

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Apr 14, 2016

Action Requested By: Legal

Agenda Type: Resolution

Subject Matter:

[Empty box for Subject Matter]

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute a Consent form waiving notice of the filing of a petition in the matter of the Estate of Sheena Ann Valderaz, deceased, and consenting to the sale of real property owned by said decedent.

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

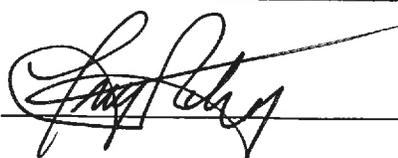
Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

[Empty box for justification text]

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: Apr 11, 2016

RESOLUTION NO. 16-_____

WHEREAS, by the terms of the Last Will and Testament of the late Sheena Ann Valderaz, a resident of Madison County, Alabama, she did devise a Thirty-Three and One-Third Percent portion of the residue of her estate at the time of her death to "Huntsville Animal Services" as set forth in Exhibit "A" hereto; and

WHEREAS, "Huntsville Animal Services," also known as City of Huntsville Animal Services" is a department within the City of Huntsville, Alabama, a municipal corporation in the State of Alabama; and

WHEREAS, Larry Frost, the personal representative of the Estate of Sheena Ann Valderaz, deceased, is preparing to file a petition with the Madison County Probate Court to request the authority to hold a public or private sale of the Real Property of the deceased and requires that the City of Huntsville waive notice of the filing of the petition and execute a "Consent" pursuant to Code of Alabama, 1975, Section 43-2-443, as amended, in order to allow the Probate Court to proceed without a formal hearing on the sale of the real estate, with such waiver and consent being as set forth as Exhibit "B" hereto.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that it does hereby approve and authorize its Mayor to execute, on behalf of the City of Huntsville, Alabama, the document to be filed in the Probate Court of the State of Alabama, County of Madison, entitled "IN THE MATTER OF THE PETITION OF LARRY FROST TO REQUEST AUTHORITY TO HOLD A PUBLIC OR PRIVATE SALE OF THE REAL PROPERTY OF SHEENA ANN VALDERAZ, DECEASED," "CONSENT," with such document being substantially in accordance with that certain document attached hereto as Exhibit "B" and consisting of one (1) page, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the 14th day of April, 2016.

President of the City Council of
the City of Huntsville, Alabama

ADOPTED this the 14th day of April, 2016.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

COPY

LAST WILL AND TESTAMENT
OF
SHEENA ANN VALDERAZ

I, SHEENA ANN VALDERAZ, a citizen of the United States of America, a resident of Madison County, 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 of my debts, including the expenses of my last illness and funeral, shall be first paid out of my estate by my Personal Representative as soon as possible after my death. I further direct that my Personal Representative 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

(a) I have prepared a memorandum in conjunction with this, my Last Will and Testament, which sets out specific directions regarding the disposition of certain items of my personal property. Such memorandum is in existence and is presently located in my personal residence or with the original of my Will. I do hereby devise all of the items of personal property set out on such memorandum to those beneficiaries specified herein, and for that purpose said memorandum is hereby incorporated into and made a part of this, my Last Will and Testament. In the event a beneficiary designated in said memorandum shall predecease me,

dc Amc

Services; and

- c) Thirty-Three and One-Third Percent (33 1/3%) to "A New Leash on Life" located in North Alabama.

ITEM IV.

PERSONAL REPRESENTATIVE

(a) I hereby nominate and appoint my friend, LARRY FROST, as Personal Representative of this, my Last Will and Testament. In the event my friend shall predecease me or shall die during the administration of my estate or be unable or unwilling to serve as Personal Representative, then I nominate and appoint my friend, TERESA FROST, to serve as Personal Representative.

(b) I direct that the Personal Representative regardless of who shall so serve, shall not be required to 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 in interest at any reasonable time. I hereby vest in my Personal Representative the same full powers of management, control and disposition of my estate herein given to the Trustee under any section hereof, and I direct that in the exercise of such powers my Personal Representative shall be free from the control and supervision of the Probate Court, or any other Court.

