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Greg Cain - Probate Judge
State of Alabama, Morgan County

**GREG CAIN
JUDGE OF PROBATE, MORGAN COUNTY**

IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA

IN THE MATTER OF:

THE ESTATE OF THOMAS JAMES GILDEA, DECEASED

**CASE NO.
2024-191**

APPLICATION TO SELL REAL PROPERTY OF ESTATE FOR DIVISION

COMES NOW Zachary Starnes, the Personal Representative of the Estate of Thomas James Gildea, deceased, and files this Application to Sell Real Property of Estate for Division pursuant to Ala. Code §§ 43-2-443 and 43-2-444, and shows the Court the following facts:

1. Thomas James Gildea (the "Decedent") died intestate on June 24, 2022. Zachary Starnes (the "Personal Representative") was appointed as Personal Representative of the Estate of the Decedent (the "Estate"), by this Court on June 3, 2024.

2. At the time of his death, the Decedent owned certain real property in Morgan County, Alabama, namely the real estate and improvements located at 144 Bess Thompson Road, Lacey's Spring, Alabama 35754 (the "Real Property"), being more specifically described as follows:

All that part of the East half of Section 1, Township 6 South, Range 1 West, Morgan County, Alabama particularly described as beginning at a point which is located South 00°27'35" East 1733.27 feet, South 01°17'34" East 36.25 feet and South 01°23'04" East 935.67 from the center of the North boundary of said Section 1. Thence from the place of beginning North 88°16'59" East 673.79 feet; thence South 05°33'0" West 337.00 feet deed (06°12'0" West 337.76 feet ground); thence South 88°16'59" West 629.22 feet; thence North 01°23'04" West 337.21 feet deed (337.21 feet ground) to the place of beginning and containing 5.0 acres more or less. Subject to a right of way for a public road across a strip of land ten (10) feet wide taken evenly off the east side of said tract.

Subject to easements, restrictions of record, and current ad valorem taxes.

Tax Assessor's Parcel No. 09-01-01-0-001-016.004

Source of Title: Deed Book 1358, Pages 855-856

3. The Personal Representative avers that the Real Property cannot be equitably divided among the heirs of the Estate and that it should be sold for division among such heirs.

4. The heirs of the Estate are:

i. The estate of the Decedent's spouse, namely Jean R. Gildea, who survived the Decedent but who subsequently died;

ii. James Vincent Gildea, the Decedent's adult son, whose address is 11 Academy Hill Road, Derby, Connecticut 06418; and

iii. Tammie Lynn Hullivan, the Decedent's adult daughter, whose address is 16 Center Street, Waterford, Connecticut 06385.

5. James Vincent Gildea and Tammie Lynn Hullivan are each of full legal age and of sound mind, and each have consented to the sale of the Real Property by and through written agreements that are being filed with this Application. In such agreements, each of them acknowledges that the Real Property cannot be equitably divided among the heirs and expressly waives any and all notice of the filing of this Application and any hearing before this Court pertaining to any such sale.

6. The Personal Representative verily believes that no estate proceeding has been initiated with respect to the estate of the Decedent's spouse, namely Jean R. Gildea. The Personal Representative consequently requests that this Court appoint an

Administrator Ad Litem to represent the Estate of Jean R. Gildea, deceased, in connection with this proceeding

7. According to the records of the Morgan County Tax Assessor's Office, the fair market value of the Real Property is \$250,100. The Real Property is not encumbered by a mortgage. There are no claims which have been filed against the Estate; however, the claims period is still open.


8. With respect to the sale of the Real Property, the Personal Representative proposes that it be listed for sale by a licensed realtor selected by the Personal Representative. A real estate commission will be due upon the closing of the sale of the Real Property, along with other ordinary and customary closing expenses. The Personal Representative further proposes that he be authorized to accept any offer to purchase the Real Property and to consummate the subsequent sale of such real property on such terms and for such price as he determines reasonable, provided that (1) he may not accept an offer below the fair market value of the Real Property or that would not result in a release of any and all encumbrances against such real property, and (2) a report of such sale must be timely submitted to this Court for its review or approval.

WHEREFORE, PREMISES CONSIDERED, the Personal Representative prays that this Court will take jurisdiction of this Application and will, upon due consideration of the same, authorize the Personal Representative to list the Real Property (being the above-described real property owned by the Decedent at his death) for sale with a licensed realtor and to accept an offer to purchase the Real Property and to consummate the subsequent sale of the Real Property with the restrictions set forth above.

The Personal Representative further **PRAYS** for such other proceedings, orders, and relief as may be had and made in the premises and as may be necessary to continue the due administration of the Estate.


RESPECTFULLY SUBMITTED this 15th day of July, 2024.

ESTATE OF THOMAS JAMES GILDEA, DECEASED

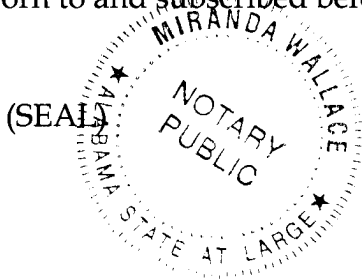
BY: 
Zachary Starnes, *Personal Representative*
HARRIS, CADDELL & SHANKS, P.C.
Post Office Box 2688
Decatur, Alabama 35602-2688
Telephone: (256) 340 - 8035
Email: zstarnes@harriscaddell.com

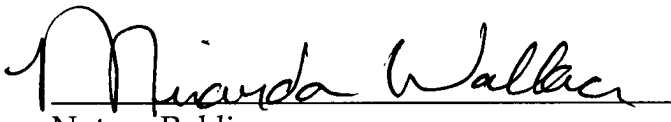
STATE OF ALABAMA)
)
MORGAN COUNTY)

I, the undersigned authority, in and for said County and State, hereby certify that Zachary Starnes, whose name as Personal Representative of the Estate of Thomas James Gildea, deceased, is signed to the foregoing instrument and who is known to me, being first duly sworn on oath, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such Personal Representative and with full authority, executed the same voluntarily on the day the same bears date.


Zachary Starnes

Sworn to and subscribed before me this 15th day of July, 2024.




Notary Public

My Commission Expires: November 1, 2026

IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA

IN THE MATTER OF:

THE ESTATE OF THOMAS JAMES GILDEA, DECEASED

**CASE NO.
2024-191**

**CONSENT OF JAMES VINCENT GILDEA
TO SALE OF REAL PROPERTY OF ESTATE**

The undersigned, **James Vincent Gildea**, being an heir at law of **Thomas James Gildea**, deceased, does hereby consent and agree as follows:

1. At the time of his death, **Thomas James Gildea** (the "Decedent") owned certain real property in **Morgan County, Alabama**, namely the real estate and improvements located at **144 Bess Thompson Road, Lacey's Spring, Alabama 35754** (the "Real Property").

2. The heirs of the Decedent are (i) his two adult children, namely the undersigned and **Tammie Lynn Hullivan**, and (ii) the estate of his spouse, namely **Jean R. Gildea**, who survived the Decedent but who subsequently died. The undersigned acknowledges and agrees that the Real Property cannot be equitably divided among the heirs of the Estate of the Decedent.

3. In accordance with **Ala. Code §§ 43-2-443 and 43-2-444**, the undersigned joins in the **Application to Sell Real Property of Estate** (the "Application") filed by **Zachary Starnes**, as **Personal Representative of the Estate**. The undersigned waives all notice of the filing of the Application and of any hearing before the **Probate Court of Morgan County, Alabama** pertaining to the sale of the Real Property, and requests that the Application be granted without any other, further, or different notice to the undersigned.

4. The undersigned specifically consents and agrees that (i) the Real Property will be listed for sale by a licensed realtor selected by the Personal Representative, with a real estate commission being due upon the closing of the sale of the Real Property, along with other ordinary and customary closing expenses; and (ii) the Personal Representative will be authorized to accept any offer to purchase the Real Property and to consummate the subsequent sale of such real property on such terms and for such price as the Personal Representative determines reasonable, provided that (1) he may not accept an offer below the fair market value of the Real Property or that would not result in a release of any and all encumbrances against such real property, and (2) a report of such sale must be timely submitted to this Court for its review or approval.


5. The undersigned further consents and agrees to the issuance of an Order by the Probate Court authorizing the Personal Representative to take the above-referenced actions related to the sale of the Real Property and further authorizing him to execute the deed, settlement statement, closing statement (HUD-1), and all other documents that may be required to be signed by the seller in connection with the sale of Real Property.

6. The undersigned acknowledges that, following the consummation of such sale, the net proceeds will be held in the Estate's checking account as part of the Estate until such time as all debts of the Decedent and expenses of the Estate have been fully paid and distribution can be made to those so entitled under the law.

DATED this 2nd day of July, 2024.


James Vincent Gildea


Witness


Witness

IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA

IN THE MATTER OF:

THE ESTATE OF THOMAS JAMES GILDEA, DECEASED

CASE NO.
2024-191

CONSENT OF TAMMIE LYNN HULLIVAN
TO SALE OF REAL PROPERTY OF ESTATE

The undersigned, **Tammie Lynn Hullivan**, being an heir at law of Thomas James Gildea, deceased, does hereby consent and agree as follows:

1. At the time of his death, Thomas James Gildea (the "Decedent") owned certain real property in Morgan County, Alabama, namely the real estate and improvements located at 144 Bess Thompson Road, Lacey's Spring, Alabama 35754 (the "Real Property").

2. The heirs of the Decedent are (i) his two adult children, namely the undersigned and James Vincent Gildea, and (ii) the estate of his spouse, namely Jean R. Gildea, who survived the Decedent but who subsequently died. The undersigned acknowledges and agrees that the Real Property cannot be equitably divided among the heirs of the Estate of the Decedent.

3. In accordance with Ala. Code §§ 43-2-443 and 43-2-444, the undersigned joins in the Application to Sell Real Property of Estate (the "Application") filed by Zachary Starnes, as Personal Representative of the Estate. The undersigned waives all notice of the filing of the Application and of any hearing before the Probate Court of Morgan County, Alabama pertaining to the sale of the Real Property, and requests that the Application be granted without any other, further, or different notice to the undersigned.

4. The undersigned specifically consents and agrees that (i) the Real Property will be listed for sale by a licensed realtor selected by the Personal Representative, with a real estate commission being due upon the closing of the sale of the Real Property, along with other ordinary and customary closing expenses; and (ii) the Personal Representative will be authorized to accept any offer to purchase the Real Property and to consummate the subsequent sale of such real property on such terms and for such price as the Personal Representative determines reasonable, provided that (1) he may not accept an offer below the fair market value of the Real Property or that would not result in a release of any and all encumbrances against such real property, and (2) a report of such sale must be timely submitted to this Court for its review or approval.

5. The undersigned further consents and agrees to the issuance of an Order by the Probate Court authorizing the Personal Representative to take the above-referenced actions related to the sale of the Real Property and further authorizing him to execute the deed, settlement statement, closing statement (HUD-1), and all other documents that may be required to be signed by the seller in connection with the sale of Real Property.

6. The undersigned acknowledges that, following the consummation of such sale, the net proceeds will be held in the Estate's checking account as part of the Estate until such time as all debts of the Decedent and expenses of the Estate have been fully paid and distribution can be made to those so entitled under the law.

DATED this 2 day of July, 2024.

Madelyn L. Bastone
Witness

Tammie Lynn Hullivan
Tammie Lynn Hullivan
Rubens Hullivan
Witness

IN THE PROBATE COURT OF MORGAN COUNTY, ALABAMA

IN THE MATTER OF THOMAS JAMES GILDEA, DECEASED

ORDER SETTING HEARING ON PETITION TO AUTHORIZE SALE OF REAL PROPERTY OF ESTATE FOR DIVISION

This action comes before the Court on the motion filed the 15th day of July, 2024 by Zachary Starnes, as Personal Representative of the Estate of THOMAS JAMES GILDEA, deceased, to authorize sale of real property of estate for division of the Estate of THOMAS JAMES GILDEA, deceased.

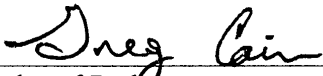
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that said petition be and the same is hereby set for a hearing on the 3rd day of October 2024 at 1:00 O'clock P.M.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that Cindy Slate-Cook, a practicing Attorney at Law, be and hereby is appointed by the Court as Administrator ad Litem to represent and defend the interest of Unknown Heirs, Whereabouts Unknown of the Estate of Jean R. Gildea, deceased.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that notice of said hearing be given by publication to the heirs of the Estate of Jean R. Gildea.

Further, a copy of the order shall be provided to Hon. Zachary Starnes and Hon. Cindy Slate-Cook.

This the 24 day of July, 2024.

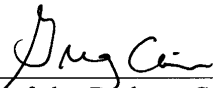


Judge of Probate

**STATE OF ALABAMA)
MORGAN COUNTY)**

I, Greg Cain, Judge of the Probate Court of Morgan County, Alabama, hereby certify that I have this day served by publication to the Unknown Heirs of the Estate of Jean R. Gildea, Whereabouts Unknown, a copy of the order appointing day for hearing said petition.

This 24 day of July, 2024.



Judge of the Probate Court