



**LETTERS TESTAMENTARY**

**IN THE MATTER OF THE ESTATE OF**

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

CATHARINE P. ROWNTREE

CASE NO. 181691

**Deceased**

**ANCILLARY  
LETTERS TESTAMENTARY**

**TO ALL WHOM IT MAY CONCERN:**

The Will of the above-named deceased having been duly admitted to record in said county. Letters Testamentary are

hereby granted to R. BRUCE LINDSAY, III AND CATHARINE L. HAWKS  
the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in § 43-8-76, Code of Alabama (1975, as amended), the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions under § 43-2-843, Code of Alabama (1975, as amended).

WITNESS my hand this date, APRIL 18, 2003

(SEAL)

MICHAEL F. BOLIN

Judge of Probate

I, Carol K. Johnson, Chief Clerk of the Court of Probate of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the Letters Testamentary issued in the above-styled cause as appears of record in said court. I further certify that said Letters are still in full force and effect.

WITNESS my hand and seal of said Court this date, APRIL 18, 2003

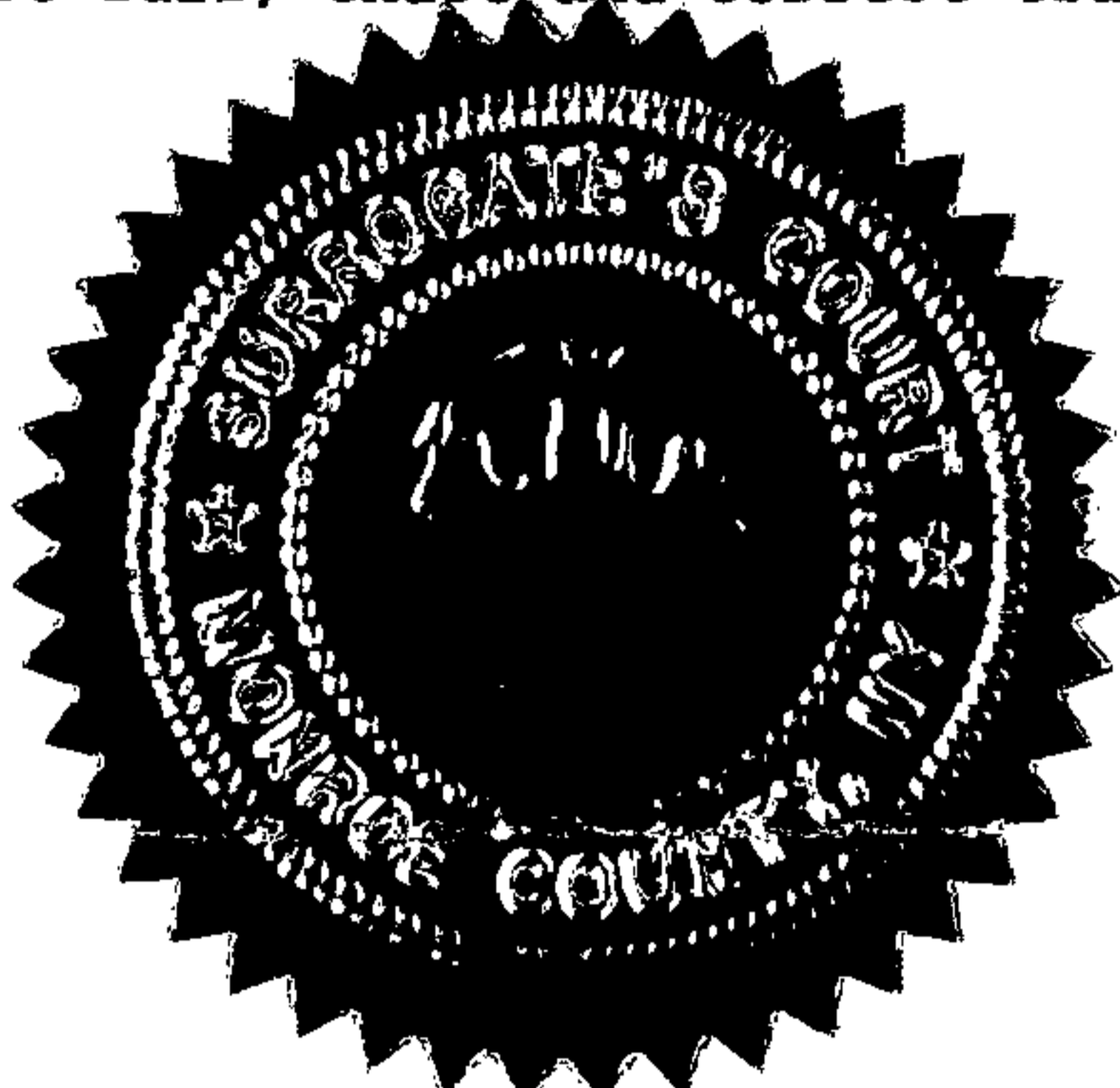
