

### **EXEMPLIFICATION**

## IN THE PROBATE COURT OF TALLAPOOSA COUNTY, STATE OF ALABAMA

I, Embirly Collum, Chief Probate Clerk of th	ne Probate Court of Tallapoosa
County, Alabama, do hereby certify the within forge	oing documents, consisting of 26
Pages (not inclusive of this page), are a true and cor	_
on record in the office of the Probate Court of Talla	
of: GLORIA D. MCGHEE, Case No. 2016-0137.	poosa County, Maoania for the estate
•	3
In testimony whereof, I have hereunto set m	
day ofbecember	, 2016.
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	Embus Cell_
	Chief Probate Clerk
	Probate Court of Tallapoosa County
STATE OF ALABAMA, COUNTY OF TALLAPO	OSA
I, Tom F. Young, Jr, do certify that I am the	
Tallapoosa County, Alabama, and that Page Bentley	•
foregoing document, is the Chief Probate Clerk of the	•
County. I further certify that the Chief Probate Clerk	
currently duly appointed and sworn, and with full fa	
acts. I further certify that the seal affixed to this cer	tificate is the seal of the court and
that exemplification is authenticated in due form, by	the proper officer and her own
handwriting, and in such form and manner that it we	<b>-</b>
state.	sala co recerved in any court or time
	w hand and agal of the agust this the
In testimony whereof, I have here unto set m	
14 day of December	, 2016.
	<u> </u>
	Judge of Probate, Vallapoosa County
STATE OF ALABAMA, COUNTY OF TALLAPO	OSA
I, Embirly Collum, Chief Probate Clerk of T	allapoosa County, Alabama, do
hereby certify that Leon Archer, whose name is sub	
the Judge of the Probate Court of Tallapoosa County	
•	•
sworn and that the signature of the Judge is genuine	
In testimony whereof, I have hereunto set my	
14 day of <u>December</u>	, 2016.
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	Combis Coll
	Chief Probate Clerk
	Probate Court of Tallapoosa County

WILL RENDERED FOR PROBATE

TALLAPOOSE CO. AL 2010

PROBATE COURT

STATE OF ALABAMA

TALLAPOOSA COUNTY

WILL

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OF

### GLORIA D. MCGHEE

I, Gloria D. McGhee, of Tallapoosa County, Alabama, declare this to be my will, and I revoke all prior wills and codicils that I have made.

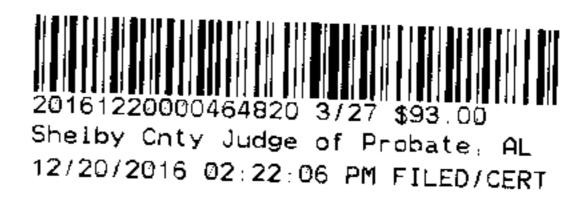
### ARTICLE I

All estate and inheritance taxes (including interest and penalties, if any), together with the expenses of my last illness and all administration expenses, including an appropriate marker for my grave payable in any jurisdiction by reason of my death (including those taxes and expenses payable with respect to assets which do not pass under this will) shall be paid out of and charged generally against the principal of my residuary estate, without apportionment. I waive any right of reimbursement for, recovery of, or contribution toward the payment of those taxes and administration expenses, except my executor shall, to the maximum extent permitted by law, seek reimbursement for, recovery of, or contribution toward the payment of federal or state estate tax attributable to property in which I have a qualifying income interest for life, over which I have a power of appointment, or which is included in my gross estate by reason of Section 2036 of the Internal Revenue Code of 1986, as from time to time amended ("Code"), and which tax is not otherwise paid or payable. Any generation-skipping tax resulting from a transfer occurring under this will, shall be charged to the property constituting the transfer in the manner provided by applicable law.

## ARTICLE II

A. I give all the tangible personal property that I own at my death, including any household furniture and furnishings, vehicles, books, pictures, jewelry, art objects, hobby equipment and collection, club memberships and stadium certificates, wearing apparel, and other articles of household or personal use or ornament, together with any insurance on any specific item, to my spouse, Jack P. McGhee, if my spouse survives me, or if my spouse does not survive me, then this bequest shall become a part of the residue of my estate.

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B. All costs of safeguarding, insuring, packing, and storing my tangible personal property before its distribution and of delivering each item to the place of residence of the beneficiary of that item shall be deemed to be expenses of administration of my estate.

