

**MOBILE COUNTY PROBATE COURT**

**Docket Sheet**

**Case Number: 2008-1328-1**

**CASE:** 2008-1328-1

**TYPE:** TESTATE ESTATE [WILL]

**FILING DATE:** June 9, 2008

**STYLE:** IN THE MATTER OF: ELIZABETH PATRICIA LANGSDALE BYRNE

**DATE OF DEATH:**

**JUDGE:** TEMPORARY JUDGE

**DATE OF LETTERS:**

**BOND AMOUNT:**

**CD\BLOCKED:**

**FIDUCIARY:**

Party Name	Party Type	Balance	Atty Type	Attorney
BRADLEY R. BYRNE	EXECUTOR			
	EXECUTOR		ATTORNEY	WILLIAM T. MCGOWIN IV
ELIZABETH PATRICIA LANGSDALE BYRNE	DECEASED			

<b>EVENTS</b>				
Case Number	Case Type	Court Date and Time	Appearance Reason	CR Status Judge

<b>COMPLIANCES</b>			
Case Number	Case Type	Due Date	Compliance Type

<b>DOCKETS</b>	
Docket Date	Docket Text
<b>2008-1328</b>	<b>TESTATE ESTATE</b>
06/06/2008	CASE INITIATION EVENT
06/06/2008	FOLDER INITIATION
06/06/2008	WIL-PROCEEDINGS-CAUSE#: 1; PROC_NUM#: 398745; PETITION TO PROBATE WILL FILED BY BRADLEY R. BYRNE. DEATH CERTIFICATE AND WAIVERS FILED. [24]
06/09/2008	WILL BOOK/PAGE APPLIED- TYPE:LEGACY B:253 P:627 #:24
06/10/2008	CONVERTED DOCKET-PAYMENT AMOUNT = \$ 3.00; ACTION_CODE =7; ASSESSED_DATE =10 JUN 2008; PARTY_ID = 20086174; PARTY_ROLE_TYP_CD =EXR;
06/10/2008	WIL-PROCEEDINGS-CAUSE#: 1; PROC_NUM#: 398746; ORDER SIGNED. WILL ADMITTED. LETTERS TESTAMENTARY ISSUED TO BRADLEY R. BYRNE. PUBLISHED CALL NEWS. [24]
06/10/2008	CONVERTED DOCKET-PAYMENT AMOUNT = \$ 2.00; ACTION_CODE =59; ASSESSED_DATE =10 JUN 2008; PARTY_ID = 20086174; PARTY_ROLE_TYP_CD =EXR;
06/10/2008	CONVERTED DOCKET-PAYMENT AMOUNT = \$ 45.00; ACTION_CODE =25; ASSESSED_DATE =10 JUN 2008; PARTY_ID = 20086174; PARTY_ROLE_TYP_CD =EXR;
07/25/2008	WIL-PROCEEDINGS-CAUSE#: 1; PROC_NUM#: 403315; PROOF OF PUB. FILED. LAST RUNNING DATE 07/16/08. [22]
<b>2008-1328-1</b>	<b>TESTATE ESTATE [WILL]</b>
06/06/2008	PETITION TO PROBATE WILL FILED BY BRADLEY R. BYRNE. DEATH CERTIFICATE AND WAIVERS FILED. [24]
06/10/2008	ORDER SIGNED. WILL ADMITTED. LETTERS TESTAMENTARY ISSUED TO BRADLEY R. BYRNE. PUBLISHED CALL NEWS. [24]
07/25/2008	PROOF OF PUB. FILED. LAST RUNNING DATE 07/16/08. [22]
08/14/2008	TESTATE ESTATE
08/18/2009	WILL BOOK:253 PAGE: 627

<b>SERVICE</b>						
Case Number	Issue Date	Party	Method	Returned Date	Executed	Comments

MOBILE COUNTY PROBATE COURT

Docket Sheet

Case Number: 2008-1328-1

**CLAIMS**

Claim #	Claim Date and Time	Filing Party	Claim Amount	Claim Status
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**OUTSTANDING COSTS**

Case Number	Case Type	Amount
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IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF )

THE ESTATE OF )

ELIZABETH PATRICIA LANGSDALE )  
BYRNE, )

Deceased. )

Case No. 2008-1328

PETITION FOR PROBATE OF WILL AND CODICILS  
AND ISSUANCE OF LETTERS TESTAMENTARY

Comes the Petitioner, Bradley R. Byrne, and shows this Court the following facts:

1. Elizabeth Patricia Langsdale Byrne (the "Decedent") died testate at Mobile, Alabama, on or about the 23rd day of April, 2008, and at the time of such death was an inhabitant of Mobile County, Alabama.

2. Surrendered herewith is said Decedent's Last Will and Testament dated July 23, 1996, naming Petitioner as executor thereof, which was duly signed by the Decedent when over eighteen (18) years of age, and was attested by Elizabeth H. Walker and Patricia A. Matthews. The Decedent's Last Will and Testament, was self-proved in a manner substantially in accordance with the requirements of Alabama Code §43-8-132. William T. McGowin, IV is the officer authorized to administer oaths before whom said Will was acknowledged

3. Also surrendered herewith is the First Codicil to said Last Will and Testament, which Codicil was dated February 25, 1999. This Codicil was duly signed by the Decedent when over eighteen (18) years of age, and was attested by Deana C. New and Joshua Parker. This Codicil was self-proved in a manner substantially in accordance with the requirements of Alabama Code §43-8-132. Patricia R. Taylor is the officer authorized to administer oaths before whom said Codicil was acknowledged.

