

08-16-2006



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To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

**1. Name of conveying party(ies)**

Mary S. Broad

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No**3. Nature of conveyance/Execution Date(s):**Execution Date(s) January 15, 2001

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☒ Other Testate Succession

**2. Name and address of receiving party(ies)**Name: Susan B. Broad

Internal Address: \_\_\_\_\_

Street Address: 2300 Brookwood Drive, SECity: DecaturState: AlabamaCountry: U.S. Zip: 35601Additional name(s) & address(es) attached? ☐ Yes ☒ No**4. Application or patent number(s):**☐ This document is being filed together with a new application.

A. Patent Application No.(s)

B. Patent No.(s)

5,829,440 4,972,850  
5,477,865  
5,425,379  
4,987,905

Additional numbers attached? ☐ Yes ☒ No**5. Name and address to whom correspondence concerning document should be mailed:**Name: Ann I. DennenInternal Address: Suite 1750Street Address: 100 Galleria ParkwayCity: AtlantaState: Georgia Zip: 30339Phone Number: (256) 704-3900Fax Number: (256) 704-3905Email Address: ann.dennen@tkhr.com**6. Total number of applications and patents involved: 5****7. Total fee (37 CFR 1.21(h) & 3.41) \$ 200.00**

- ☒ Authorized to be charged by credit card  
☐ Authorized to be charged to deposit account  
☒ Enclosed  
☐ None required (government interest not affecting title)

**8. Payment Information**

a. Credit Card Last 4 Numbers 1003  
Expiration Date 8/2009

b. Deposit Account Number \_\_\_\_\_

Authorized User Name \_\_\_\_\_

**9. Signature:**

Signature

August 10, 2006

Date

Ann I. Dennen

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents: 35

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

08/15/2006 MICHAEL  
01 FC: 021

STATE OF ALABAMA     )  
                                      )  
COUNTY OF MORGAN    )   **AFFIDAVIT OF WILLIAM L. CHENAULT, III.**

Before me, the undersigned authority, a Notary Public, in and for said County and State, personally appeared William L. Chenault, III., who being personally known to me and being first duly sworn by me did each depose and state under oath that the following facts are true and correct:

My name is William L. Chenault, III., I am over the age of nineteen (19) years, I am a licensed practicing attorney at law, I am a partner in the law firm of Chenault, Hammond and Hall, P.C. with offices located at 117 Second Avenue, N.E., Decatur, Alabama, 35601, I am a resident of Morgan County, Alabama, and I have personal knowledge of the facts set forth in this affidavit.

Robert L. Broad, Jr., who was sometimes also known as Robert Louis Broad, Jr., was a licensed attorney in the State of Alabama and he resided at 2300 Brookwood Drive, Southeast, Decatur, Morgan County, Alabama, 35601. Robert L. Broad, Jr. was married to Mary Swain Broad, who was sometimes also known as Mary S. Broad or Mary Beth Broad. They had two (2) children during their marriage; namely, Sherman Andrew Broad, who was born on May 17, 1959, and Susan B. Broad, who was born on June 5, 1956.

Robert Louis Broad, Jr. died on July 25, 1999. A true and exact certified copy of the Alabama Certificate of Death of Robert Louis Broad, Jr. is attached to this affidavit and marked for identification purposes as **EXHIBIT A.**

On June 22, 1999, Robert L. Broad, Jr. signed his Last Will and Testament which was duly witnessed by H. Gray Marsee of Huntsville, Alabama

and Abbie J. Johnson of Huntsville, Alabama, who also signed the document as the attesting witnesses. The signatures of Robert L. Broad, Jr., the testator, and the signatures of H. Gray Marsee and Abbie J. Johnson, as the attesting witnesses, were duly notarized by Phyllis J. Olinger, a Notary Public for the State of Alabama at Large. A true and exact copy of the Last Will and Testament of Robert L. Broad, Jr. dated June 22, 1999, is attached to this affidavit and marked for identification purposes as **EXHIBIT B**.

The Last Will and Testament of Robert L. Broad, Jr. was not offered for probate or admitted to probate and record in the Probate Court of Morgan County, Alabama, or in any other Probate Court in the State of Alabama because all of the debts of Robert L. Broad, Jr. were paid in full and the title to all real property and all personal property was owned jointly by Robert L. Broad, Jr. and his wife, Mary S. Broad, at the time of the death of Robert L. Broad, Jr. on July 25, 1999. Mary S. Broad acquired the full right, fee simple title and interest in and to all of real property and all the personal property, including any and all patent rights or other intellectual property rights owned by Robert L. Broad, Jr. at the time of his death on July 25, 1999.

Sherman Andrew Broad, the son of Robert Louis Broad, Jr. and Mary S. Broad, died on December 11, 2000. A true and exact certified copy of the Alabama Certificate of Death of Sherman Andrew Broad is attached to this affidavit and marked for identification purposes as **EXHIBIT C**.

Mary S. Broad, who was also sometimes known as Mary Beth Broad or Mary Swain Broad, died on May 2, 2003. A true and exact certified copy of the

Alabama Certificate of Death of Mary Beth Broad is attached to this affidavit and marked for identification purposes as **EXHIBIT D**.

I witnessed and I notarized the signature of Mary S. Broad on the Last Will and Testament of Mary S. Broad dated January 15, 2001. I witnessed and I notarized the signatures of Julie Craft of Decatur, Alabama, and Gina J. Fowler of Decatur, Alabama, as the arresting witnesses to Mary S. Broad's signing of her Last Will and Testament.

