

ESTATE OF REUBEN CHAPMAN,
DECEASED

Probate Court of Madison
County, Alabama

Last Will and Testament
Dated: March 25, 1876
Probated: June 6, 1882
Will Book 2, page 129

Died: 10 AM May 17, 1882

I, Reuben Chapman, of the County of Madison and State of Alabama, do hereby declare and publish this my last will and testament, revoking all former wills by me made.

Item 1st: My just debts are all to be first paid by my executors hereinafter named.

Item 2nd: My executors are to have full power to sell and dispose of my property, real and personal, upon such terms and in such way as they shall deem most advisable in the interest of my estate, and to convey the same by deed or otherwise without the necessity of any order or authority of any court, either to dispose of or to convey the same.

Item 3rd: My executors are hereby empowered and authorized to compromise and adjust all debts due me of doubtful nature whether that doubt attaches to the solvency or the character of the indebtedness. This power they are to exercise in their discretion without the necessity of obtaining any order from any Court.

Item 4th: My executors are hereby authorized and empowered to extend any debt due me upon such terms and in such way as they should deem advisable in the interest of my estate, without the necessity of obtaining any order of any court for this purpose.

Item 5th: I hereby declare the following persons to be the devisees and legatees under this my will, namely: my daughters, Juliette Chapman, Alberta Chapman, and Ella Humes, my son, Reuben Chapman, Jr., and my grand daughter, Felicia Hubbard, child of my deceased daughter, Felicia.

Item 6th: It is my wish and desire that my devisees and legatees shall share equally in my estate, but such of them as have received from me any moneys or property of whatever nature or kind by way of gift or advancement, are to account for the same, as a part of their share in my estate and this provision is to include my grand daughter, for all gifts made by me to her deceased Mother. And in this connection I hereby declare that the interest of my daughter, Ella Humes is to be abated by whatever moneys or property her husband, Milton Humes, Esquire, has received from me or on account or for which he would be properly chargeable on settlement between us.

I have no general memoranda showing what gifts and advancements I have made to my children nor of the state of the account between myself and my son-in-law, Milton Humes, but one of my executors hereinafter named has a general familiarity with much of my business and he may thus be enabled to reach an approximate estimate.

Item 7th: During the administration of my estate by my executors, they are to allow to each of my unmarried daughters and to my son, Reuben, and to my grand daughter, Felicia Hubbard, and to my daughter, Ella Humes, annually such sums of money as they may deem reasonable and proper, for their support and maintenance to be charged against them with interest upon the final settlement of my estate as so much protants of their interest in the same.

Item 8th: My estate is to be kept together by my executors for at least five years and thereafter until at least two of my devisees and legatees who are of age, shall require a division. This division however, is not the right and power of my executors to sell and dispose of my real and personal property at such time, in manner and upon such terms as they are authorized to do by the second item of this will.

Item 9th: Whenever my executors shall sell property or collect debts due me, they are directed to within a reasonable time thereafter to invest the moneys so realized in such safe and reliable stocks and securities as they may deem to the best interest of my estate.

Item 10th: I hereby provide and declare that my executors are not be required to make any annual settlements of thier administration of my estate, under this will with the Courts, but should any of the devisees and legatees desire a statement of the condition of my estate and their action in the premises, it shall be the duty of my executors to furnish the same annually to them.

Item 11th: I hereby nominate and appoint as my executors, my son Reuben Chapman, Jr and my friend, Wm. R. Rison, because of my confidence in him and his general knowledge of my business, with the right and power in the said Wm. R. Rison to execute all the provisions of this will during the minority of my son, and it is my wish and desire and I do hereby provide that my said executors nor either of them is to be required to give bond as such executors.

Item 12th: It will be seen from the unusual powers conferred upon my executors that a strong and controlling motive with me is to avoid for my estate all unnecessary costs in the administration and settlement.

Further operated upon by this feeling, I am moved to urge upon my devisees and legatees in the most solemn manner not to have any litigation over my estate. Should difference of opinion rise between them with reference to their rights and liabilities under the provisions of this will, I do most earnestly desire and invoke them to avoid the courts and to submit all such differences to the private arbitration of chosen friends.

Item 13th: My children are aware in a general way of the charitable purposes I have entertained, but circumstances have prevented their consummation. On the final settlement of my estate, should they find it practicable to do so, I express the hope that they will carry out as far as may be what they know to have been a cherished idea with me. The record of this wish is what is possibly the final account of my life is not made in ostentation but because I have long contemplated and sincerely desired to accomplish the purpose. I hereby invoke and confidently expect my son-in-law, Milton Humes, to aid my son, Reuben Chapman, by counsel and advise without charge therefor in the performance of his duties, as executor.

In witness of all of which, I hereunto set my hand and seal.
This March 25, 1876.

/s/ R. Chapman

Attested as the last will and testament of Reuben Chapman by us as subscribing witnesses thereto in his presence and at his request the 25th day of March, 1876.

M. C. Baldrige
L. P. Walker
S. D. Cabiniss

STATE OF ALABAMA)
 :
MADISON COUNTY)

Before me William Richardson, Judge of the Probate Court of said County and State, this day personally appeared L. P. Walker, S. D. Cabaniss and M. C. Baldrige, who on their oaths say that they were personally present and witnesses the signing and sealing of the foregoing instrument by R. Chapman, the testator, on the day the same bears date, as and for his last will and testament, and that he then and there published and declared it to be such. That at the time of the signing of the will the said testator was of sound mind and disposing mind and memory and understanding. That they subscribed their names as witnesses thereto in the presence of the testator at his request and that they signed the same in the presence of each other.

L. P. Walker
M. C. Baldrige
S. D. Cabaniss

Turner Clanton and wife, Juliette D. Clanton,
Milton Humes and wife, Ellelee C. Humes,
Jno. G. Taylor and wife, Alberta P. C. Taylor,
Reuben Chapman individually and as executor
of the estate of Reuben Chapman, Dec'd. and
Ellelee C. Humes as Gdn. of Felicia Hubard, Minor.

{ Agreement
{ Dated: December 29, 1884
{ Filed: March 3, 1886
{ Deed Book LLL, page 127

THIS AGREEMENT made and entered into on this the 29th day of December, 1884, by and between Turner C. Clanton and his wife, Juliette D. Clanton, Milton Humes and his wife, Ellelee C. Humes, Jno. G. Taylor and his wife, Alberta P. C. Taylor, Reuben Chapman, individually and as executor of the estate of Reuben Chapman, deceased, and Ellelee C. Humes as guardian of Felicia C. Hubard, minor:

WITNESSETH: That said decedent Reuben Chapman by his last will and testament bearing date of execution the 25th day of March, 1876, divided and bequeathed all his property in equal parts to his said children, Juliette, Ellelee, Alberta and Reuben and his grand child said Felicia making as executors of his last will his said son Reuben who was then a minor, about sixteen years of age, and off from home at school, and his friend, Wm. R. Rison, of the City of Huntsville, Alabama, who was a banker and trusted friend of said testator;

Whereas said testator, amongst other provisions of his will directed that the executors therein named should keep his estate together for the period of five years;

Whereas, at the time of the execution of said will, to-wit: the 25th day of March, 1876, said testator was extremely ill and made said will in expectation of his probable death, and in view of the then condition of his family, his said daughters Juliette and Alberta being married, his son, Reuben, about 16 years of age, off from home at school, and his grand daughter, Felicia about two years of age, all members of his house hold and under his protection and care,

Whereas, when said testator departed this life which was the 17th day of May, 1882, his said daughters Juliette and Alberta had married and ceased to be members of his household, and his son Reuben had become of age, and said grand daughter was living with her aunt, said Ellelee C. Humes;

Whereas, it is believed that said testator, in view of the changed condition of his family, intended to make the said clause of his will whereby he directed that his said estate should be kept together and divided for five years, and was only prevented from making this alteration by his sudden and unexpected death;

Whereas, said Wm. R. Rison, after qualified as an executor with said Reuben Chapman, resigned his said executorship and said Reuben is now sole executor of said estate;

Whereas, it is desired by all of said parties and deemed to their mutual benefit that a partial division and distribution of said estate should be made.

Whereas, in pursuance of this desire and purpose, said parties by written agreement have caused the advances made by the testator in his life time and the property now possessed to be distributed and divided be claud by Milton G. Harris, Robert H. Wilson and Wm. R. Rison;

Whereas, said parties, by agreement among themselves, have made to each of said devisees and legatees an allotment of said property proposed to be divided to each \$22000.00 as follows:

Reuben Chapman:

To all lands generally designated as the Withers tract, situated in Madison County, Alabama, advanced by the testator in his life time valued at \$5,000.00. To all lands generally designated as the ~~Waltham~~ or Barracks tract situated in Madison County, Alabama valued at \$6000.00, to an undivided 1/4 interest in land situated in Lawrence County, Alabama known as the Fruit lands valued at \$1,320.00. To three Alabama bonds valued at \$2430.00. To money charged to himself by way of advancement \$6,250.00. This makes amount and valuation of money and other property received by him \$21,000.00 leaving a balance due him on this division and distribution 1,000.00

\$22,000.00

Whereas, said parties believe that said allotment is fair equal and just and are desirous of consummating the same as far as possible by instrument in writing entered into between them,

Now therefore, in consideration of the premises we the undersigned Turner Clanton and his wife, Juliette D. Clanton, Milton Humes, and his wife, Ellelee C. Humes, John G. Taylor and his wife, Alberta P. C. Taylor, Reuben Chapman, individually and as executor of the estate of Reuben Chapman, deceased and Ellelee C. Humes as guardian of Felicia C. Hubard do hereby agree to the foregoing division, allotment and distribution of the property of said testator embraced herein, and do hereby agree that the same shall be of binding force and effect upon us as far as the same may be so made by this agreement;

It is further agreed that said executor, Reuben Chapman, shall file a bill in the Chancery Court of Madison County, Alabama for the purpose of obtaining a decree confirming his agreement and the division, distribution and allotment of property hereby made and also for a final settlement of his executorship

* WITHERS
(error in transcription)

and a division and distribution of all the property of the estate of said decedent.

It is further agreed that this division and distribution shall take effect and be operative to vest in each of said devisees and legatees the right to the possession, use and enjoyment of all the property allotted to them respectively hereunder from and after the 1st day of January, 1885, the executor receiving and collecting the rents on income, interest, issues and profits of that portion now in his possession, accruing prior to and on that date.

Witness our signatures etc. seals this the 20th day of December, 1884.

Signed and sealed in the presence of ...

Juliette D. Clanton
Turner Clanton
Milton Huber
Ella G. James
John G. Taylor
Alberta G. Taylor
R. Chapman
R. Chapman as Executor of
Reuben Chapman, Dec'd
Ella G. James as Gdn.
Felicia Hubard, minor.

* * * * *

Reuben Chapman, Dec'd

Probate Court of Madison
- County, Alabama.
Last Will and Testament
Dated: March 3, 1891
Will Record 2, page 317

I, Reuben Chapman, of the County of Madison and State of Alabama, do make, publish, and declare this to be my last will and testament.

Item first: I give, devise, and bequeath all my estate of every description, both real and personal to my beloved wife, Rosalie Chapman to be held by her in trust for the equal and joint benefit and support of herself and our children.

Item Second: It is my wish and I so declare that my said wife as trustee shall hold and keep my estate together until my children are grown, and that she shall be at liberty in the support of herself and for the maintenance and education of the children to use the entire income, and if it shall be necessary to do so, to use some portion of the principal of my estate, and as my said children reach the age of 21 years, or marry, then and in that event, it is my wish that my wife, trustee as aforesaid, shall pay out to such child his or her portion of said estate, but should any one of my children die before reaching the age of 21 years, leaving no child or children, then it is my wish that the portion of such deceased child shall be divided equally between my said wife and my surviving children.

Item Third: I hereby expressly authorize and empower my wife as trustee as aforesaid, if in her judgement she shall deem it advisable to sell any or all of my estate either publicly or privately, whether lands or chattels and as trustee to convey same to the purchaser without the formality and expense of an application to the court for an order so to do, and to invest the proceeds in either property to lend the same to individuals taking such security as is required by the laws of Alabama directing guardians in lending moneys of ~~xxx~~ minors.

I hereby nominate my wife as trustee aforesaid and as executrix of this my last will and testament and expressly declare it to be my wish that she be permitted to qualify as executrix of this my last will and testament and also to assume the duties of trustee as above stated without being required to give security.

Again declaring this to be my last will and testament I hereunto set my hand and seal this 3rd day of March, 1891.

Reuben Chapman, (Seal)

Estate of Mrs. Rosalie
F. Chapman, deceased.

Probate Court of Madison
County, Alabama,
Petition for Letters of
Administration
Filed: October 18, 1917
Record Book 45, page 229

Petition of Reuben Chapman for letters of
Administration upon the estate of Mrs. Rosalie F. Chapman,
deceased.