4. Also surrendered herewith is the Second Codicil to said Last Will and Testament, which Codicil was dated December 6, 2000. This Codicil was duly signed by the Decedent when over eighteen (18) years of age, and was attested by Linda Glisson and Katherine Wall. This Codicil was self-proved in a manner substantially in accordance with the requirements of Alabama Code §43-8-132. Jennifer A. Teason is the officer authorized to administer oaths before whom said Codicil was acknowledged.

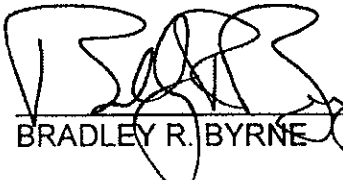
5. The Petitioner is the Decedent's son. The Decedent was a widow. The following is a true, correct and complete list of the names, relationships, and addresses of the Decedent's other next-of-kin, both of whom are sui juris:

<u>Name and Relationship</u>	<u>Address</u>
✓ Arthur Langsdale Byrne, Son	1505 Thomley Avenue, Bay Minette, AL 36507
✓ Patricia B. Taul, Daughter	5600 Regency Oaks Drive, N. Mobile, AL 36609

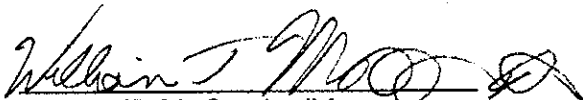
6. In the last will and testament of the Decedent described above, the Petitioner is exempted from posting any bond or security.

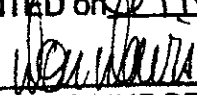
**WHEREFORE**, the Petitioner prays that this Court will take jurisdiction of this Petition; will cause all such notices or citations to issue to the said next-of-kin, attesting witnesses, and oath-administering officer, as may be proper in the premises, and will cause such proceedings to occur and such 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 and Codicils as the Last Will and Testament of the Decedent and issue letters testamentary to the Petitioner without bond. This Petition is deemed to be verified pursuant to Alabama Code §43-8-22.

Petitioner:

  
 \_\_\_\_\_  
 BRADLEY R. BYRNE

Attorney for Petitioner:

  
 \_\_\_\_\_  
 William T. McGowin, IV  
 Jackson Myrick  
 The Kullman Firm  
 P.O. Box 1287  
 Mobile, Alabama 36633  
 (251) 432-1811

GRANTED on 6/10/08  
  
 \_\_\_\_\_  
 DON DAVIS, JUDGE

FILED  
 08 JUN -6 PM 3:51  
 JUDGE OF PROBATE  
 Mobile, Alabama

IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF )  
 )  
THE ESTATE OF ) Case No. \_\_\_\_\_  
 )  
ELIZABETH PATRICIA LANGSDALE )  
BYRNE, )  
 )  
Deceased. )

WAIVER OF NOTICE ON PROBATE OF WILL

I, Patricia B. Taul, a resident of Mobile County, State of Alabama, being one of the next-of-kin of Elizabeth Patricia Langsdale Byrne, deceased (the "Decedent"), being over the age of nineteen (19) years, hereby accept service and waive notice of the filing of the Petition to Probate the Last Will and Testament (including all Codicils thereto) of the Decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will, which bears the date of July 23, 1996; the First Codicil to said Last Will and Testament, which bears the date of February 25, 1999; and the Second Codicil to said Last Will and Testament, which bears the date of December 6, 2000, be admitted to probate without further notice of any kind to me, and the executor named in said will be appointed as provided therein. I acknowledge that by this Waiver of Notice, I am not giving up my right to contest said will or to make an objection to the handling of the administration of the Decedent's estate by the executor thereof.

Dated 5/20, 2008.

Patricia B. Taul  
PATRICIA B. TAUL

Witness:

Diana Barnett  
Signature of Witness

Louise P. Barnett  
Name of Witness

IN THE PROBATE COURT OF MOBILE COUNTY, ALABAMA

IN THE MATTER OF )

THE ESTATE OF )

ELIZABETH PATRICIA LANGSDALE )  
BYRNE, )

Deceased. )

Case No. \_\_\_\_\_

WAIVER OF NOTICE ON PROBATE OF WILL

I, Arthur Langsdale Byrne, a resident of Baldwin County, State of Alabama, being one of the next-of-kin of Elizabeth Patricia Langsdale Byrne, deceased (the "Decedent"), being over the age of nineteen (19) years, hereby accept service and waive notice of the filing of the Petition to Probate the Last Will and Testament (including all Codicils thereto) of the Decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will, which bears the date of July 23, 1996; the First Codicil to said Last Will and Testament, which bears the date of February 25, 1999; and the Second Codicil to said Last Will and Testament, which bears the date of December 6, 2000, be admitted to probate without further notice of any kind to me, and the executor named in said will be appointed as provided therein. I acknowledge that by this Waiver of Notice, I am not giving up my right to contest said will or to make an objection to the handling of the administration of the Decedent's estate by the executor thereof.