I filed the Last Will and Testament of Mary S. Broad dated January 15, 2001, for Probate and record on June 9, 2003, in the Probate Court of Morgan County, Alabama.

A true and exact certified copy of the Petition for the Probate of the Last Will and Testament of Mary S. Broad is attached to this affidavit and marked for identification purposes as **EXHIBIT E**.

A true and exact certified copy of the Order Admitting the Last Will and Testament of Mary S. Broad, deceased to Probate and record, is attached to this affidavit and marked for identification purposes as **EXHIBIT F**.

A true and exact certified copy of the Last Will and Testament of Mary S. Broad, deceased, is attached to this affidavit and marked for identification purposes as **EXHIBIT G**.

Pursuant to the terms and conditions of **ITEM IV** of the Last Will and Testament of Mary S. Broad, her daughter, Susan B. Broad, was given all of the property of which Mary S. Broad was seized and possessed or to which Mary S. Broad was entitled at the time of her death on May 2, 2003, both real property

and personal property, as mixed, of every kind and description, wherever located, to have and to hold the same unto herself, her heirs and assigns in fee simple absolute.

A true and exact certified copy of the Letters Testamentary appointing Beryl Broad Tidwell as the personal representative named in the Last Will and Testament of Mary S. Broad, deceased, is attached to this affidavit and marked for identification purposes as **EXHIBIT H**.

A true and exact certified copy of the Petition for Final Settlement of the Estate of Mary S. Broad is attached to this affidavit and marked for identification purposes as **EXHIBIT I**.

A true and exact certified copy of the Waiver of Notice and Consent for the Final Settlement of the Estate of Mary S. Broad signed by her daughter and her only heir, Susan B. Broad, is attached to this affidavit and marked for identification purposes as **EXHIBIT J**.

A true and exact certified copy of the Decree of Final Settlement of the Estate of Mary S. Broad is attached to this affidavit and marked for identification purposes as **EXHIBIT K**.

**DATED** this the 13<sup>th</sup> day of December, 2005.

  
**WILLIAM L. CHENAULT, III, AFFIANT**

**SWORN TO AND SUBSCRIBED BEFORE ME**

On this the 13<sup>th</sup> day of December, 2005.

  
**NOTARY PUBLIC**

My Commission Expires: 1/29/06

**EXHIBIT**  
**A**

[illegible]



STATE OF ALABAMA )  
COUNTY OF MORGAN )

LAST WILL AND TESTAMENT  
OF  
ROBERT L. BROAD, JR.

\*\*\*\*\*

I, ROBERT L. BROAD, JR., a citizen of the United States of America, a resident of the County of Morgan, State of Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other Wills and Codicils heretofore made by me.

ITEM I.

PAYMENT OF DEBTS/PROBATE OF WILL

I direct that all my debts, including the expenses of my last illness and funeral, shall be first paid out of my estate by my Executor, hereinafter named, as soon as possible after my death. I further direct that my Executor may probate my Last Will and Testament either in the county of my residence at the time of my death or in any county in the State of Alabama in which I may own property at the time of my death.

ITEM II.

DISPOSITION OF PERSONAL EFFECTS AND ESTATE

I give and devise all of my estate, real, personal or mixed of which I may die seized and possessed, or to which I may be entitled at the time of my death, or which I may have testamentary control, wheresoever and whatsoever it may be, including all lapsed legacies and devises, unto to my wife, MARY S. BROAD. I give and devise all of my wearing apparel, jewelry, books, pictures, household furniture and furnishings, both useful and ornamental, any automobile that I may own, and all other of my personal property, to my wife, MARY S. BROAD, absolutely, if she is living at the time of my death. In the event my said wife shall predecease me, I give and devise all of said objects of property, in equal shares, absolutely, to my children, SUSAN B. BROAD and SHERMAN A. BROAD. If either of my children should predecease me, then I give and devise said child's share of said property to his or her then living issue, per stirpes, if any, and if none, to my other child, per stirpes. In the event that my said wife and my said children should all predecease me, leaving no issue surviving, then this devise shall lapse, and the aforesaid property shall become a part of the residue of my estate. I hereby vest in my Executor, hereinafter named, full power and authority to determine

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Page 1 of 5

what objects of property are included in the foregoing description contained in this item of my Will, and, in the event my wife shall not be living, to make such division of said objects of property between my children as, in the opinion of my Executor, may be desirable, having due regard for the personal preferences of my said children.

ITEM III.

MISCELLANEOUS

(a) It is my will and I direct that the invalidity of any gift or devise, or of any limitation over, or interest intended, as to any property or as to any beneficiary, shall not be considered materially to disturb the plan of distribution herein created or to affect the validity of any other gift or devise or limitation over, or interest in herein given or created.

(b) I specifically authorize and empower my Executor regardless of whether or not it affects the interest of any beneficiary under this Will, or the amount of property directed to such beneficiary now or hereafter, to exercise any election granted by the Internal Revenue Code in effect at the time of my death which permits my Executor to take as deductions for federal income tax purposes any amounts which are also allowable for federal estate tax purposes, and my Executor shall incur no liability whatsoever to any beneficiary under this Will as the result of any elections so made, and no adjustment between principal and income shall be required as a result of such election.