### ARTICLE III

- A. If my spouse survives me (and for purposes of this Article if the actual sequence of our deaths cannot readily be determined, my spouse shall be presumed to have survived me), I give to the trustee designated in paragraph B of Article VII of this will, as a general legacy, to be held, as of the date of my death, in a separate trust named for my spouse that pecuniary amount which is equal to the value as finally determined for federal estate tax purposes of "qualified property" (as defined in this paragraph) reduced by the largest amount, if any, which, if allocated to the Family Trust (created in Article IV of this will), would result in no increase in federal estate tax payable at my death by reason of taking into account the unified credit and the credit for state death taxes (but only if use of the state death tax credit does not require an increase in the state death taxes paid which are computed by reference to that state death tax credit) allowable to my estate, but no other credits. As used in this paragraph, "qualified property" is all property disposed of by this will and property, the proceeds, investments, or reinvestments of which are disposed of by this will, in either case which is included in my gross estate for federal estate tax purposes and which is not otherwise effectively disposed of by (i) Article II of this will, or (ii) the payment of debts, expenses of administration, and other charges payable from principal by my executors, including the death taxes referred to in Article I of this will. The trust named for my spouse shall be administered as follows:
- 1. Commencing as of the date of my death and during the life of my spouse the trustee shall distribute to my spouse:
- (a) The entire net income of the trust in convenient installments, at least as frequently as quarter-annually;
- (b) As much or all of the principal of the trust as the trustee from time to time determines to be required for the health and support in reasonable comfort of my spouse, considering all circumstances and factors deemed pertinent by the trustee; and
- (c) As much or all of the principal of the trust as my spouse from time to time may direct in writing.
- 2. Upon the death of my spouse, such part or all of the then remaining principal of the trust and any accrued or undistributed net income thereof shall be distributed to or for the benefit of such one or more persons or organizations or the estate of my spouse as my spouse may appoint by will specifically referring to this power of appointment. This power may be exercised by my spouse alone, and in all events.
- 3. Upon the death of my spouse, the then remaining principal of the trust and any accrued or undistributed net income thereof not effectively appointed by my spouse under the power created in subparagraph 2 of this paragraph shall be added to, and shall

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thereafter be administered as part of, the principal of the Family Trust under Article IV of this instrument.

- B. I recognize that under some circumstances no property may be allocated to the trust named for my spouse pursuant to the formula set forth in paragraph A of this Article.
- C. For purposes of determining the pecuniary amount to be allocated to the trust named for my spouse, I direct that:
- 1. Adjustments shall not be made between income and principal or in determining the pecuniary amount to compensate for the effects of certain tax elections made by my executors or the trustee;
- 2. None of the provisions of this Article, including for example the use of the term "largest," shall be construed as requiring any particular exercise or nonexercise of tax elections, regardless of their effect on the determination of the pecuniary amount; and
- 3. The pecuniary amount shall be determined assuming a federal estate tax marital deduction is allowed for property allocated to the trust named for my spouse, and shall be diminished if and to the extent required by subparagraph 2 of paragraph D of this Article.
  - D. For purposes of funding the trust named for my spouse:
- 1. Property allocated in kind shall be valued at its fair market value as of the date of its allocation to the trust;
- 2. Only property or proceeds of property with respect to which the federal estate tax marital deduction would be allowable, if distributed outright to my spouse, shall be allocated to the trust; and
- 3. Except to the extent other available assets are inadequate, property, which represents the right to income in respect of a decedent under Section 691 of the Code, shall not be allocated to the trust.

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ARTICLE IV

I give to the trustee designated in paragraph B of Article VII of this will, to be held as a separate trust named the Family Trust, all my residuary estate, which shall not include any property over which I have power of appointment. The Family Trust shall be administered as follows:

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- A. If my spouse survives me, then commencing as of the date of my death and during the life of my spouse, the trustee shall distribute to my spouse all of the net income and as much of the principal of the Family Trust, even to the extent of exhausting principal, as the trustee determines to be required from time to time for the health, support in reasonable comfort, and education of my spouse, considering all circumstances and factors deemed pertinent by the trustee; provided, however, that:
- 1. Any undistributed net income shall be accumulated and added to the principal of the Family Trust, as from time to time determined by the trustee;
- 2. My primary concern during the life of my spouse is for the health and support in reasonable comfort of my spouse, and the trustee need not consider the interest of any other beneficiary in making distributions to my spouse under this paragraph;
- 3. Insofar as the trustee deems it advisable, no principal of the Family Trust shall be distributed to my spouse as long as any principal remains in the trust named for my spouse pursuant to Article III hereof;
- 4. No distribution made under this paragraph to a beneficiary of mine shall be charged as an advancement to that beneficiary; and
- 5. The trustee may make unequal distributions to my beneficiaries or may exclude one or more of them, and shall have no duty to equalize those distributions, but it is my wish that said distributions be substantially equal.
- B. If my spouse survives me, then upon the death of my spouse, the trustee shall distribute such part or all of the principal of the Family Trust as then constituted and any accrued or undistributed net income thereof to such one or more persons who are descendants of mine, or who at any time were married to a descendant of mine, as my spouse may appoint by will specifically referring to his power of appointment.
- C. Upon the death of the last to die of my spouse and me, the remaining principal of the Family Trust not effectively appointed by my spouse under the power created in paragraph B of this Article shall be consolidated with any part of the trust named for my spouse not effectively appointed by my spouse under the power created in subparagraph 2 of paragraph A of Article III of this will, and that trust property shall be retained in a separate trust still named the Family Trust. The Family Trust shall be administered as follows:
- 1. Commencing as of the date of death of the last to die of my spouse and me and until the basic distribution date defined in subparagraph 2 of this paragraph, the trustee shall distribute to any one or more of my hereinafter named beneficiaries from time to time living as much of the net income and principal of the Family Trust, even to the extent of exhausting principal, as the trustee from time to time determines to be required for the health, support in reasonable comfort, and education of my beneficiaries,