Dated May 20, 2008.

Arthur Langsdale Byrne  
ARTHUR LANGSDALE BYRNE

Witness:

Kimberly W. Mitchell  
Signature of Witness

Kimberly W. Mitchell  
Name of Witness

This is a true and exact copy of the record on file with the Mobile County Health Department.

*Leandra Pear*  
Signature of Local Registrar

*May 1, 2008*  
Date of Issue

ALABAMA  
CERTIFICATE OF DEATH

**COPY**

TYPE IN PERMANENT  
BLACK INK. DO NOT  
USE GREEN, RED, OR  
BLUE INK.

County File Number

State File Number 101

3. \_\_\_\_\_  
6. \_\_\_\_\_  
19. \_\_\_\_\_  
20. \_\_\_\_\_  
28. \_\_\_\_\_  
27. \_\_\_\_\_  
34. \_\_\_\_\_

1. DECEASED—NAME First Middle Last (Type last name all capitals) <b>Elizabeth BYRNE</b>			2. DATE OF DEATH (Month, Day, Year) <b>April 23, 2008</b>		3. COUNTY OF DEATH <b>Mobile</b>
4. CITY, TOWN, OR LOCATION OF DEATH AND ZIP CODE <b>Mobile 36617</b>			5. INSIDE CITY LIMITS (Specify Yes or No) <b>Yes</b>	6. PLACE OF DEATH—HOSPITAL OR OTHER INSTITUTION—(If not in either, give street and number) <b>Mobile Infirmiry Medical Center</b>	
7. IF HOSPITAL (Specify Inpatient, ER or Outpatient, DCA) <b>Inpatient</b>		8. OF HISPANIC ORIGIN (Specify Yes or No) If Yes, Specify Cuban, Mexican, Puerto Rican, etc. <b>No</b>		9. RACE—(Specify American Indian, Black, White, etc.) <b>White</b>	10. SEX <b>Female</b>
11. AGE Yrs. MOS. DAYS HOURS MINS. <b>88</b>	12. UNDER 1 YEAR <b>MOS.</b>		13. DATE OF BIRTH (Month, Day, Year) <b>February 14, 1920</b>	14. DECEASED'S SOCIAL SECURITY NUMBER <b>422-10-9000</b>	
15. EDUCATION (Specify ONLY highest grade completed below) Elementary or High School (3-12) College (1-4 or 5+) <b>12</b>		16. MARITAL STATUS (Specify Married, Never Married, Widowed, Divorced) <b>Widowed</b>	17. SURVIVING SPOUSE (If wife, give maiden name)		18. Was Decedent ever in Armed Forces (Specify Yes or No) <b>No</b>
19. STATE OF BIRTH (If not in USA, name country) <b>Alabama</b>		20. RESIDENCE—STATE <b>Alabama</b>	21. COUNTY <b>Mobile</b>	22. CITY, TOWN, OR LOCATION AND ZIP CODE <b>Mobile 36604</b>	
23. INSIDE CITY LIMITS (Specify Yes or No) <b>Yes</b>	24. STREET AND NUMBER <b>1257 Government Street</b>	25. INFORMANT—Name and Address <b>Bradley Byrne 1257 Government St; Mobile, AL 36604</b>			
26. USUAL OCCUPATION (Give kind of work done during most of working life even if retired) <b>Book Keeper</b>			27. KIND OF BUSINESS OR INDUSTRY <b>Medical Office</b>		
28. FATHER—NAME First Middle Last <b>William Langsdale</b>		29. MAIDEN NAME OF MOTHER— First Middle Last <b>Mary Bradley</b>			
30. DISPOSITION OF BODY (Specify Burial, Cremation, Medical Donation, Hospital Disposal, Other) <b>Cremation</b>		31. DATE OF DISPOSITION (Month, Day, Year) <b>April 24, 2008</b>	32. CEMETERY OR CREMATORY—Name <b>Pine Crest</b>	33. LOCATION—(City or Town—State) <b>Mobile, AL</b>	
34. FUNERAL HOME—Name and Address <b>Pine Crest Funeral Home 1939 Dauphin Island Pkwy; Mobile, AL</b>			35. FUNERAL DIRECTOR—Signature	36. DATE SIGNED BY FUNERAL DIRECTOR <b>May 1, 2008</b>	
37. <input checked="" type="checkbox"/> Certifying Physician (Physician certifying cause of death) "To the best of my knowledge death occurred at the time, place, and due to the cause(s) and manner stated." <input type="checkbox"/> Medical Examiner <input type="checkbox"/> Coroner "On the basis of examination, I certify that death occurred at the time, place, and due to the cause(s) and manner stated." Signature: <i>Montgomery</i>				38. DATE SIGNED (Month, Day, Year) <b>April 29, 2008</b>	
39. TIME AND DATE OF DEATH <b>0737 April 23, 2008</b>		40. DATE AND TIME PROPOSED FOR DEATH (If different from 39, specify)	41. NAME AND TITLE OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 46) <b>Thomas B. Montgomery, M.D.</b>		
42. ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 46) <b>2451 Fillingim Street Mastin Building 400-L Mobile, AL 36617</b>				43. CERTIFIER LICENSE NUMBER <b>25415</b>	
44. REGISTRAR—Signature <i>Dekeela Ely</i>				46. DATE FILED (Month, Day, Year) <b>May 1, 2008</b>	

