ESTATE OF BETTY SPIELBERGER, DECEASED.

PETITION FOR PROBATE OF WILL

THE STATE OF ALABAMA)
JEFFERSON COUNTY)

PROBATE COURT

PETITION OF ETHEL SPEILBERGER FOR THE PROBATE OF THE WILL OF BETTY SPIELBERGER DECEASED.

TO THE HON. J. P. STILES JUDGE PROBATE COURT, JEFFERSON COUNTY:

The petition of the undersigned Ethel Spielberger respectfully represents unto your Honor that Betty Spielberger who at the time of her death, an inhabitant of this County, departed this life at Birmingham, Alabama on or about the 31st day of December 1917, leaving assets in this State, and leaving a Last Will and Testament duly signed and published by Betty Spielberger and attested by M. M. Ullman & Hazel Soielberger.

That your petitioner as she verily believes is named in said will as one of the Executrixs and 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 true Last Will and Testament of said deceased. Your petitioner further represents that the husvand of said decedent is dead, and that the names, ages, residence and condition of the next of kin are as follows, to-wit:

Ben Spielberger age	43 yrs
Ethel Spielberger	45 yrs
Sam Spielberger	41 yrs
Henry Spielberger	38 yrs
Fannie Spielberger	30 yrs
Sadie Spielberger	25 yrs

all of whom reside in Jefferson Co. Ala. except Sam Spielberger, who resides at Albany , Morgan Co. Ala.

Your petitioner would further represent that the said witnesses reside in Birmingham Ala. your petitioner therefore further prays that your Honor will take jurisdiction of this petition and cause all such notices pr citations to issue to the said next of kin and to said witnesses, and cause all such proceedings to be hand and done and render all necessary orders and decrees in the premises as will duly and legally effect the probate and record of said will in this Court.

Ethel Spielberger

THE STATE OF ALABAMA)
JEFFERSON COUNTY)

Ethel Spielberger being duly sworn deposes and says that the facts alleged in the above petition are true according to the best of her knowledge, information and belief.

Ethel Spielberger.

Subscribed and sworn to before me this the
8th day of January 1918.

M. M Ullman, Notary Public.

WAIVER AND ACCEPTANCE OF NOTICE.

STATE OF ALABAMA)
JEFFERSON COUNTY)

I Samuel Spielberger, O Albany , Morgan County, Ala. one of the heirs at law of Betty Spielberger, deceased do hereby accept service of the citation of the application

of Ethel Spielberger to Probate the Will of Betty Spielberger deceased, and do hereby waive time, and consent that said will shall be forthwith probated by the Honorable J. P. Stiles, Judge of Probate of Jefferson County, Alabama.

Samual Spielberger

Sworn to and subscribed before me this the
7 day of January 1918.

L. P. Troupe, probate Judge of Morgan Co. Ala.

STATE OF ALABAMA)
JEFFERSON COUNTY) IN THE PROBATE COURT OF JEFFERSON COUNTY, ALA.

IN THE MATTER OF THE APPLICATION OF ETHEL SPIELBERGER TO PROBATE WILL OF BETTY SPIELBERGER, DECEASED,

Now comes Ben Spielberger, Henry Spielberger, Ethel Spielberger, Fannie Spielberger and Sadie Spielberger, all of Birmingham, Alabama, who are heirs at law of the said Betty Spielberger, deceased, and do hereby separately and sererally accept service of citation of the application of Ethel Spielberger to probate the will of Betty Spielberger, deceased, and separately and severally waive time and consent that said will shall forthwith be probated by the Honorable J. P. Stiles, Judge of probate of Jefferson County, Alabama,

Ben Spielberger
Henry Spielberger
Ethel Spielberger
Fannie Spielberger
Sadie Spielberger

STATE OF ALABAMA)
JEFFERSON COUNTY)

Personally appeared before me the undersigned authority in and for said State and County, Ben Spielberger, Henry Spielberger, Ethel Spielberger, Fannie Spielberger and Sadie Spielberger, each of whom being by me first duly sworn depose and say that being informed of the contents of the foregoing acopetance of service and waiver of time and consent to the probation of said will of Betty Spielberger, deceased, and being of sound mind and over the age of twenty-one years , they executed the same voluntarily on the day the same bears date.

Given under my hand this the 10 day of January 1918.

M. M. Ullman
Notary Public.

T E S T I M O N Y

THE STATE OF ALABAMA)
JEFFERSON COUNTY) PROBATE COURT OF SAID COUNTY

IN THE MATTER OF THE PROBATE OF THE LAST WILL AND TESTAMENT OF BETTY SPIELBERGER, DECEASED.