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considering all circumstances and factors deemed pertinent by the trustee; provided, however, that:

- (a) Any undistributed net income shall be accumulated and added to the principal of the Family Trust, as from time to time determined by the trustee;
- (b) My primary concern during the period described in this subparagraph is for the health, support in reasonable comfort, and education of my beneficiaries rather than for the preservation of principal for ultimate distribution to my beneficiaries;
- (c) No distribution made under this subparagraph to a beneficiary of mine shall be charged as ad advancement to that beneficiary; and
- (d) The trustee may make unequal distributions to my beneficiaries or may exclude one or more of them, and shall have no duty to equalize those distributions, but it is my wish that said distributions be substantially equal.
- 2. At such time at or after the death of the last to die of my spouse and me, as there shall be no living child of mine under the age of twenty-five years (the "basic distribution date"), the trustee shall distribute the remaining principal of the Family Trust, per stirpes, to Phillip G. McGhee and Melissa M. O'Brien.
- D. Despite the preceding provisions of this instrument, the trustee may elect to withhold any property otherwise distributable under subparagraph 2 of paragraph C of this Article to a beneficiary who has not reached the age of twenty-five years and may retain the property for that beneficiary in a separate trust named for the beneficiary, to be distributed to the beneficiary when he or she reaches the age of twenty-five years, or before then if the trustee so elects. The trustee shall apply as much of the net income and principal of the trust so retained as the trustee determines to be required for the health, support in reasonable comfort, and education of the beneficiary for whom the trust is named, considering all circumstances and factors deemed pertinent by the trustee. Any undistributed net income shall be accumulated and added to principal, as from time to time determined by the trustee. If the beneficiary for whom the trust is named dies before complete distribution of the trust, the remaining net income and principal of the trust shall be distributed to the beneficiary's estate.

ARTICLE V

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The provisions of this Article shall apply to each trust held under this instrument and paragraph H of this Article shall also apply to all other dispositions under this instrument:

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- A. If at any time a beneficiary eligible to receive net income or principal distributions is under legal disability, or in the opinion of the trustee is incapable of properly managing his or her financial affairs, then the trustee may make those distributions directly to the beneficiary, to a lawful guardian of the beneficiary, or to a custodian selected by the trustee for the beneficiary under a Uniform Transfers to Minors Act or similar applicable law, or may otherwise expend the amounts to be distributed for the benefit of the beneficiary in such manner as the trustee considers advisable. As used throughout this instrument, the term "lawful guardian" shall mean successively in the order named (i) the court-appointed conservator of the estate, (ii) either parent, or (iii) the individual having personal custody (whether or not a court-appointed guardian) where no conservator of the estate has been appointed.
- B. Except as otherwise provided in this instrument, all income accrued or undistributed at the termination of any interest shall be prorated in accordance with Alabama law between the beneficiary whose interest has terminated and the next beneficiary in interest.
- C. Among the circumstances and factors to be considered by the trustee in determining whether to make discretionary distributions of net income or principal to a beneficiary are the other income and assets known to the trustee to be available to that beneficiary and the advisability of supplementing such income or assets. As used throughout this instrument, the term "education" includes, but is not limited to, private schooling at the elementary and secondary school level, college, graduate and professional education, and specialized or vocational training. I request, but do not require, that the trustee consider the suggestions of my spouse as to the needs of each person (including my spouse) to whom payments may be made. In no event, however, shall the trustee be obligated to follow such suggestions.
- D. Except as otherwise provided by law, no power of appointment or power of withdrawal shall be subject to involuntary exercise, and no interest of any beneficiary shall by subject to anticipation, to claims for alimony or support, to voluntary transfer without the written consent of the trustee, or to involuntary transfer in any event.
- E. Any trust principal or net income as to which a power of appointment is exercised shall be distributed to the appointee or appointees upon such conditions and estates, in such manner (in trust or otherwise), with such powers, in such amounts or proportions, and at such time or times (but not beyond the period permitted by any applicable rule of law relating to perpetuities) as the older of the power may specify in the instrument exercising the power. In determining whether a testamentary power of appointment has been exercised, the trustee may rely on a will admitted to probate in any jurisdiction as the will of the holder of the power or may assume the holder left no will in the absence of actual knowledge of one within six months after the holder's death.
- F. If at any time the trustee shall determine that the trust is of a size that is no longer economical to administer, the trustee, without further responsibility, may (but need not) distribute the trust to the beneficiary for whom the trust is named, or, in the case of