MEDICAL CERTIFICATION

45. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. LIST ONLY ONE CAUSE ON EACH LINE. (IMMEDIATE CAUSE (Final disease or condition resulting in death) → <b>Cardiorespiratory Arrest 2° Asystole</b> DUE TO (OR AS A CONSEQUENCE OF):		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST		
b. DUE TO (OR AS A CONSEQUENCE OF):		
c. DUE TO (OR AS A CONSEQUENCE OF):		
d. DUE TO (OR AS A CONSEQUENCE OF):		
47. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I		48. WAS THERE A PREGNANCY IN LAST 42 DAYS? (Specify Yes, No, or Unk.)
49. MANNER OF DEATH (Specify—Accident, Homicide, Suicide, Undetermined Circumstances, Pending Investigation, Natural Cause) <b>Natural</b>		50. AUTOPSY (Specify Yes or No) <b>No</b>
51. If yes, were findings considered in determining cause of death? (Specify Yes or No)		54. HOUR OF INJURY
52. HOW INJURY OCCURRED (Enter nature of injury in Item 48, Part I or Item 47, Part II)		53. DATE OF INJURY (Month, Day, Year)
55. INJURY AT WORK (Specify Yes or No)	56. PLACE OF INJURY—(Specify at home, farm, street, factory, office building, etc.)	57. LOCATION OF INJURY (Street or R.F.D. No., City or Town, State)

This is a legal record and must be filed within five (5) days after death.

ANY ALTERATIONS VOID THIS DOCUMENT

SSN:

**COPY**

NAME OF DECEASED  
Byrne, Elizabeth

46. \_\_\_\_\_  
49. \_\_\_\_\_  
55. \_\_\_\_\_

✓

Call News

NOTICE OF ESTATE ADMINISTRATION

PROBATE COURT OF MOBILE COUNTY, ALABAMA

Estate of Elizabeth Patricia Langsdale Byrne, Deceased  
Case No. 2008-1328

Take notice that Letters Testamentary have been granted to the below named party on the 10th day of June, 2008 by the **HONORABLE DON DAVIS**, Judge of Probate of Mobile County, Alabama and that all parties having claims against said estate should file the same with the Probate Court of said county within the time allowed by law, or they will be barred.

Bradley R. Byrne, as Executor under the  
last will and testament of Elizabeth  
Patricia Langsdale Byrne, deceased

Attorney of Record:

William T. McGowin, IV, Esq.

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**To Newspaper:** The above shall run as a legal notice **once a week for three (3) consecutive weeks**. Costs in the sum of \$45.00 is attached.



THE STATE OF ALABAMA

COURT OF PROBATE

COUNTY OF MOBILE

CASE NO. 2008-1328

RE: ESTATE OF ELIZABETH PATRICIA LANGSDALE BYRNE, DECEASED

ORDER

Petition to probate last will and testament dated July 23rd 1996, First Codicil dated February 25th, 1999 and Second Codicil dated December 6th, 2000, of the above named decedent has been endorsed "Granted" this date. Letters are issued as follows:

**LETTERS TESTAMENTARY**

The Will of Elizabeth Patricia Langsdale Byrne, deceased, having been duly admitted to record in said county, Letters Testamentary are hereby granted to Bradley R. Byrne, the Personal Representative named in said will, who has complied with the requisitions of the laws and is authorized to take upon himself the execution of such will.

Ordered this 10th day of June, 2008.



**Don Davis, Judge of Probate**

# CALL NEWS

7870 State Street • Citronelle, Alabama 36522

Phone: (251) 866-5998 • Fax: (251) 866-5981 • email: callnews@bell

Visit us on the web at [www.thecallnews.com](http://www.thecallnews.com)

[www.alabamalegal.com](http://www.alabamalegal.com)

TO VIEW LEGAL

**NOTICE OF ESTATE  
ADMINISTRATION**  
PROBATE COURT OF  
MOBILE COUNTY,  
ALABAMA  
Estate of Elizabeth  
Patricia Langsdale Byrne,  
Deceased  
Case No. 2008-1328

Take notice that Letters Testamentary have been granted to the below named party on the 10th day of June, 2008 by the HONORABLE DON DAVIS, Judge of Probate of Mobile County, Alabama and that all parties having claims against said estate should file the same with the Probate Court of said county within the time allowed by law, or they will be barred.

Bradley R. Byrne, as Executor under the last will and testament of Elizabeth Patricia Langsdale Byrne, deceased

Attorney of Record:  
TOTAL \$45. William T. McGowin, IV,  
PD CK# 03, Esq.  
Pub. Call News: 07/02, 07/09, 07/16, 07/23 2008

## AFFIDAVIT

MOBILE COUNTY PROBATE COURT  
PO BOX 7  
MOBILE, AL 36601

DESCRIPTION

TOTAL

LEGAL NOTICE  
2008-1328  
ELIZABETH PATRICIA  
LANGSDALE BYRNE

\$15.00 PER WEEK @  
TOTAL \$45.  
PD CK# 03, Esq.