TO THE HONORABLE THOS. W. JONES, JUDGE OF PROBATE
OF SAID COUNTY:

The petition of the undersigned Reuben Chapman respectfully represents that Mrs. Rosalie F. Chapman departed this life in Jefferson County on or about the 13th day of September, 1917, leaving no last will and testament, so far as your petitioner knows or believes, and that her death was known more than fifteen days before this day, and this petition further shows that the said Mrs. Rosalie F. Chapman was at the time of her death an inhabitant of Jefferson County, Alabama and died seized and possessed of real and personal estate in Huntsville, Madison County, Alabama, consisting chiefly of life insurance and real property, and personal property, all of said property and real estate being estimated to be worth \$6500.00, and probably not more; that the names, residences, ages and conditions of the heirs and distributees of the estate of said decedent, so far as your petitioner knows and believes are as follows, to-wit:

Mrs. Ellice C. Pettus, 2219 South 17 Avenue,
Birmingham, Alabama;
Reuben Chapman, Birmingham, Alabama and Miss
Elizabeth H. Chapman, Huntsville, Alabama.

That your petitioner being the son of said deceased, an inhabitant of this State, above the age of 21 years, and in no respect disqualified under the laws from serving as administrator, believing that the said estate should be immediately administered to the end that said property may be collected and preserved for those who shall appear to have a legal right or interest therein, does, therefore, by virtue of his right under the statute, pray that your Honor will grant Letters of Administration on said estate to Reuben Chapman upon his entering into bond in such sum as is required by the statute, and with such security or securities as shall be approved by your Honor.

Petitioner further that Post Office address is
2219 South 17 Avenue, City.

Reuben Chapman

Signed, sealed, published and declared by Reuben Chapman as and for his last will and testament in our presence and subscribed by us as witnesses at the request of said Chapman in his presence and in the presence of each other.

George P. Turner
Ellelee Humes
Eugene S. Pickett.

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

Before me, Thos. J. Taylor, Judge of the Probate Court, in and for said County and State, appeared Ellelee C. Humes, and Eugene S. Pickett and Geo. P. Turner, who being duly sworn depose and say that they were acquainted with Reuben Chapman in his life time and that on the 3rd day of March, 1891, the said Ellelee Humes and Eugene S. Pickett, together with Geo. P. Turner, were present and witnessed the signing of the within and foregoing instrument by Reuben Chapman who then and there signed and sealed said instrument and declared the same to be his last will and testament; that said Ellelee C. Humes, Eugene S. Pickett and said Geo. P. Turner at the request of said testator, then and there subscribed said instrument as attesting witnesses in his (testator's) presence and in the presence of each other, and that at the time of signing said instrument, said Reuben Chapman was of sound mind and memory and of disposing judgment and understanding.

Sworn to and subscribed
before me, this the 26th day
of May, 1891.

{ Ellelee C. Humes
Eugene S. Pickett,
Geo. P. Turner

Thos. J. Taylor JP Ct.

Pursuant to a decree of the Probate Court of Madison County, Alabama, the foregoing will and testament was admitted to Probate on the 26th day of May, 1891, and was duly recorded on the 29th day of May, 1891.

Thos. J. Taylor JP Ct.

* * * * *

This house was the first outside the Huntsville town limits to have electricity.

REUBEN CHAPMAN & WIFE

JOSEPHINE G. CHAPMAN

TO

ALABAMA POWER COMPANY

EASEMENT

Dated: Jan 31, 1938

Ack: Jan 31, 1938

Before: J. M. Strong, NP
Sep. ack of wife, same

Filed: Feb. 4, 1938

Rec: Deed bk 147, p 367

Cons: \$1.00

We Reuben Chapman and wife Josephine G. Chapman for and in consideration of the sum of One and no/100 (\$1.00) to us in hand paid by Alabama Power Company, a corporation, the receipt whereof is acknowledged do hereby grant to said Alabama Power Company, its successors and assigns, the right to construct, operate and maintain its lines of poles and towers and appulance necessary in connection therewith, as located by the final location survey heretofore made by said company for the transmission of electric power with the right to string thereon from time to time electric power and telephone wires and the right to permit other corporations and persons to attach wires to said poles and towers upon, over and across the following described land situated in Madison County, Alabama;

The SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 19 also the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ & NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 30 all in TP 3, r 1 E.

Together with all the rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said lines and also the right to cut and keep clear all trees, and to keep clear other obstructions that may injure or endanger said lines.

To have and to Hold the same to the said Company, its successors and assigns, forever.

IN WITNESS WHEREOF . . .

Witness: J. M. McLaughlin