(c) Anything to the contrary notwithstanding, in the event that any property or interest in property or life insurance passing under this Will, by operation of law or otherwise by reason of my death, shall be encumbered by mortgage or lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in property shall take it subject to all encumbrances existing at the time of my death.

(d) it is my direction and intention that my Last Will and Testament be interpreted and administered by my Executor in accordance with the Internal Revenue Code of 1986, as amended. My Executor shall not be liable to any beneficiary herein for any action taken or not taken, election made or not made, or resulting federal income tax consequences upon the apportionment or distribution in kind or otherwise of any asset of my estate, where such Executor has exercised good faith and ordinary diligence in



the performance of its duties.

(e) As to the net income which, by any of the provisions of this Will, may be payable to any of my lineal descendants, he or she shall have no right or power, either directly or indirectly, to anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell or otherwise dispose of same, or any part thereof, until same shall have been actually paid to him or her by the Executor. Nor shall such income, nor the principal nor corpus of said estate, nor any part of, or interest in, either of them be liable for or to any extent subject to any debts, claims or obligations of any kind or nature whatsoever, or to any legal process in aid thereof, contracted or incurred by or for any such child or descendant, before or after my death.

(f) I specifically authorize and empower my Executor to execute and file a joint income tax return with my wife for the year in which my death occurs and for any years prior thereto. I also authorize and empower my Executor to execute and file joint gift tax returns with my wife if any gift tax return is required of either of us for the year in which my death occurs or for any year prior thereto. I also specifically authorize and empower my Executor to pay any portion or all of any resulting income taxes and gift taxes. I grant full discretion to my Executor to acquiesce in, compromise, or litigate any demand made against my estate for federal or state income or estate taxes. My Executor shall incur no personal liability for any action taken by it in good faith in accordance with either of the forgoing authorizations.

#### ITEM IV.

##### SIMULTANEOUS DEATH

In the event my death and the death of my said wife shall occur simultaneously, or approximately so, under circumstances causing doubt as to which of us survived the other, or, in the event the death of my said wife shall occur within five (5) days after my death, then, any presumption created by the laws of the State of Alabama, or any other applicable jurisdiction notwithstanding, I direct that it be presumed that my said wife survived me.

#### ITEM V.

##### EXECUTORS

(a) I hereby nominate and appoint my sister, BERYL FRENCH BROAD TIDWELL, as Executor of this, my Last Will and Testament.

(b) I direct that the Executor shall not be required to

  
Page 3 of 5


give any bond or to file an inventory or appraisal of my estate or to make any accounting, report or final settlement in any court, though it shall make out and keep an inventory and shall exhibit the same to any party of interest at any reasonable time, provided, however, unless compelled by a court of competent jurisdiction, my Executor shall not be required to inventory any property passing to my wife, such as wearing apparel, jewelry, books, pictures, household furniture and furnishings. I hereby vest in said Executor full powers of management, control and disposition of my estate, and I direct that in the exercise of such powers my Executor shall be free from the control and supervision of the Probate Court, or any other court.

ITEM VI.

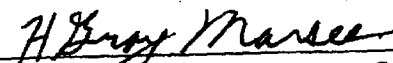
DEFINITIONS


As used in my Will, the terms "issue", "descendants" and "lineal descendants" are intended to include any persons heretofore or hereafter born or adopted by any descendant of mine, and my children, SUSAN B. BROAD and SHERMAN A. BROAD, but any person who is adopted on or after age twenty-one (21) years, and the issue of any such persons, are intended to be excluded from this term. As used in my Will, the terms "child" and "children" are intended to refer to SUSAN B. BROAD and SHERMAN A. BROAD. Where the context so permits, the term "Executor" and words of reference to my Executor, shall mean any person or entity serving in that capacity.

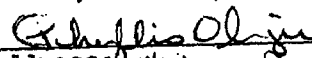
IN WITNESS WHEREOF, I, the undersigned, ROBERT L. BROAD, JR., have hereunto set my hand and seal on this 22 day of June, 1999.

 (SEAL)  
ROBERT L. BROAD, JR.

SIGNED, SEALED, PUBLISHED and DECLARED by ROBERT L. BROAD, JR. as and for his Last Will and Testament, in our presence, and we, in his presence and in the presence of each other, and at his request, have hereunto set our hands and seals as witnesses thereto on the day the same bears date.

  
Address: 4022 Lucerne Dr.  
Huntsville, AL 35802

  
Address: 8401 Madison St. Rd.  
Huntsville, AL 35710

  
Address: 14111 Jones Dr. Jones, AL 35773

  
Page 4 of 5

I, ROBERT L. BROAD, JR., the testator, sign my name to this instrument this 22 day of June, 1999, 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.

Robert L. Broad, Jr.  
ROBERT L. BROAD, JR.

We, H. Gray Marcell and Abbie J. Johnson, 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 as witness to the testator's signing, and that, to the best of our knowledge, the testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

H. Gray Marcell  
Witness

Abbie J. Johnson  
Witness

STATE OF ALABAMA )  
COUNTY OF MORGAN )

Subscribed, sworn to and acknowledge before me by ROBERT L. BROAD, JR., the testator, and subscribed and sworn to before the witnesses, this 22nd day of June, 1999.

Phyllis J. Olinger  
Notary Public  
My commission expires: 3/12/2003  
PHYLLIS J. OLINGER  
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES MARCH 12, 2003

Page 5 of 5

The image shows a document page with a repeating pattern of text, likely a medical record or legal document. The text is heavily distorted and appears to be a repeating sequence of "STATE OF ALABAMA CENTER FOR HEALTH STATISTICS". A large, dark, rectangular area in the center of the page is labeled "EXHIBIT C" and "Exhibit No. 100". The page is framed by a thick black border.

**C**

EXHIBIT

D

PATENT

REEL: 018171 FRAME: 0544

IN RE: THE MATTER OF  
THE ESTATE OF  
MARY S. BROAD,  
DECEASED.



FILED IN OFFICE

JUN 09 2003

BOBBY DAY  
JUDGE OF PROBATE, MORGAN COUNTY

**PETITION FOR PROBATE OF THE LAST WILL  
AND TESTAMENT OF MARY S. BROAD**

**TO THE HONORABLE BOBBY DAY, JUDGE OF PROBATE, MORGAN COUNTY,  
ALABAMA:**

**COMES NOW** Beryl Broad Tidwell, hereinafter known as your petitioner, and respectfully represents and shows unto the Court as follows:

1. Your Petitioner, Beryl Broad Tidwell, is over the age of nineteen (19) years and is a bona fide resident of Madison County, Alabama, residing at 680 Old Big Cove Road, Owens Cross Roads, Madison County, Alabama, 35763.
2. That on, to-wit: the 2<sup>nd</sup> day of May, 2003, Mary S. Broad, who was also known Mary Beth Broad, and who was a resident of Morgan County, Alabama, residing at 2300 Brookwood Drive, S. E., Decatur, Morgan County, Alabama, 35601, at the time of her death, departed this life in Decatur, Morgan County, Alabama, leaving assets in this state, and leaving a Last Will and Testament duly signed and published by her, dated January 15, 2001, which was attested to by Julie Craft and Gina J. Fowler.
3. That your petitioner avers and believes that she was nominated and appointed as the Executrix or the Personal Representative of the Last Will and Testament of Mary S. Broad, deceased and as such Executrix or Personal Representative she does now herewith surrender said Will to the Court and pray that after proper proceedings and proof, it may be probated and admitted to record as the Last Will and Testament of said deceased.
4. That said decedent left surviving her as her only heir at law and next of kin the following, to wit: Susan B. Broad, her daughter and only surviving child, who is


over the age of nineteen (19) years, who presently resides at 202 Groveland Avenue, Apartment No. 1, Raleigh, Wake County, North Carolina, 27605.

5. An Acceptance of Service, Waiver of Notice and Consent for the Probate of the Last Will and Testament of Mary S. Broad, signed by Susan B. Broad as the only heir at law and next of kin of Mary S. Broad listed in Paragraph 4 above is filed therewith.

**WHEREFORE THE PREMISES CONSIDERED**, your petitioner prays that your Honor will take jurisdiction of this their Petition for the Probation of the Last Will and Testament of Mary S. Broad and cause all such notices and citations to issue to said next of kin and to said witnesses, and cause all such proceedings to be had and done and render all necessary Orders and Decrees in the premises as will duly and legally affect the probate and record of said Last Will and Testament in this Court; that upon such Last Will and Testament being admitted to Probate and Record, that Letters Testamentary be issued thereon to your petitioners without bond as provided for in said Will; and that the Court enter such other, further and different orders and decrees as may be proper

**DATED** this the 9<sup>th</sup> of June, 2003.

 (SEAL)  
**BERYL BROAD TIDWELL**  
**PETITIONER**

  
**WILLIAM L. CHENAUNT, III**  
**ATTORNEY FOR PETITIONER**

**OF COUNSEL:**  
**CHENAUNT, HAMMOND & HALL, P.C.**  
**P.O. BOX 1906**  
**DECATUR, ALABAMA 35602**  
**TELEPHONE NO.: (205) 353-7031**



STATE OF ALABAMA )  
 )  
COUNTY OF MORGAN )

ACKNOWLEDGEMENT

Before me, the undersigned authority, a Notary Public, in and for said County in said State, did personally appear Beryl Broad Tidwell, who being known to me and who being duly sworn, did depose and say that the facts alleged in the foregoing Petition for the Probate of the Last Will and Testament of Mary S. Broad, deceased, are true and correct according to the best of her knowledge, information and belief.

Beryl B. Tidwell  
BERYL BROAD TIDWELL  
PETITIONER

SWORN TO AND SUBSCRIBED before me on this the 9<sup>th</sup> day of June, 2003.

Heather R. Morgan  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 11/25/06

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN Instrument AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS

Dec. 6, 2005  
Bobby Day  
Judge of Probate, Morgan County, AL



IN THE PROBATE COURT FOR MORGAN COUNTY, ALABAMA

IN RE: THE MATTER OF  
THE ESTATE OF  
AGNES A. CORDES,  
DECEASED.

)  
)  
)  
)



**ORDER ADMITTING THE LAST WILL AND TESTAMENT  
OF MARY S. BROAD, DECEASED  
TO PROBATE AND RECORD**

On the 12TH day of June 2003, Berly Broad Tidwell filed a Verified Petition in this Court, for the probate of an instrument in writing, purporting to be the Last Will and Testament of the said Mary S. Broad, deceased, the Court does now proceed to consider said Petition and the evidence offered in support thereof without further notice.

IT IS MADE TO APPEAR TO THE COURT by the Verified Petition of Berly Broad Tidwell for the probate of the instrument in writing purporting to be the Last Will and Testament of Mary S. Broad, deceased, filed in this Court that the said Mary S. Broad departed this life in Decatur, Morgan County, Alabama, on the 2<sup>nd</sup> day of May, 2003, that the subscribing witnesses, Julie Craft and Gina J. Fowler, whose names appear as attesting witnesses to the instrument in writing purporting to be the Last Will and Testament of Mary S. Broad, deceased, executed on the 15<sup>th</sup> day of January, 2001, signed the instrument at the request of Mary S. Broad and in the presence of the said Mary S. Broad, and in the presence of each other and that at the time of the execution of said Last Will and Testament, Mary S. Broad was over the age of nineteen (19) years and was a resident of Morgan County, Alabama, and was of sound mind and disposing memory and fully capable of making her Last Will and Testament.

IT IS MADE TO APPEAR TO THE COURT that an Acceptance of Service, Waiver of Notice and Consent for the Probate of the Last Will and Testament of Mary S. Broad, deceased, has been signed and filed by Susan B. Broad, the only child and

only heir at Law and as the next of kin of Mary S. Broad, deceased;

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT** that the instrument in writing purporting to be the Last Will and Testament of the said, Mary S. Broad, deceased, bearing the date of the January 15, 2001, and purporting to have been witnessed by Julie Craft and Gina J. Fowler, was duly witnessed by the said subscribing witnesses, and that their signatures thereon are genuine, and that the signature of the said Mary S. Broad, is the genuine signature of the said Mary S. Broad, deceased.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT** that the said instrument purporting to be the Last Will and Testament of Mary S. Broad, deceased, was duly executed by the said Mary S. Broad, deceased, in the manner and form required by law for the execution of Wills of real and personal property and that said instrument constitutes the Last Will and Testament of Mary S. Broad, deceased, and that said instrument in writing be and the same is hereby admitted to probate as the Last Will and Testament of Mary S. Broad, deceased.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT** that the said instrument be recorded and that there be endorsed upon the same a certificate that it constitutes the Last Will and Testament of Mary S. Broad, deceased, as provided by law.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT** that the Petition and Acceptance of Service, Waivers of Notice and Consent for the Probate of the Last Will and Testament of Mary S. Broad, deceased, be recorded, as provided by law.

**IT APPEARS TO THE COURT** that Beryl Broad Tidwell is a fit and proper person to serve as the Executrix or the Personal Representative of the Last Will and Testament of Mary S. Broad, deceased, and that the Testatrix has expressly provided in

her said Will to that effect and has exempted the Executrix or Personal Representative from giving bond as such Executrix or Personal Representative.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that Letters Testamentary to the said Last Will and Testament of Mary S. Broad, deceased, be and the same are hereby granted to Beryl Broad Tidwell without bond.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Executrix or the Personal Representative pay the publication expenses for the publication of the Notice of the filing of the Petition for the Probate of the Last Will and Testament of Mary S. Broad in the Hartselle Enquirer newspaper, the attorney's fees for the Petitioner's attorney of record and the Probate Court costs of this proceeding out of the assets of the estate.

DONE this the 12TH day of June, 2003.

*Bobby Day*

BOBBY DAY  
PROBATE JUDGE

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN order AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS  
Dec 6, 2005

*Bobby Day*  
Judge of Probate, Morgan County, AL

IN THE PROBATE COURT FOR MORGAN COUNTY, ALABAMA

IN RE: THE MATTER OF  
THE ESTATE OF  
MARY S. BROAD,  
DECEASED.

FILED IN OFFICE

JUN 09 2003

BOBBY DAY  
JUDGE OF PROBATE, MORGAN COUNTY  
ACCEPTANCE OF SERVICE, WAIVER OF NOTICE AND  
CONSENT FOR PROBATE OF THE LAST WILL  
AND TESTAMENT OF MARY S. BROAD, DECEASED

TO THE HONORABLE BOBBY DAY, JUDGE OF PROBATE, MORGAN COUNTY,  
ALABAMA:

I, Susan B. Broad, who resides at 202 Groveland Avenue, Apartment No. 1, Raleigh, North Carolina, 27605, the daughter of Mary S. Broad, deceased, do hereby accept service and waive notice of the Petition of Berly Broad Tidwell, to probate the Last Will and Testament of Mary S. Broad, deceased, as provided for in said Last Will and Testament. I do hereby waive notice either by personal service or by publication and consent and request that the Last Will and Testament, which bears the date of January 15, 2001, and is attested to by Julie Craft and Gina J. Fowler, be admitted to probate without further notice of any kind to me, and that Beryl Broad Tidwell be appointed as the Executrix or the Personal Representatives without the necessity of filing a bond as provided for in said Last Will and Testament of Mary S. Broad.

Witness my hand this 30 day of May 2003.

Susan B. Broad  
SUSAN B. BROAD

STATE OF NORTH CAROLINA )

COUNTY OF )

Wake

ACKNOWLEDGEMENT

I, the undersigned authority, a Notary Public, in and for said State and County, hereby certify that Susan B. Broad acknowledged before me that she signed the foregoing Acceptance of Service, Waiver of Notice and Consent for the probate of the Last Will and Testament of Mary S. Broad, deceased, and requested the appointment of Beryl Broad Tidwell as the Executrix or the Personal Representative of the Last Will and Testament of Mary S. Broad, as declared therein of her own free will.

Witness my hand and official seal this 30 day of May, 2003.

Alison H. Jewell  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 06302003

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN instrument AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS  
Dec 6, 2005

Bobby Day  
Judge of Probate, Morgan County, AL

PATENT

REEL: 018171 FRAME: 0552



**LAST WILL AND TESTAMENT**

**OF**

**MARY S. BROAD**

**STATE OF ALABAMA     }**  
**}**  
**COUNTY OF MORGAN    }**

**KNOW ALL MEN BY THESE PRESENTS**, that I, Mary S. Broad, being over the age of nineteen (19) years, of sound mind and disposing memory, domiciled in and being a resident citizen of Morgan County, Alabama, realizing the certainty of death and the uncertainty of life, do hereby make, declare and publish this my Last Will and Testament, hereby revoking and declaring null and void any and all former Wills or Testamentary Instruments by me made.

**ITEM I**

I hereby direct that my Executrix or Personal Representative, as the case may be, hereinafter named, pay all expenses of my last illness, funeral expenses and all other just debts owed by me at the time of my death as soon after my death as can conveniently be done.

**ITEM II**

I hereby nominate and appoint my sister-in-law, Beryl Broad Tidwell, as the Executrix or Personal Representative of this my Last Will and Testament and she is hereby expressly exempted and relieved from the necessity or duty of giving any bond, filing any inventory of the property in my estate, making any report, inventory, accounting or final settlement to any court for her acts as such Executrix or Personal Representative other than the probate of this Will.

I vest my said Executrix or Personal Representative with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death or which she may thereafter acquire at such time and price and upon such terms and conditions as she may determine and to do every other act and thing necessary and appropriate for the complete administration of my estate.

### ITEM III

In the event of the simultaneous death of my sister-in-law, Beryl Broad Tidwell, and myself, or in the event that my sister-in-law, Beryl Broad Tidwell, predeceases me, or is unable or unwilling to serve as the Executrix or Personal Representative of this my Last Will and Testament, then in that event, I nominate and appoint my sister, Carolyn Swain Terry as succeeding Executrix or succeeding Personal Representative of this my Last Will and Testament. As such succeeding Executrix or succeeding Personal Representative, she is expressly exempted and relieved from the necessity or duty of giving any bond, filing any inventory of the property in my estate, making any report, inventory, accounting or final settlement to any court for her acts as such succeeding Executrix or succeeding Personal Representative other than the probation of this Will.

I vest my said succeeding Executrix or succeeding Personal Representative with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death or which she may thereafter acquire at such time and price and upon such terms and conditions as she may determine and to do every other act and thing necessary and appropriate for the complete administration of my estate.

### ITEM IV

I hereby give, bequeath and devise to my daughter, Susan B. Broad, all of the property of which I die seized and possessed or to which I may be entitled at the time of my death, both real property and personal property, and mixed, of every kind and description, wheresoever located, to have and to hold the same unto herself, her heirs and assigns forever in fee simple absolute.

IN WITNESS WHEREOF, I, Mary S. Broad, the testatrix, sign my name to this instrument this the 15<sup>th</sup> day of January, 2001, and being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament 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 (19) years of age or older, of sound mind, and under no constraint or undue influence.

Mary S. Broad (L.S.)  
MARY S. BROAD

We, Julie Craft and Gina Fowler, the undersigned witnesses, sign our names to this instrument, and being first duly sworn, do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and Testament and that she signs it willingly, that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as witness to the Testatrix's signing and to the best of our knowledge the Testatrix is nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Julie Craft  
WITNESS

Decatur, AL  
ADDRESS

Gina Fowler  
WITNESS

Decatur, AL  
ADDRESS

STATE OF ALABAMA     )  
                                      )  
COUNTY OF MORGAN    )

Subscribed, sworn to and acknowledged before me by the Testatrix and the above described witnesses on this the 5<sup>TH</sup> day of January, 2001.

William L. Conaway  
Notary Public  
My Commission Expires: 3/18/2001



STATE OF ALABAMA )

MORGAN COUNTY )

2003 1943


Recorded in the Above

WILL Book & Page

07-02-2003 10:11:10 AM

I, Bobby Day, Judge of Probate Court of Morgan County, Alabama, hereby certify that the foregoing instrument in writing was this day in said Court and before me as the Judge thereof duly proven by proper testimony to be the genuine Will of MARY S. BROAD, deceased, and that said Will, together with the proof thereof, has been recorded in this office, and constitutes the Will of MARY S. BROAD, deceased.

In Witness Whereof, I have hereunto set my hand as the Judge of said Court and have caused the seal of said Court to be hereto affixed on this the 12TH day of JUNE, 2003.

  
JUDGE OF PROBATE COURT,  
MORGAN COUNTY, ALABAMA

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN Will AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS

Dec 6, 2005

  
Judge of Probate, Morgan County, AL

PATENT

REEL: 018171 FRAME: 0556

STATE OF ALABAMA  
COUNTY OF MORGAN

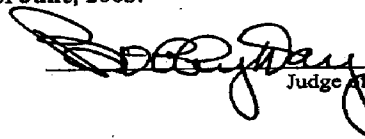


COURT OF PROBATE

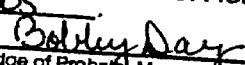
LETTERS TESTAMENTARY

The will of Mary S. Broad, deceased, having been duly admitted to record in said county, letters testamentary are hereby granted to Beryl Broad Tidwell, the personal representative named in said will, who has complied with the requisitions of law and is authorized to take upon herself the execution of said will. Subject to the priorities stated in the Code of Alabama 1975, as amended, §43-8-76, the said personal representative acting prudently for the benefit of interested persons, has all the powers authorized in transactions under the Code of Alabama 1975, as amended, §43-2-843 and 844, except the following limitations: NONE

WITNESS my hand, and dated this 12th day of June, 2003.

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

2003 1944  
Recorded in the Above  
WILL Book & Page  
07-02-2003 10:11:10 AM  
Bobby Day - Probate Judge  
State of Alabama, Morgan County

I, BOBBY DAY, JUDGE OF PROBATE HEREBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN instrument AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS  
Dec 6, 2005  
  
\_\_\_\_\_  
Judge of Probate Morgan County, AL



**IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA**

**IN RE: THE MATTER OF  
THE ESTATE OF  
MARY S. BROAD  
DECEASED.**

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)  
)  
)

**FILED IN OFFICE**

**JUN 13 2005**

**BOBBY DAY  
JUDGE OF PROBATE, MORGAN COUNTY**

**PETITION FOR FINAL SETTLEMENT**

**COMES NOW** your Petitioner, Beryl Broad Tidwell, as the Executrix or the Personal Representative of the Estate of Mary S. Broad, deceased, and respectfully submits this petition as her report and petition for a final settlement of said estate and requests her discharge as such Executrix or Personal Representative and respectfully represents unto the Court as follows:

1. Your Petitioner was appointed as the Executrix or the Personal Representative of said estate on the 12<sup>th</sup> day of June, 2003, and gave notice of her appointment as the Personal Representative of said estate as required by law.
2. More than six (6) months has elapsed since said appointment and all of the debts of said decedent and all legal charges against said estate have been paid in full and the estate has been fully administered.
3. That the names, residences, ages and conditions of the heirs and distributees of the Estate of said decedent are as follows:

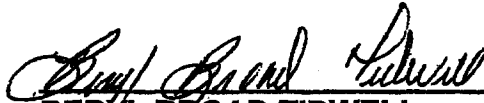
Susan B. Broad, who is over the age of nineteen (19) years, the daughter of Mary S. Broad, deceased, who resides at 2300 Brookwood Drive S.E., Decatur, Morgan County, Alabama, 35601, and who is of sound mind.


4. That Susan B. Broad is the sole heir and distributee of the Estate of Mary S. Broad, deceased. Susan B. Broad has filed a proper Waiver of Notice and Consent for the Final Settlement of the Estate of Mary S. Broad, deceased, by the Executrix or the Personal Representative, Beryl Broad Tidwell.

5. All legal charges against the said Estate have been paid.
6. The Petitioner has paid over to the heir and distributee all of the property in her hands as the Personal Representative, as shown by the Waiver of Notice and Consent for Final Settlement of the Estate by the Personal Representative filed by each heir and distributee and made a part of this Petition for Final Settlement.
7. The Petitioner has not used any of the funds or assets of said Estate for her own benefit.

**WHEREFORE**, the Petitioner prays that Your Honor will (1) accept this instrument and any accompanying receipts and waivers in lieu of a formal report for final settlement; (2) satisfy any claims filed against said Estate and recorded in the docket of the Probate Court of Morgan County, Alabama; unless previously satisfied by the claimant, when it appears from the disbursements and vouchers herewith presented that said claims are paid; (3) that said Executrix or Personal Representative be henceforth discharged from all other or further liability of or on account of the Executrix's or Personal Representative's administration of said Estate; and (4) that the Court will grant such other relief and enter such other orders as are proper to be made in such proceedings.

**DATED** this the 9<sup>th</sup> day of June, 2005.

  
BERYL BROAD TIDWELL  
PETITIONER

  
WILLIAM L. CHENAUNT, III (CHE005)  
Chenaunt, Hammond and Hall, P.C.  
Attorney for the Petitioner  
P.O. Box 1906  
Decatur, Alabama 35602  
Telephone: (256) 353-7031  
Facsimile: (256) 353-8701

STATE OF ALABAMA )

) ACKNOWLEDGEMENT

COUNTY OF MORGAN )

Before me the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared BERYL BROAD TIDWELL, the Petitioner and Executrix and Personal Representative of the Estate of Mary S. Broad, deceased, and who being duly sworn, did depose and say that the facts alleged in the foregoing Petition for Final Settlement of the Estate of Mary S. Broad, deceased, are true and correct according the best of her personal knowledge, information and belief.

Beryl Broad Tidwell  
BERYL BROAD TIDWELL  
Petitioner and Affiant

SWORN TO AND SUBSCRIBED before me this the 9<sup>th</sup> day of June, 2005.

Heather R. Morgan  
NOTARY PUBLIC  
My Commission Expires: 11/25/06

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN instrument AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS  
Dec 6, 2005

Bobby Day  
Judge of Probate, Morgan County, AL



**IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA**

**IN RE: THE MATTER OF  
THE ESTATE OF  
MARY S. BROAD  
DECEASED.**

)  
)  
)  
)

**FILED IN OFFICE**

**JUN 13 2005**

**BOBBY DAY  
JUDGE OF PROBATE, MORGAN COUNTY**

**TO THE HONORABLE BOBBY DAY, JUDGE OF PROBATE, MORGAN  
COUNTY, ALABAMA:**

<b>STATE OF ALABAMA</b>	)	<b>WAIVER OF NOTICE AND CONSENT FOR</b>
	)	<b>FINAL SETTLEMENT OF ESTATE BY</b>
<b>COUNTY OF MORGAN</b>	)	<b>THE PERSON REPRESENTATIVE</b>

I, Susan B. Broad, the daughter and only surviving child of the decedent, Mary S. Broad, and as the only heir of the decedent, Mary S. Broad, being over the age of nineteen (19) years and residing at 2300 Brookwood Drive S.E., Decatur, Morgan County, Alabama, 35601, and I hereby acknowledge that Beryl Broad Tidwell was appointed as the Executrix or the Personal Representative of the Estate of Mary S. Broad, deceased, by Order of the Probate Court of Morgan County, Alabama, dated June 12, 2003, and I further acknowledge that Mary S. Broad died on May 2, 2003, and I hereby waive notice and accept service of the filing of the Petition for Final Settlement by Beryl Broad Tidwell, as the Executrix or the Personal Representative of the Estate of Mary S. Broad, deceased, accept service and consent that said final settlement be had without any further notice to me, either by personal service or by publication, and I do consent and request that the final settlement be approved by the Probate Court of Morgan County, Alabama, and I do consent and request that upon the final settlement of said estate that Beryl Broad Tidwell, as the Executrix and the Personal Representative of the Estate of Mary S. Broad, be discharged and I also waive

the filing of any vouchers or account in this final settlement and I further  
acknowledge receipt of all monies and other property due to me from said  
Estate.

DATED this the 9<sup>th</sup> day of June, 2005.

Susan B. Broad  
SUSAN B. BROAD  
2300 BROOKWOOD DRIVE S.E.  
DECATUR, ALABAMA 35601

STATE OF ALABAMA     )  
                                  )     ACKNOWLEDGEMENT  
COUNTY OF MORGAN    )

I, the undersigned authority, a Notary Public, in and for said County, in  
said State, hereby certify that Susan B. Broad, whose name is signed to the  
foregoing Consent and Waiver of the Final Settlement of the Estate of Mary S.  
Broad, deceased, by the Executrix and the Personal Representative, Beryl Broad  
Tidwell, and who is known to me, acknowledged before me on this day that,  
being informed of and understanding the contents of said Consent and Waiver,  
she executed the same voluntarily on the day the same bears date.

DATED this the 9<sup>th</sup> day of June, 2005.

Heather R. Morgan  
NOTARY PUBLIC  
My Commission Expires: 11/25/06

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN instrument AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS  
Dec 6, 2005

Bobby Day  
Judge of Probate, Morgan County, AL

**IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA**

**IN RE: THE MATTER OF  
THE ESTATE OF  
MARY S. BROAD  
DECEASED.**

)  
)  
)  
)

**DECREE OF FINAL SETTLEMENT**

This cause having come before the Court on the 13TH day of June, 2005, on the Petition of Beryl Broad Tidwell, the Executrix or the Personal Representative of the Estate of Mary S. Broad, deceased, for the Final Settlement of said Estate, which said Petition for Final Settlement is properly executed and acknowledged and which seek a final settlement of said Estate

It appears to the satisfaction of the Court that the following facts are true and correct:

1. Your Petitioner was appointed as the Executrix or the Personal Representative of said estate on the 12<sup>th</sup> day of June, 2003, and gave notice of her appointment as the Executrix or the Personal Representative of said estate as required by law.
2. More than six (6) months has elapsed since said appointment and all of the debts of said decedent and all legal charges against said estate have been paid in full and the estate has been fully administered.
3. That the names, residences, ages and conditions of the heirs and distributees of the Estate of said decedent are as follows:

Susan B. Broad, the sister of the decedent, who is over the age of nineteen (19) years, who is of sound mind, who resides at 2300 Brookwood Drive S.E., Decatur, Morgan County, Alabama, 35601.

4. That Susan B. Broad is the sole heir and distributee of the Estate of Mary S. Broad, deceased. Susan B. Broad has filed a proper Waiver of Notice and Consent for the Final Settlement of the Estate



of Mary S. Broad, deceased, by the Executrix or the Personal Representative, Beryl Broad Tidwell.

4. All legal charges against the said Estate have been paid.
5. The Petitioner has paid over to the heirs and distributees all of the property in her hands as the Executrix or the Personal Representative, as shown by the Waivers of Notice and Consent for Final Settlement of the Estate by the Executrix or Personal Representative filed by the heir and distributee and made a part of this Petition for Final Settlement.
6. ~~The Petitioner has not used any of the funds or assets of said~~ Estate for his own benefit.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:**

1. That said Petition for Final Settlement be and the same hereby is approved and confirmed;
2. That any and all claims filed against the Estate of Mary S. Broad are satisfied;
3. That the Petitioner, Beryl Broad Tidwell, as the Executrix or the Personal Representative of the Estate of Mary S. Broad, deceased, be discharged from all further liability; and,
4. That all proceedings be recorded as required by law.

**DATED** this the 13TH day of June, 2005.

Bobby Day  
**BOBBY DAY**  
**PROBATE JUDGE**

I, BOBBY DAY, JUDGE OF PROBATE HERBY  
CERTIFY THAT THE FOREGOING IS A TRUE  
AND CORRECT COPY OF THE RECORD OF  
A CERTAIN decree AS THE SAME  
APPEARS OF RECORD IN THIS OFFICE, THIS  
Dec 6, 2005

Bobby Day  
Judge of Probate, Morgan County, AL