Before me J. P. Stiles, Judge of the said Court, personally appeared in open Court M. M. Ullman who having been by me first duly sworn and examined, did and does depose and say on oath that he is a subscribing witness to the instrument of writing now shown to him and which purports to be the last will and testament of Betty Spielberger, deceased, late an inhabitant of this County, that said Betty Spielberger since deceased, signed and executed said instrument on the day that same bears date, and

declared the same to be her last will and testament, and that affiant set his signature thereto, on the day the same bears date , as a subscribing witness to the same in the presence and at the request of saud Betty Spielberger and in the presence of the other subscribing witness, and that such other witness subscribed her name as a witness in his presence and in the presence and at the request of said Betty Spielberger. That said Betty Spielberger was of sound mind and disposing memory, and in the opinion of deponent fully capable of making her will, at the time the same was so made as aforesaid . Affiant further state that said Betty Spielberger was on the day of the said date of said will of the full age of twenty one years and upwards.

M. M. Ullman,

Subscribed and sworn to before me this 11th day of January 1918

J. P. Stiles,

Judge of probate

LAST WILL AND TESTAMENT OF BETTY SPIELBERGER.

IN THE NAME OF GOD, AMEN.

KNOW ALL MEN BY THESE PRESENTS, that I, Betty Spielberger, being of sound mind and memory, and being conscious of the uncertainty of life and the certainty of death, and being desirous, while I am in good health, of making a distribution of my property of which I shall hereafter die seized and possessed, do hereby make and publish this as my last will and testament, hereby revoking all other wills heretofore made byme, and do declare the following to be my last will:

ITEM 1- It is my will that all of my just debts, expenses of my last illness and funeral expenses shall be paid by my executors, hereinafter named, as soon as practicable.

ITEM 2- Subject to the payment of my debts and funeralexpenses I give, devise and bequeath unto each of my sons, Ben Spielberger, Sam Spielberger and Henry Spielberger, the sum of One Dollar ($1.00) each.

ITEM 3- I give, devise and bequeath unto my three daughters, Ethel Spielberger, Fannie Spielberger and Sadie Spielberger, all of the rest and residue of my estate, both real and personal, as well as mixed property and choses in action, of which I may die seized and possessed, share and share alike, each of my daughters to receive one-third of my personal estate, and the real estate, if any of which I May die seized and possessed shall descend to my said three daughters in common, each of them being vested with an undivided one-third interest, provided, however, that if either one of my daughters shall die before I die, then the interest hereby bequested to the one of my said daughters who may die prior to my death shall vest in the surviving daughters in equal parts.

ITEM 4- In the event that more than one and less than all of my said daughters shall die prior to my death , the shares of my said daughters who shall so die prior to my death shall vest in the surviving daughter.

ITEM 5- In the event that all of my said daughters shall die before I die, without issue, then it is my will that all the said interest and residue of my property, real, personal and mixed and choses in action, shall vest in equal parts, share and share alike, in my sons, Henry Spielberger, Sam Spielberger and Ben Spielberger.

The devises made in items three, four & five to my daughters, to the exclusion of my sons, are made on account of the fact that neither one of my said

daughters are married and are dependent for support, to a greater or less extent, upon me, while my sons above named are self-supporting and are able to gain a lielihood by their own efforts.

I hereby nominate and appoint my said daughters, Ethel Spielberger, Fannie Spielberger and Sadie Spielberger, as the executors of this my will, without bond, and it is my will that they shall be appointed as such executors by a court of competent jurisdiction and that they be not required to give bond and that they be not required to make any report to any court or to obtain from any court any power to do and perform any act which they may deem necessary and proper in the administration of this trust , and I hereby give to my said executors full power and authority to give, lease, sell, encumber and convey my real estate, or any stocks, bonds, mortgages, notes, choses in action or personal property upon such terms and conditions and for such consideration as to them shall seem just and proper, and the proceeds of any such sale or sales shall stand in lieu of the specific property so sold or conveyed or encumbered, and shall be disposed of in the same manner as the property from which such proceeds arise.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at Birmingham, Alabama, on this the 6th day of January, 1917, in the presence of Hazel Spielberger and M. M. Ullman, attesting witnesses, who signed their names as such in my presence and in the presence of each other.

Betty Spielberger (SEAL)

We, Hazel Spielberger and M. M. Ullman attesting witnesses, do hereby certify that we and each of us signed our names as attesting witnesses to the foregoing will in the presence of the testator, Betty Spielberger, at her request, and that she made known to us the fact that it was her last will and testament and that we signed our names as such attesting witnesses in the presence of each other, and we further certify that the said testator signed her name to said will in our presence on the day and date on which said will bears date.

Hazel Spielberger

M. M. Ullman

Attesting Witnesses.

CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA)

JEFFERSON COUNTY)

I, J. P. Stiles, Judge of the Court of Probate, in and for said State and County, do hereby certify that the within instrument of writing has this day, in said Court, and before me as the Judge thereof, been duly proven by the proper testimony to be the genuine last will and testament of Betty Spielberger, deceased, and saidwill together with the proof thereof have been recorded in my office in Book of Wills Vol R Page 330.

In witness of all which I have hereto set my hand and the seal of the said Court, this the 11th day of January 1918.

J. P. Stiles,

(SEAL) Judge of Probate