Carol K. Johnson  
Chief Clerk

181691

I, William J. Brongo, Chief Clerk of the Monroe County surrogate's Court, being a Court of Record and having a Chief Clerk and Seal, do hereby certify that I have made photographic copies of the following documents:

The Last Will and Testament in the matter of the Estate of CATHARINE P. ROWNTREE, late of the City of Rochester, County of Monroe, State of New York, dated JANUARY 19, 2001, Decree Granting Letters Testamentary, dated AUGUST 5, 2002 and Letters Testamentary, dated AUGUST 5, 2002.

The foregoing photographic copies were made from the original records of the Court filed in the Surrogate's Office of the County of Monroe, and in my care and custody as the Chief Clerk of the Surrogate's Court, and that the same are full, exact and correct transcripts therefrom, and of the whole of each original record



STATE OF NEW YORK )  
SURROGATE'S COURT )  
COUNTY OF MONROE )

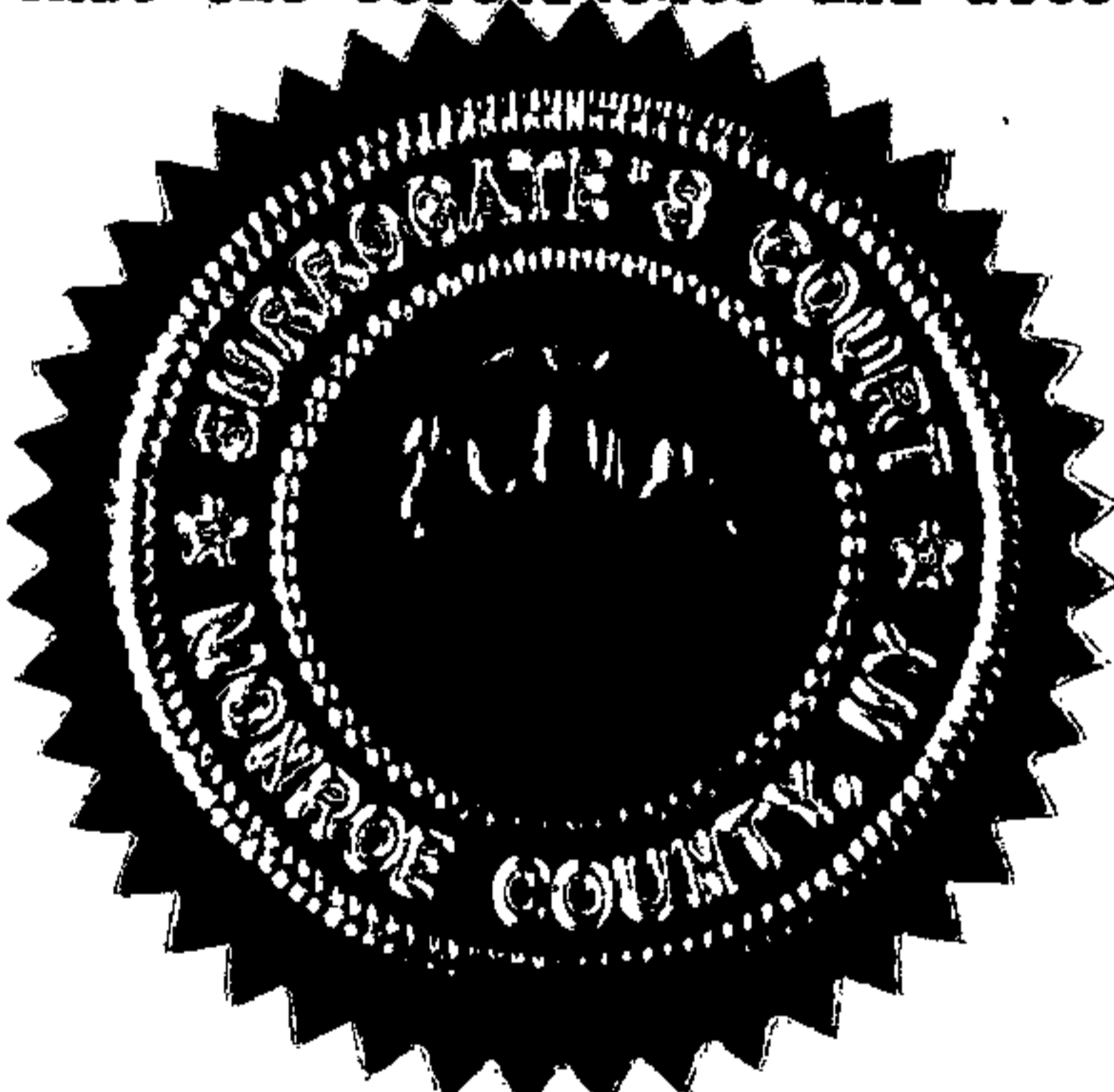
IN TESTIMONY WHEREOF, I have hereunto set my hand, and affix the seal of the Court, at the City of Rochester, New York, on November 28, 2001.

*William J. Brongo*  
\_\_\_\_\_  
Chief Clerk of the Surrogate's Court

IN OFFICE THIS THE 18th DAY  
April, 2003  
OF PROBATE AND RECORD.

*Michael F. Bolin*  
\_\_\_\_\_  
JUDGE OF PROBATE

I, Edmund A. Calvaruso, Surrogate's Court, and sole Presiding Judge of the Surrogate's Court, do hereby certify that William J. Brongo, the person attesting the above certificate, is Chief Clerk of the Surrogate's Court; that his signature to the attestation is genuine, that he is the legal custodian of the records and files of the court, and that the certificate and attestation are in due form.

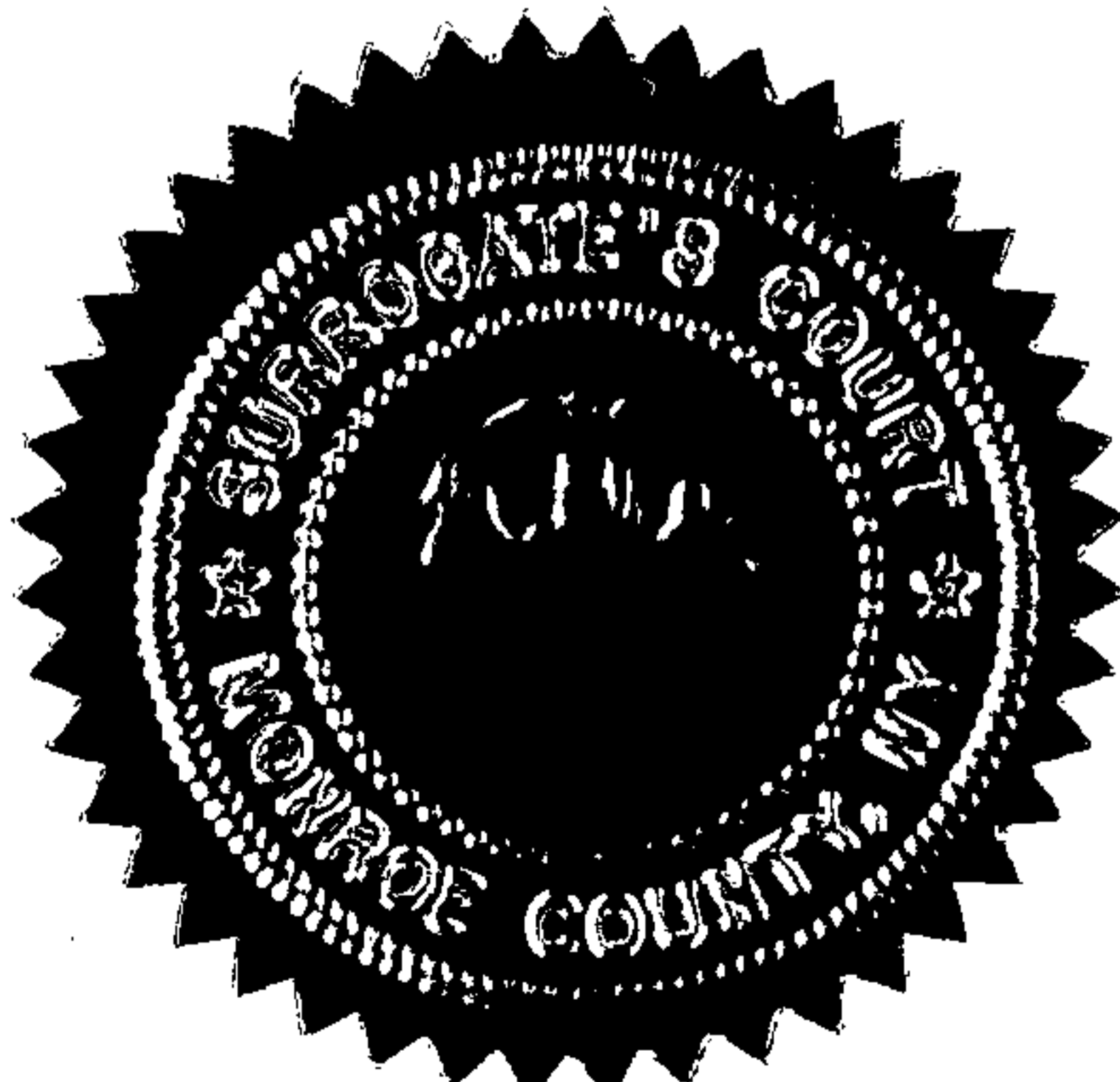


STATE OF NEW YORK )  
SURROGATE'S COURT )  
COUNTY OF MONROE )

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the Court, at the City of Rochester, New York, on November 28, 2001.

*Edmund A. Calvaruso*  
\_\_\_\_\_  
Surrogate

I, William J. Brongo, Chief Clerk of the Monroe County Surrogate's Court, do hereby certify that the Hon. Edmund A. Calvaruso, is the surrogate of Monroe County, duly commissioned and qualified, and the sole Presiding Judge of the Surrogate's Court, and that his signature to the foregoing certificate is genuine.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the Court, at the City of Rochester, New York, on November 28, 2001.

*William J. Brongo*  
\_\_\_\_\_  
Chief Clerk of the Surrogate's Court

**WILL**  
**OF**  
**CATHARINE P. ROWNTREE**

181691

181691

I, **CATHARINE P. ROWNTREE**, residing at 90 Westminster Road, Rochester, New York 14607, make this Will.

**ARTICLE I. TANGIBLE PERSONAL PROPERTY**

I give all my tangible personal property, including furniture, furnishings, jewelry, clothing, collections and automobiles, together with any casualty insurance for such property, to such of my children, R. BRUCE LINDSAY, III, CATHARINE L. HAWKS, SHELTON C. LINDSAY, and DONALD G. LINDSAY, who survive me, in as nearly equal shares as may be practicable.

I may, however, leave a memorandum directing the disposition of certain items of my tangible personal property and I request that such directions be followed.

**ARTICLE II. BEQUESTS**

I give certain sums as follows:

A. I give Five Thousand Dollars (\$5,000.00) to THE ROCHESTER AREA COMMUNITY FOUNDATION, of Rochester, New York, for its general use.

B. I give Five Thousand Dollars (\$5,000.00) to THE FIRST UNITARIAN CHURCH OF ROCHESTER, of Rochester, New York, for its general use.

C. I give Five Thousand Dollars (\$5,000.00) to PLANNED PARENTHOOD OF ROCHESTER AND THE GENESEE VALLEY, INC. of Rochester, New York, for its general use.



**ARTICLE III. RESIDUE**

I give all the residue of my estate to my children, R. BRUCE LINDSAY, III, CATHARINE L. HAWKS, SHELTON C. LINDSAY and DONALD G. LINDSAY, who survive me, in equal shares, provided that if any child does not survive me but leaves issue who survive me, those issue shall take that child's share, per stirpes.

**ARTICLE IV. GIFTS TO MINORS**

If at my death, or on the termination of any trust, any property becomes payable outright to any beneficiary who is under the age of twenty-one years, it shall be paid to my Executor or to anyone designated by my Executor, as Custodian for such beneficiary under the New York Uniform Transfers to Minors Act until age twenty-one.

**ARTICLE V. SURVIVORSHIP**

If any person dies at the same time as I or within five days after my death, such person shall be deemed to have predeceased me.

**ARTICLE VI. TAX APPORTIONMENT**

I direct that all estate and any other death taxes levied against any property forming a part of my taxable estate shall be paid out of my residuary estate without apportionment among any of the separate beneficiaries of my taxable estate, including my residuary beneficiaries.

**ARTICLE VII. FIDUCIARY POWERS**

I give my Executor the fullest power and authority to do all acts and to make all decisions which I could do or make if living including, without limitation, the authority to sell (at public or private sale, for cash or credit, with or without security), lease, dispose of and distribute all property, upon such terms and conditions as my Executor may deem advisable.

**ARTICLE VIII. DEFINITIONS.**

As used in my Will and where the context requires, singular includes plural and vice versa, and words referring to descent include natural and adopted issue. Captions are used to facilitate the reading of my Will and are not to be used for construction purposes.

**ARTICLE IX. EXECUTORS**

I designate my son, R. BRUCE LINDSAY, III, and my daughter, CATHARINE L. HAWKS, to be the Executors of my Will, without bond. If neither R. BRUCE LINDSAY, III nor CATHARINE L. HAWKS survives me, qualifies or continues to act as Executors, I designate my son, SHELTON C. LINDSAY, to be the Executor of my Will, without bond. If SHELTON C. LINDSAY does not survive me, fails to qualify or ceases to act as Executor, I designate my son, DONALD G. LINDSAY, to be the Executor of my Will, without bond.

**Lastly,** I revoke all Wills and Codicils previously made by me.

IN TESTIMONY WHEREOF, I have signed my name  
this 19 day of  
January, 2001.

FILED  
CLERK OF COURT  
JAN 21 2001  
10:05 AM

*Catharine P. Rowntree*  
CATHARINE P. ROWNTREE

We the undersigned declare that CATHARINE P. ROWNTREE, the Testator, signed and published this Will on the above date and declared it to be the Will of CATHARINE P. ROWNTREE, in the presence of each of us who subsequently, in the Testator's presence, and in the presence of each other, at the Testator's request, do subscribe our names as witnesses hereto.

181691

David R. Ferris residing at Pittsford, NY

Bonnie A. Johnson residing at Rochester, NY

FILED  
SUPERIOR COURT  
ROCHESTER, NYS  
02/15/05 PM 2:05

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STATE OF NEW YORK )  
COUNTY OF MONROE )<sup>ss</sup>

Each of the undersigned, being duly sworn, deposes and says:

The within Will was subscribed at the end thereof by CATHARINE P. ROWNTREE, the within named Testator, in the presence of the undersigned, on the 19<sup>th</sup> day of January, 2001, at Rochester, New York.

Said Testator at the time of making such subscription declared the instrument so subscribed to be the Last Will and Testament of CATHARINE P. ROWNTREE.

Each of the undersigned thereupon signed his name as a witness at the end of said Will, at the request of said Testator and in the Testator's presence and in the presence of each other.

Said Testator was at the time of so executing said Will, over the age of eighteen (18) years, and in the respective opinions of the undersigned, of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Will.

Each of the undersigned was acquainted with said Testator at such time, and makes this affidavit at the Testator's request.

The within Will was shown to the undersigned at the time this affidavit was made, and was examined by each of them, and such signatures are the signatures affixed by the Testator and by each of the undersigned. The Testator immediately after the execution of the aforesaid Last Will and Testament requested each of the undersigned to make this affidavit as to the foregoing.

David R. Ferris

Barbara A. Johnson

Severally sworn to before me this 23<sup>rd</sup>  
day of January, 2001.

Margaret B. DeMare  
Notary Public

MARGARET B. DeMARE  
Notary Public, State of New York  
MONROE COUNTY  
My Commission Expires Dec. 29, 2002

FILED  
SUPERIOR COURT  
STATE OF N.Y.  
02 AUG -5 PM 2:05

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my

SURROGATE'S COURT OF THE STATE OF NEW YORK - MONROE COUNTY

PROBATE PROCEEDING, WILL OF

CATHARINE P. ROWNTREE,

DECEASED.

DECREE GRANTING PROBATE

FILE NO:

2002 DT 1146

A petition having been filed by R. Bruce Lindsay, III and Catharine L. Hawks praying for a decree admitting to probate a written instrument dated January 19, 2001 propounded as the Last Will and Testament of the above named decedent; and satisfactory proof having been made that all necessary parties required to be cited have been duly cited to show cause why the relief prayed for in the Petition should not be granted or have duly waived the issuance of such citation and have consented to such relief; and proofs having been duly filed on behalf of the attesting witnesses to the foregoing testamentary instrument, it appearing by such proof that the same was duly executed and is genuine and valid and that the decedent at the time of executing the same was in all respects competent to make a Will and not under restraint; now, upon motion of HARTER, SECREST & EMERY LLP; it is

**ORDERED AND DECREED** that the Last Will and Testament of the above named decedent be and the same is hereby admitted to probate, valid to pass real and personal property and that Letters be issued as follows:

Letters Testamentary to R. Bruce Lindsay, III and Catharine L. Hawks, as Executors, without bond, upon properly qualifying for such office; and it is further

**ORDERED AND DECREED** that the authority of the fiduciaries be restricted in accordance with, and that the letters that are issued hereunder contain, the limitations, if any, as follows:

No limitations.

Dated: August 5, 2002

\_\_\_\_\_  
MONROE COUNTY SURROGATE

FILED  
SURROGATE'S COURT  
MONROE COUNTY, N.Y.S  
02 AUG -5 PM 2:01

181691



THE PEOPLE OF THE STATE OF NEW YORK

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, GREETING:  
On the date written below letters in the estate of the decedent named below are granted by the Surrogate's Court of the State of New York, Monroe County as follows:

Name of Decedent:                      CATHARINE P. ROWNTREE

JR 2210 PG 010

Date of Death:                      July 21, 2002

Domicile of Decedent:              CITY OF ROCHESTER

Name of Each Executor:              Residence or Office Address:

R. BRUCE LINDSAY III

106 KILBOURN ROAD  
ROCHESTER, NY 14618

CATHARINE L. HAWKS

63 SOUTHERN PARKWAY  
ROCHESTER, NY 14618

Type of Letters Issued:      LETTERS TESTAMENTARY

Limitations on Letters:

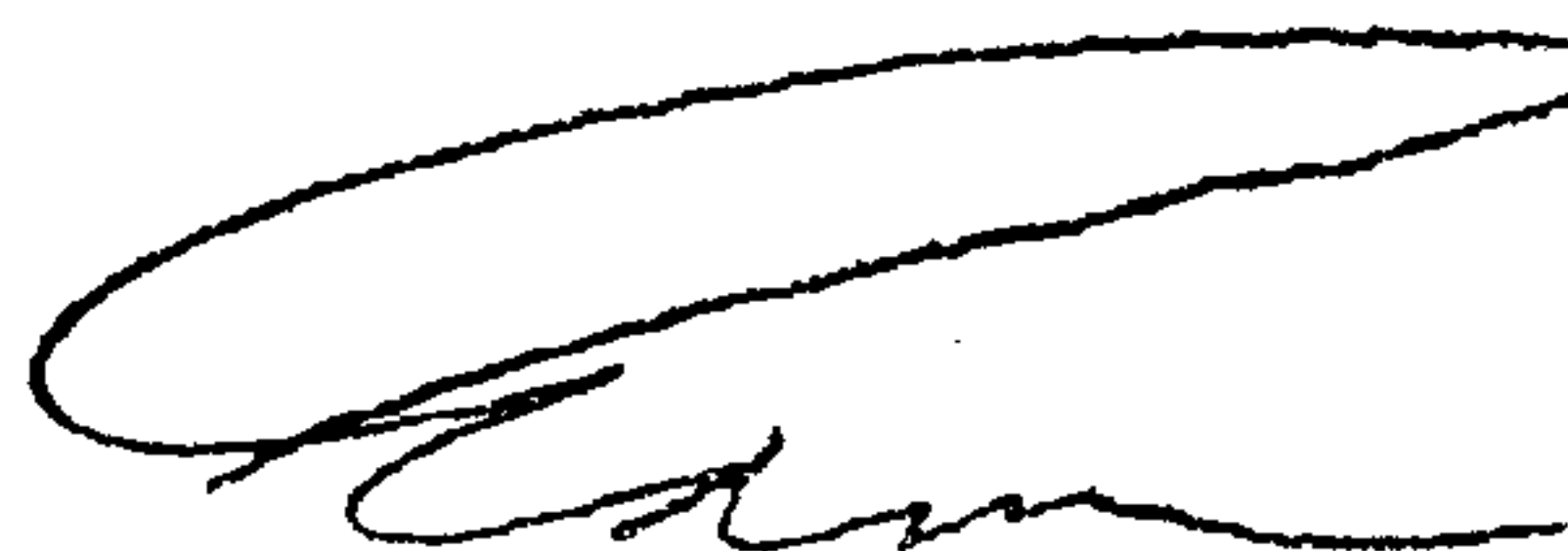
No limitations have been imposed by the court.

THESE LETTERS, granted pursuant to a decree entered by the court, authorize and empower the above named fiduciary/fiduciaries to perform all acts requisite to the proper administration and disposition of the estate of the decedent in accordance with the decree and the laws of New York State, but subject to the limitations, if any, as set forth above.

IN TESTIMONY WHEREOF, the Seal of the Surrogate's Court of Monroe County has been hereunto fixed.

WITNESS: Hon. Edmund A. Calvaruso,  
Judge of the Monroe County  
Surrogate's Court.

Dated: Rochester, New York  
August 05, 2002



THESE LETTERS ARE NOT VALID WITHOUT THE RAISED SEAL OF THE COURT

181691

**THE STATE OF ALABAMA**  
**Jefferson County.**

**PROBATE COURT**  
**#181691**

I, the undersigned, as Judge of the Court of Probate in and for said State and County do hereby certify that the within instrument of writing purporting to be a certified copy of the last will and testament of CATHARINE P. ROWNTREE

deceased, as well as an exemplification of the records relating to the probate thereof in the County of \_\_\_\_\_

MONROE State of NEW YORK

has this day in this Court been duly presented, and said will has been, upon the proof, duly admitted to probate in this Court, and before me as the Judge thereof, as the last will and Testament of \_\_\_\_\_

CATHARINE P. ROWNTREE \_\_\_\_\_ deceased,

and said will together with the proof thereof have been recorded in my office in Judicial Record, Volume \_\_\_\_\_

Page \_\_\_\_\_

In witness of all which I have hereto set my hand and the seal of the said Court, this the 18TH day of APRIL, XIX 2003 .

  
\_\_\_\_\_  
Probate Judge.

CERTIFICATE TO COPIES

**The State of Alabama**  
**JEFFERSON COUNTY**

**PROBATE COURT**  
**CASE NO. 181691**

I, Carol K. Johnson, Chief Clerk of the Court of Probate, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the \_\_\_\_\_

**EXEMPLIFIED COPY OF LAST WILL AND TESTAMENT AS SUBMITTED FOR**  
**PROBATE IN JEFFERSON COUNTY , ALABAMA.**

in the matter of **THE ESTATE OF CATHARINE P. ROWNTREE, DECEASED**

**JUDICIAL PROBATE CASE NO. 181691**

as the same appears on file and of record, in this office.

Given under my hand and seal of said Court, this

the **13th** day of **MAY**, 20 **03**

*Carol K Johnson*

Chief Clerk