Lerie Napp being sworn, says that she is  
LEGAL ADVERTISING COORDINATOR of the *Call News*, which publishes a weekly  
newspaper in the County of Mobile, State of Alabama; and the attached  
notice appeared in the issue(s) of the *Call News*.

(Dates) 07/02, 07/09, 07/16/2008

Sworn to and subscribed before me on this 16 day of July

Rhonda Gray

Notary Public

My Commission Expires OCT. 4, 2011

FILED  
MOBILE CO, ALABAMA  
2008 JUL 25 PM 3:48

BK0253PG0627

LAST WILL AND TESTAMENT  
OF  
ELIZABETH PATRICIA LANGSDALE BYRNE

I, Elizabeth Patricia Langsdale Byrne, a resident of and domiciled in the County of Mobile and State of Alabama, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils at any time heretofore made by me.

ITEM I

Expenses of Administration and Taxes. I direct that all expenses of administering my estate, and all estate, inheritance, succession, death or similar taxes, including interest and penalties thereon (except generation-skipping transfer taxes) incurred as a result of my death be charged against my residuary estate; provided, however, that my Executor shall, to the maximum extent permitted by law, seek reimbursement for, recovery of, or contribution toward the payment of Federal or State estate tax as provided in Code Sections 2206, 2207, 2207A, and 2207B.

ITEM II

Personal and Household Effects. I give and bequeath all my personal and household effects of every kind including but not limited to furniture, appliances, furnishings, pictures, silverware, china, glass, books, jewelry, wearing apparel, boats, automobiles, and other vehicles, to my husband, Arthur Lacoste Byrne, if he shall survive me. If my husband shall not survive me, I give and bequeath all this property to my children surviving me, in approximately equal shares; provided, however, the issue of a deceased child surviving me shall take per stirpes the share their parent would have taken had he or she survived me; provided, further, that any share allocated to my son, Arthur Langsdale Byrne shall be distributed to his issue as if Arthur Langsdale Byrne had predeceased me. If my issue do not agree to the division of the property among themselves, my Executor shall make such division among them, the decision of my Executor to be in all respects binding upon my issue. If any beneficiary hereunder is a minor, my Executor may distribute such minor's share to such minor or to any person who has the care or control of such minor and the receipt of the person to whom it is distributed shall be a complete discharge of my Executor.

BK0253PG0628

ITEM III

Residuary Estate. I give, devise and bequeath all the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises) wherever situate and whether acquired before or after the execution of this Will, absolutely in fee simple to my husband, Arthur Lacoste Byrne, if he shall survive me. If he shall not survive me, then I give, devise and bequeath all of the property to my surviving children in equal shares, provided, however, the then living issue of a deceased child of mine shall take per stirpes the share their parent would have taken had he or she survived me, provided, further, that any share payable to my son, Arthur Langsdale Byrne shall be paid over to his issue as if Arthur Langsdale Byrne had predeceased me. If I am not survived by my husband or any of my issue (other than Arthur Langsdale Byrne), then my residuary estate shall be paid over and distributed to those who would inherit the same from me, had I died at such time, intestate, a resident of Alabama, and owning said property.

ITEM IV

Naming Executor, Executor Succession, Executor's Fees and Other Matters. The provisions for naming the Executor, Executor succession, Executor's fees and other matters are set forth below:

(1) Naming Executor. I hereby appoint as Executor of this my Last Will and Testament Bradley R. Byrne and direct that he shall serve without bond and shall not be required to file any inventory, accounting, or report with any court.

(2) Individual Successor Executor. If my individual Executor should fail to qualify as Executor hereunder, or for any reason should cease to act in such capacity, the successor or substitute Executor who shall also serve without bond and shall not be required to file any inventory, accounting or report with any court shall be Patricia B. Taul.

(3) Final Succession If Individual Successor Executor Cannot Act. If my individual successor Executor should fail to qualify as Executor hereunder, or for any reason should cease to act in such capacity, then any officer of any bank or savings and loan association with an office in Mobile County, Alabama may by an instrument recorded in the Office of the Judge of Probate of Mobile County appoint the successor or substitute Executor which shall be a bank or savings and loan (including the bank or savings and loan of which he is an officer), trust company, or individual, and which also serve without bond and shall not be required to file any inventory, accounting, or report with any court.

(4) Compensation. For its services as Executor, any corporate Executor shall receive reasonable compensation for the services rendered and reimbursement for reasonable expenses.

ITEM V

Definition of Executor. Whenever the word "Executor" or any modifying or substituted pronoun therefor is used in this my Will, such words and respective pronouns shall include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Executor named herein and to any successor or substitute Executor acting hereunder, and such successor or substitute Executor shall possess all the rights, powers and duties, authority and responsibility conferred upon the Executor originally named herein.

ITEM VI

Powers for Executor and Trustee. My Executor and Trustee is authorized in its fiduciary discretion (which shall be subject to the standard of reasonableness and good faith to all beneficiaries) with respect to any property, real or personal, at any time held under any provision of this my Will and without authorization by any court and in addition to any other rights, powers, authority and privileges granted by any other provision of this my Will or by statute or general rules of law:

(1) To retain any property or undivided interests in property owned by me at the time of my death, including residential property and shares of my Executor's or Trustee's own stock, regardless of any lack of diversification, risk or nonproductivity, as long as it deems advisable, and to exchange any such security or property for other securities or properties and to retain such items received in exchange, although said property represents a large percentage of the total property of my estate or the Trust Estate or even the entirety thereof.

(2) To invest and reinvest all or any part of my Estate or the Trust Estate in any property and undivided interests in property, wherever located, including bonds, debentures, notes, secured or unsecured, stocks of corporations regardless of class, interests in limited partnerships, real estate or any interest in real estate whether or not productive at the time of investment, interests in trusts, investment trusts, whether of the open and/or closed fund types, and participation in common, collective or pooled trust funds of my Executor or Trustee, insurance contracts on the life of any beneficiary or annuity contracts for any beneficiary, without being limited by any statute or rule of law concerning investments by fiduciaries.

(3) To sell or dispose of or grant options to purchase any property, real or personal, constituting a part of my estate or the Trust Estate, for cash or upon credit, to exchange any property of my estate or the Trust Estate for other property, at such times and upon such terms and conditions as it may deem best, and no person dealing with it shall be bound to see to the application of any monies paid.

(4) To hold any securities or other property in its own name as Executor or Trustee, in its own name, in the name of a nominee (with or without disclosure of any fiduciary relationship) or in bearer form.

(5) To keep, at any time and from time to time, all or any portion of my Estate or the Trust Estate in cash and uninvested for such period or periods of time as it may deem advisable, without liability for any loss in income by reason thereof.

(6) To sell or exercise stock subscription or conversion rights.

(7) To refrain from voting or to vote shares of stock owned by my Estate or the Trust Estate at shareholders' meetings in person or by special, limited, or general proxy and in general to exercise all the rights, powers and privileges of an owner in respect to any securities constituting a part of my Estate or the Trust Estate.

(8) To participate in any plan of reorganization or consolidation or merger involving any company or companies whose stock or other securities shall be part of my Estate or the Trust Estate, and to deposit such stock or other securities under any plan of reorganization or with any protective committee and to delegate to such committee discretionary power with relation thereto, to pay a proportionate part of the expenses of such committee and any assessments levied under any such plan, to accept and retain new securities received by my Executor or Trustee pursuant to any such plan, to exercise all conversion, subscription, voting and other rights, of whatsoever nature pertaining to such property, and to pay any amount or amounts of money as it may deem advisable in connection therewith.

(9) To borrow money and to encumber, mortgage or pledge any asset of my estate or the Trust Estate for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in my Executor or Trustee.

(10) To enter for any purpose into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust.

(11) To subdivide, develop, or dedicate real property to public use or to make or obtain the vacation of plats and adjust boundaries, to adjust differences in valuation on exchange or partition by giving or receiving consideration, and to dedicate easements to public use without consideration.

(12) To make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings.

(13) To continue and operate any business owned by me at my death and to do any and all things deemed needful or appropriate by my Executor or Trustee, including the power to incorporate the business and to put additional capital into the business, for such time as it shall deem advisable, without liability for loss resulting from the continuance or operation of the business except for its own negligence; and to close out, liquidate or sell the business at such time and upon such terms as it shall deem best.

(14) To collect, receive, and receipt for rents, issues, profits, and income of my Estate or the Trust Estate.

(15) To insure the assets of my Estate or of the Trust Estate against damage or loss and my Executor or Trustee against liability with respect to third persons.

(16) In buying and selling assets, in lending and borrowing money, and in all other transactions, irrespective of the occupancy by the same person of dual positions, to deal with itself in its separate, or any fiduciary, capacity.

(17) To compromise, adjust, arbitrate, sue on or defend, abandon, or otherwise deal with and settle claims in favor of or against my Estate or the Trust Estate as my Executor or Trustee shall deem best.

(18) To employ and compensate agents, accountants, investment advisers, brokers, attorneys-in-fact, attorneys-at-law, tax specialists, realtors, and other assistants and advisors deemed by my Executor or Trustee needful for the proper administration of my Estate or the Trust Estate, and to do so without liability for any neglect, omission, misconduct, or default of any such agent or professional representative provided such person was selected and retained with reasonable care.

(19) To determine what shall be fairly and equitably charged or credited to income and what to principal.

(20) To hold and retain the principal of my Estate or the Trust Estate undivided until actual division shall become

necessary in order to make distributions; to hold, manage, invest, and account for the several shares or parts thereof by appropriate entries on my Executor's or Trustee's books of account; and to allocate to each share or part of share its proportionate part of all receipts and expenses; provided, however, the carrying of several trusts as one shall not defer the vesting in title or in possession of any share or part of share thereof.

(21) To make payment in cash or in kind, or partly in cash and partly in kind upon any division or distribution of my Estate or the Trust Estate (including the satisfaction of any pecuniary distribution) without regard to the income tax basis of any specific property allocated to any beneficiary and to value and appraise any asset and to distribute such asset in kind at its appraised value; and when dividing fractional interests in property among several beneficiaries to allocate entire interests in some property to one beneficiary and entire interests in other property to another beneficiary or beneficiaries.

(22) To exercise any power herein granted with reference to the control, management, investment or disposition of my Estate or the Trust Estate either as Executor or Trustee without having to declare in which capacity it is acting.

(23) In general, to exercise all powers in the management of my Estate or the Trust Estate which any individual could exercise in his own right, upon such terms and conditions as it may reasonably deem best, and to do all acts which it may deem reasonably necessary or proper to carry out the purposes of this my Will.

(24) To combine assets of two or more trusts if the provisions and terms of each trust are substantially identical, and to administer them as a single trust, if my Trustee reasonably determines that the administration as a single trust is consistent with my intent, and facilitates the trust's administration without defeating or impairing the interests of the beneficiaries.

(25) To divide any trust into separate shares or separate trusts or to create separate trusts if my Trustee reasonably deems it appropriate and the division or creation is consistent with my intent, and facilitates the trust's administration without defeating or impairing the interests of the beneficiaries.

(26) To divide property in any trust being held hereunder with an inclusion ratio, as defined in section 2642(a)(1) of the Internal Revenue Code of 1986, as from time to time amended (the "Code"), of neither one nor zero into two separate trusts representing two fractional shares of the property being divided,



one to have an inclusion ratio of one and the other to have an inclusion ratio of zero; to create trusts to receive property with an inclusion ratio of either one or zero, all as my Trustee in its sole discretion deems best.

(27) To elect to allocate any portion or all of my generation-skipping transfer exemption provided for in Code section 2631 or under similar future legislation, in effect at the time of my death, to any portion or all of any other trusts or bequests in my Will or any other transfer which I am the transferor for purposes of the generation-skipping tax, and to make the special election under section 2652(a)(3) of the Code to the extent my Executor deems in the best interest of my estate.

#### ITEM VII

Beneficiary Under Age Twenty-Five. Notwithstanding anything to the contrary contained herein, if any share or property hereunder becomes distributable to a beneficiary who has not attained the age of Twenty-Five (25) years or if any real property shall be devised to a person who has not attained the age of Twenty-Five (25) years at the date of my death, then although such share or property shall immediately vest in the beneficiary, my Executor acting as Trustee shall retain possession of the share or property in trust for the beneficiary until the beneficiary attains the age of Twenty-Five (25), using so much of the net income and principal of the share or property as my Executor deems necessary to provide for the proper support, medical care, and education of the beneficiary, taking into consideration to the extent my Executor deems advisable any other income or resources of the beneficiary or his or her parents known to my Executor. Any income not so paid or applied shall be accumulated and added to principal. The beneficiary's share or property shall be paid over, distributed and conveyed to the beneficiary upon attaining age Twenty-Five (25), or if he or she shall sooner die, to his or her estate. Whenever my Executor determines it appropriate to pay any money for the benefit of a beneficiary for whom a trust is created hereunder, then the amounts shall be paid out by my Executor in such of the following ways as my Executor deems best: (1) directly to the beneficiary; (2) to the legally appointed guardian of the beneficiary; (3) to some relative or friend for the care, support and education of the beneficiary; (4) by my Executor using such amounts directly for the beneficiary's care, support and education. My Executor as trustee shall have with respect to each share or property so retained all the powers and discretions conferred upon it as Executor.

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ITEM VIII

Discretion Granted to Executor in Reference to Tax Matters. My Executor shall not be required to make adjustments in the rights of any beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision. In determining the state or federal estate and income tax liabilities of my estate, my Executor shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my estate shall be used as state or federal estate tax deductions or as state or federal income tax deductions and shall have the discretion to file a joint income tax return with my husband.

ITEM IX

Appointment of Ancillary Representative. If it becomes necessary for a representative of my estate to qualify in any jurisdiction other than the State of my domicile at the time of my death, then to the extent that I may legally do so, I hereby appoint my Executor named in this Will as my representative in such jurisdiction and direct that such Executor shall serve without bond. If for any reason my Executor is unable or unwilling to serve as such representative or cannot qualify as such representative, then I hereby appoint my Executor named herein to designate (to the extent that it may legally do so) a person or a corporation to serve as my representative and request that such person or corporation shall serve without bond. Any representative named as provided herein (to the extent that it may legally do so) shall have in such jurisdiction all the powers and duties conferred or imposed on my Executor by the provisions of this Will.

ITEM X

Simultaneous Death. If any beneficiary and I should die under such circumstances as would make it doubtful whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this Will that the beneficiary predeceased me.

ITEM XI

Spendthrift Provision. Except as otherwise provided herein, all payments of principal and income payable, or to become payable, to the beneficiary of any trust created hereunder shall not be subject to anticipation, assignment, pledge, sale or transfer in any manner, nor shall any beneficiary have the power to anticipate or encumber such interest, nor shall such interest, while in the possession of my fiduciary hereunder, be liable for,

or subject to, the debts, contracts, obligations, liabilities or torts of any beneficiary.

