomas Crosslin

7:09 12/02 0101 CHECK 22.00

STATE OF TENNESSEE, DAVIDSON COUNTY

I Richard R. Rooker, Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of the original on file in my office. Will Book 731 Page 591

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Given under my hand and official seal, at office in Nashville, this 2nd of December 1999.

RICHARD R. ROOKER, CLERK

By _____
Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK