

2003-0101
PCA 5392

FILED

MAY 16 2003

TALLAPOOSA CO., AL
PROBATE OFFICE

THE STATE OF ALABAMA)

TALLAPOOSA COUNTY)

PROBATE COURT

PETITION FOR PROBATE OF WILL

PETITION OF OTIS FARMER, JR., FOR THE PROBATE OF THE WILL OF WAYMON D. FARMER, DECEASED.

TO THE HONORABLE GLORIA T. SINCLAIR, JUDGE, PROBATE COURT OF SAID COUNTY:

The Petition of the undersigned Otis Farmer, Jr., respectfully represents unto your Honor that Waymon D. Farmer, who was at the time of his death a resident of this county, departed this life on or about the 31st day of October, 2002, leaving assets in this State, and leaving a Last Will and Testament duly signed and published by him and attested by D. Brett Newman and Jeanette Dean.

That your Petitioner as he verily believes is named in said Will as Executor and do now herewith surrender said Will to the Court and pray that after proper proceedings and proofs, it may be probated and admitted to record as the true Last Will and Testament of said deceased.

Your Petitioner further represent that the names, ages, residence and condition of the next of kin are as follows, to wit:

Joy Farmer Jolly, daughter
56 Patterson Road
Fort Mitchell, Alabama 36856

The above is the only heir and she is over 19 years of age. *And*
of sound mind.

Your Petitioner further pray that your Honor will take jurisdiction of this their petition and cause all such notices or citations to issue to the said next of kin and to said witnesses, and cause all such proceedings to be had and done and render all necessary Orders and Decrees in the premises as will duly and

legally affect the probate and record of said Will in this Court.

Otis Farmer Jr.
PETITIONER

STATE OF ALABAMA)
MACON COUNTY)

Otis Farmer, Jr., being duly sworn does depose and say that the facts alleged in the above Petition are true according to the best of his knowledge, information and belief.

Otis Farmer Jr
Otis Farmer, Jr.

Subscribed and sworn to before me, this 16th day of May, 2003.

Delores W. Martin
NOTARY PUBLIC
My Commission Expires: 5-7-2005

SEAL

Attorney for Petitioner:
Edward B. Raymon
Raymon & Raymon, L.L.C.
P O Box 830389
Tuskegee, AL 36083-0389
(334) 727-6700

STATE OF ALABAMA
TALLAPOOSA COUNTY
I, THE UNDERSIGNED, JUDGE OF PROBATE
IN AND FOR SAID COUNTY AND STATE HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING
IS A TRUE, CORRECT AND COMPLETE COPY OF
Petition for Probate of Will
AS THE SAME APPEARS OF RECORD IN MY
OFFICE IN Probate RECORD 2003-0101
GIVEN UNDER MY HAND AND SEAL OF OFFICE,
THIS THE 16 DAY OF
October, 2003
Delores J. Simeloni, not
TALLAPOOSA COUNTY JUDGE OF PROBATE

STATE OF ALABAMA)
TALLAPOOSA COUNTY) IN THE PROBATE COURT

LETTERS TESTAMENTARY

The will of WAYMON D. FARMER, deceased, having been duly admitted to record in said County, Letters Testamentary are hereby granted to:

OTIS FARMER, JR.,

the Executor named in said Will, who has complied with the requisitions of the law, and are authorized to take upon himself the execution of said Will.

WITNESS my hand, and dated this 19 day of May, 2003.

Gloria T. Sinclair
JUDGE OF PROBATE

=====

THE STATE OF ALABAMA)
TALLAPOOSA COUNTY)

I, GLORIA T. SINCLAIR, Judge of Probate in and for said County and State, hereby certify that the within and foregoing is a true, correct, and complete copy of the Letters Testamentary issued to Otis Farmer, Jr., as Executor of the Will of Waymon D. Farmer, deceased, as the same appears of record in my office, and are still in full force and effect.

Given under my hand and seal of office, this the 19 day of May, 2003.

Gloria T. Sinclair
JUDGE OF PROBATE

2003-0101
PC# 5392

STATE OF ALABAMA)
TALLAPOOSA COUNTY) IN THE PROBATE COURT

LETTERS TESTAMENTARY

The will of **WAYMON D. FARMER**, deceased, having been duly admitted to record in said County, Letters Testamentary are hereby granted to:

OTIS FARMER, JR.,

the Executor named in said Will, who has complied with the requisitions of the law, and are authorized to take upon himself the execution of said Will.

WITNESS my hand, and dated this 19 day of May, 2003.

Gloria T. Sinclair
JUDGE OF PROBATE

=====

THE STATE OF ALABAMA)
TALLAPOOSA COUNTY)

I, GLORIA T. SINCLAIR, Judge of Probate in and for said County and State, hereby certify that the within and foregoing is a true, correct, and complete copy of the Letters Testamentary issued to **Otis Farmer, Jr.**, as Executor of the Will of Waymon D. Farmer, deceased, as the same appears of record in my office, and are still in full force and effect.

Given under my hand and seal of office, this the 16 day of October, 2003.

Gloria T. Sinclair
JUDGE OF PROBATE

Last Will and Testament

OF

WAYMON D. FARMER

2003-0101
PC# 5392

State of Alabama

County of Tallapoosa

I, Waymon D. Farmer, residing in the City of Alexander City and County of Tallapoosa, being of sound mind and disposing memory do hereby declare this to be my Last Will and Testament, hereby revoking any and all former wills by me heretofore made.

ITEM I

I hereby designate and appoint my beloved brother, Otis Farmer, Jr., as Personal Representative of this my Last Will and Testament and hereby exempt him from making any accounting or giving any bond to the Probate Court or to any other court which he might have otherwise been required to make.

ITEM II

It is my will that all of my just debts and funeral expenses including the expenses of any last illness shall be paid by my Personal Representative heretofore named. I further direct that all estate taxes assessed by the United States, the State of Alabama, or any other state or governmental agency, predicated upon my death as the taxable event, be paid out of the general assets of my estate.

It is my desire and I do direct the Personal Representative to take full advantage of any and all available estate tax benefits and advantages allowed under the current tax laws.

ITEM III

I give, devise, and bequeath one-half (1/2) of my property, real, personal, and mixed in fee simple, unto my beloved daughter, Joy Farmer Smith Jolly, which she is to have and hold the same for her own use, benefit, and behoof forever.

I give, devise, and bequeath the other one-half (1/2) of my property, real, personal, and mixed in fee simple, unto my beloved granddaughter, Hannah Evelyn Smith, which she is to have and hold the same for her own use, benefit, and behoof forever.

In the event my granddaughter is under the age of nineteen (19) at the time of my death, her one-half (1/2) interest shall be devised to a Trust with Trust powers as described in ITEM V below.

WILL SURRENDERED FOR PROBATE
May 16, 2003
TALLAPOOSA CO. AL
PROBATE COURT

ITEM IV

In the event my daughter, Joy Farmer Smith Jolly, should predecease me or die in a common disaster or other misfortune, then I give, devise, and bequeath her one-half (1/2) interest of my property to my granddaughter, Hannah Evelyn Smith, which she is to have and hold the same for her own use, benefit, and behoof forever.

In the event my granddaughter is under the age of nineteen (19) at the time of my daughter's death, then I give, devise, and bequeath my property to a Trust with Trust powers as described in ITEM V below.

ITEM V

a. The Trustee shall hold, manage and control such property as my Trustee shall receive upon my death as set forth herein and hereinafter referred to as Trust Estate, with full power to compromise, settle and adjust in Trustee's discretion any claim or demand in favor of or against my estate, to collect the income therefrom, and, from time to time, to sell at public or private sale, convey, exchange, lease for a period beyond the possible termination of this Trust, or for a less period, improve, encumber, borrow on the security of, or otherwise dispose of, any property, real or personal, of said Trust Estate, without the necessity of the order of any court, in such manner and upon such terms and conditions as said Trustee may determine to be most beneficial to my estate and with full power to invest and reinvest said Trust Estate and the proceeds of sale or disposal of any portion thereof as my said trustee may deem beneficial, and to change investments and to make new investments from time to time as to said Trustee may seem necessary or desirable. The Trustee may continue to hold any property originally received as a part of said Trust Estate so long as it shall consider the retention thereof for the best interest of said Estate.

b. The Trustee shall have the power to determine whether any money or property coming into its hands shall be treated as a part of the principal of the Trust Estate or a part of the income therefrom, and to apportion between such principal and income any loss or expenditure in connection with said Trust Estate as it may deem just and equitable.

c. I hereby authorize and empower the Trustee in its sole and absolute discretion, at any time and from time to time, to disburse from the principal of said Trust Estate as set forth herein such amounts as it may deem advisable to provide adequately and properly for the care, support and maintenance of the beneficiaries of the said Trust Estate, including, but not by way of limitation, expenses incurred by reason of illness, disability, and education. In determining the amounts of principal to be so disbursed, the Trustee shall

take into consideration any other income or property which said beneficiary for whom the principal is to be disbursed may have from any other source, and the Trustee's discretion shall be conclusive as to the advisability of any such disbursements and the same shall not be questioned by anyone. All such disbursements from principal shall be charged against said Trust Estate as a whole and shall not be charged against any individual share of principal subsequently distributed to any beneficiary upon the termination of the Trust.

ITEM VI

The Trustee shall hold the Trust Estate designated herein in Trust equally for the use and benefit of my granddaughter, until she attains the age of nineteen (19) years. Said Trust shall cease at the time my granddaughter shall attain the age of nineteen (19) years and the principal and income of said Trust shall be paid over to her.

ITEM VII

I hereby nominate Otis Farmer, Jr. as Trustee for my granddaughter.

ITEM VIII

If any beneficiary or beneficiaries under this will and I should die in a common disaster or under such circumstances that it is doubtful who died first, then and in such event, my will is and I do direct that this will shall operate and take effect in like manner as if I had predeceased such beneficiary or beneficiaries.

IN WITNESS WHEREOF, I have hereunto executed this instrument as and for my Last Will and Testament on this the 16 day of October, 1998.

Waymon D Farmer (L.S.)
WAYMON D. FARMER

Signed, sealed, published and declared by Waymon D. Farmer as and for his Last Will and Testament in our presence, who at his request, in his presence and in the presence of each other have hereunto set our hands as witnesses this the day and year first hereinabove written.

D. Brett Newman OF 278 East 5th St, Prichard, AL 36070
D. BRETT NEWMAN
Notary Public, State-at-Large, AL
My Comm. Expires Sept. 25, 2000
Janette Dean OF 2061 Red Barn Rd Kellyton, Al. 35089

STATE OF ALABAMA
TALLAPOOSA COUNTY
I, THE UNDERSIGNED, JUDGE OF PROBATE
IN AND FOR SAID COUNTY AND STATE HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING
IS A TRUE, CORRECT AND COMPLETE COPY OF
Last Will and Testament
AS THE SAME APPEARS OF RECORD IN MY
OFFICE IN Probate RECORD 2003-0101
GIVEN UNDER MY HAND AND SEAL OF OFFICE,
THIS THE 16 DAY OF
October, 2003
Blaine J. Sinclair
TALLAPOOSA COUNTY JUDGE OF PROBATE