I, Elizabeth Patricia Langsdale Byrne, the Testatrix, sign my name to this instrument this 23rd day of July, 1996, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute 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 therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Elizabeth Patricia Langsdale Byrne  
Elizabeth Patricia Langsdale Byrne

We, Elizabeth H. Walker and PATRICIA A. MATTHEWS the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority 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 in the presence of each other, hereby signs this will as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Elizabeth H. Walker

Patricia A. Matthews

State of Alabama  
Mobile County

Subscribed, sworn to, and acknowledged before me by Elizabeth Patricia Langsdale Byrne, the Testatrix, and subscribed and sworn to before me by Elizabeth H. Walker and Patricia A. Matthews, witnesses, this 23rd day of July, 1996.

William P. [Signature]  
Notary Public  
My Commission Expires: 3/16/99

FIRST  
CODICIL TO LAST WILL OF  
ELIZABETH PATRICIA LANGSDALE BYRNE

I, Elizabeth Patricia Langsdale Byrne, do hereby make, publish and declare this to be the First Codicil to my Last Will and Testament dated July 23, 1996.

FIRST

Adding a New Item. I do hereby amend my Last Will and Testament dated July 23, 1996, by adding a new Item thereto to be known as Item III, which shall read as follows:

ITEM III

House on Florence Place. I hereby devise and bequeath any interest I may own in the residence on Florence Place, Mobile, Alabama to my son, Bradley R. Byrne, and my daughter, Patricia B. Taul, in equal shares, if they survive me, and to the issue of either of them who predecease me, per stirpes.

SECOND

Republication of Will as Amended. I hereby renumber Items III through XI of my Last Will and Testament as Items IV through XII, respectively, and I hereby republish and reaffirm my Last Will and Testament as herein modified, amended and supplemented by this First Codicil as if such Will were set out here in full and do incorporate it by this reference thereto, and do hereby republish and declare my Last Will and Testament as amended, modified and supplemented as my Last Will and Testament.

I, Elizabeth Patricia Langsdale Byrne, the Testatrix, sign my name to this instrument this 25 day of February, 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as a codicil to my Last Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the

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purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Elizabeth Patricia Langsdale Byrne  
Elizabeth Patricia Langsdale Byrne

We, Deana C. New and Joshua Parker, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as a codicil to her Last Will and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Testatrix, and in the presence of each other, hereby signs this codicil as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Deana C. New  
(Witness)

Joshua Parker  
(Witness)

State of Alabama  
County of Mobile

Subscribed, sworn to, and acknowledged before me by Elizabeth Patricia Langsdale Byrne, the Testatrix, and subscribed and sworn to before me by Deana C. New and Joshua Parker, witnesses, this 25<sup>th</sup> day of February, 1999.

Patricia R. Taylor  
Notary Public  
My Commission Expires: 7-8-2001

SECOND  
CODICIL TO LAST WILL OF  
ELIZABETH PATRICIA LANGSDALE BYRNE

I, Elizabeth Patricia Langsdale Byrne, do hereby make, publish and declare this to be the Second Codicil to my Last Will and Testament dated July 23, 1996.

FIRST

Adding a New Item. I do hereby amend my Last Will and Testament dated July 23, 1996, by adding a new Item thereto to be known as Item IV, which shall read as follows:

ITEM IV

Stockton Property. I hereby give and devise any interest I may have in the property located in or near Stockton, in Baldwin County, Alabama, as follows:

- (1) One-third to my daughter, Patricia B. Taul (or to her issue, per stirpes, if she does not survive me);
- (2) One-third to my son, Bradley R. Byrne (or to his issue, per stirpes, if he does not survive me); and
- (3) One-third I give a life estate to my son, Arthur Langsdale Byrne, and upon my son's death this one-third interest shall pass to my son, Bradley and my daughter in equal shares. If either my son Bradley or my daughter is not then living, then his or her share shall pass to his or her issue, per stirpes.


SECOND

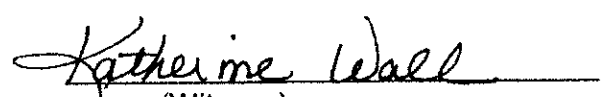
Republication of Will as Amended. I hereby renumber Items IV through XII of my Last Will and Testament as Items V through XIII, respectively, and I hereby republish and reaffirm my Last Will and Testament as herein modified, amended and supplemented by the First Codicil to my Will dated February 25, 1999 and by this Second Codicil as if such Will were set out here in full and do incorporate it by this reference thereto, and do hereby republish and declare my Last Will and Testament as amended, modified and supplemented as my Last Will and Testament.

I, Elizabeth Patricia Langsdale Byrne, the Testatrix, sign my name to this instrument this 6<sup>th</sup> day of December, 2000, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as a codicil to my Last Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

  
Elizabeth Patricia Langsdale Byrne

We, LINDA GLISSON and KATHERINE WALL, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as a codicil to her Last Will and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the Testatrix, and in the presence of each other, hereby signs this codicil as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

  
(Witness)

  
(Witness)

State of Alabama  
County of Mobile

Subscribed, sworn to, and acknowledged before me by Elizabeth Patricia  
Langsdale Byrne, the Testatrix, and subscribed and sworn to before me by  
Linda G. Kisson and Katherine Wood, witnesses, this 6<sup>th</sup> day of  
December, 2000.

Jennifer A. Teason  
Notary Public  
My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Aug 15, 2004  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