(c) The Personal Representative shall not be precluded from future or continued professional representation of my estate, or members of my family, or any corporations, partnerships or other business entities in which they have an interest. Accordingly, any continued or future representation of said parties shall not be deemed a conflict of interest.

IN WITNESS WHEREOF, I, the undersigned Testatrix, SHEENA ANN VALDERAZ, hereunto set my hand and seal on this 9TH day of March, 2015. I do declare that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as a free and voluntary act for the purposes expressed here, and that I am eighteen years of

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mke [signature] AME

age or older, of sound mind, and under no constraint or under influence.

Sheena Ann Valderaz (SEAL)
SHEENA ANN VALDERAZ

We, Delona Carrip and Aubrey Cary 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, hereby signs this Will as witness to the Testatrix' signing, and that, to the best of our knowledge, the Testatrix is eighteen years or age or older, of sound mind, and under no constraint or undue influence.

Delona Carrip
Address: 521 Madison Street
Huntsville, AL 35801

Aubrey Cary
Address: 521 Madison Street
Huntsville, AL 35801

STATE OF ALABAMA)

COUNTY OF MADISON)

Subscribed, sworn to and acknowledged before me by SHEENA ANN VALDERAZ, the Testatrix, and subscribed and sworn to before me by Delona Carrip and Aubrey Cary witnesses, this 9th day of March, 2015.

Manner K. Cooper
Notary Public
My Commission Expires: 01-23-2016

EXHIBIT "B"

STATE OF ALABAMA)
) IN THE PROBATE COURT
COUNTY OF MADISON)

IN THE MATTER OF THE PETITION OF LARRY FROST TO REQUEST AUTHORITY TO
HOLD A PUBLIC OR PRIVATE SALE OF THE
REAL PROPERTY OF SHEENA ANN VALDERAZ, DECEASED

CONSENT

Comes now the undersigned, HUNTSVILLE ANIMAL SERVICES, being a devisee and
legatee of the Last Will and Testament of SHEENA ANN VALDERAZ, deceased, and being of
sound mind and full legal age, and does hereby waive notice of the filing of the Petition in this cause
and any and all other notice of every kind of the Petition filed in this cause, and does further hereby
consent pursuant to §43-2-443, Code of Alabama, 1975, as amended, to the sale of the real property
formerly owned by SHEENA ANN VALDERAZ and to sell the said property located at 2102
Maysville Road N, Huntsville, AL 35811, and which is further described as follows:

Lot 1, Block 2, according to the Map of Survey of Chapman Acres Subdivision,
Huntsville, Alabama, as recorded in Plat Book 1, Page 244, Probate Records of
Madison County, Alabama.

As for grounds for my consent, I offer and agree with the following:

I understand that the proceeds from the sale of the real property will be held in the Estate
account of the Estate of SHEENA ANN VALDERAZ, deceased, so that the proceeds may be
used to pay the debts and expenses of the Estate at the time of final settlement of said Estate.

A copy of the Resolution of the City Council authorizing the execution of this consent is
attached hereto as Exhibit "B", Page 2.

Dated this the ___ day of ___, 2016.

HUNTSVILLE ANIMAL SERVICES,
a department of the City of Huntsville,
a municipal corporation

By: _____
Tommy Battle, Mayor

Attested: City Clerk

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, the undersigned authority, a notary public in and for said county, in said state, hereby
certify that Tommy Battle, whose name as Mayor of The City of Huntsville, a municipal
corporation, is signed to the foregoing instrument and who is known to me, acknowledged before
me on this day, that, being informed of the contents of the instrument, he as such Mayor and with
full authority executed the same voluntarily on behalf of said municipal corporation.

Given under my hand and seal on this the ___ day of ___, 2016.

Notary Public
My Commission Expires: _____