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the Family Trust, to my spouse, if then living, or if my spouse is not then living, per stirpes, to my then living descendants.

- G. Notwithstanding any other provision of this instrument, at the end of twentyone years after the death of the last to die of my self, my spouse, and all beneficiaries of mine who are living at my death, the trustee shall distribute the principal and all accrued or undistributed net income of the trust to the beneficiary for whom the trust is named.
- H. For purposes of determining who is a descendant of mine or of any other person:
- 1. Legal adoption before the person adopted reached the age of twenty-one years shall be the equivalent in all respects to blood relationship; and
- 2. A person born out of wedlock and those claiming through that person shall be deemed to be descendants (i) of the natural mother and her ancestors, and (ii) if the natural father acknowledges paternity, of the natural father and his ancestors, in each case unless a decree of adoption terminates such natural parent's parental rights.
- I. Upon making any payment or transfer, the trustee shall be discharged as to such payment or transfer without liability for the subsequent application thereof, and when the final payment or transfer is made from the principal of a trust, that trust shall terminate and the trustee shall be fully discharged as to that trust.

### ARTICLE VI

- A. The trustee shall have the following powers with respect to each trust held under this instrument, exercisable in the discretion of the trustee:
- 1. To sell, exchange, transfer, or convey, either before or after option granted, all or any part of said trust estate, real, or personal, or mixed, upon such terms and conditions as the Trustee sees fit, and to invest and re-invest the proceeds therefrom in such loans, stock, bonds, or other securities, mortgages, common trust funds, or other property, real, personal, or mixed, as to it seems necessary, whether so-called legal investments of trust funds or not.
- 2. To improve, repair, lease, rent for improvement or otherwise, for a term beyond the possible termination of this trust, or for any less term, either with or without option of purchase, and to let, exchange, release, partition, vacate, dedicate, or adjust the boundaries of any real estate constituting a part of said trust estate.
- 3. To borrow, for such time and upon such terms as it sees fit, without security or on mortgage or any real, personal, or mixed property held by it as Trustee hereunder; and to execute mortgages or pledge agreements therefore.

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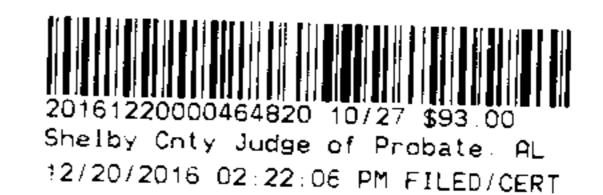
- 4. To hold any property or securities originally received by it as part of the trust estate, so long as it shall consider the retention thereof for the best interests of said trust estate; irrespective of whether such property or securities are a so-called "legal" investment of trust funds, without liability for depreciation or loss through error of judgment, and in disposing of any property constituting a part of the trust estate, to acquire other property which is not a so-called "legal" investment of trust funds, where such course is in its opinion for the best interests of the said trust estate.
- 5. To determine whether any money or property coming into its hands shall be treated as part of the principal or part of the income from said trust estate; to apportion between such principal and income any loss or expenditures in connection with such trust estate, as to it may seem just and equitable; and to set up reserves out of income to meet such items of depreciation, obsolescence, future repairs for construction, or amortization of indebtedness deemed by the Trustee to be proper or necessary.
- 6. To keep any property constituting a part of said Trust Estate properly insured against fire and tornado, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon said property; and generally to pay all of the expenses of the trust incurred in the exercise of the powers herein vested in the Trustee which in its judgment may be proper or necessary.
- 7. To make divisions and distributions hereunder provided for either in cash or in kind, or partly in cash and partly in kind, and for that purpose to determine the market value thereof, and determine the identity of the person or persons entitled to take hereunder.
- 8. To hold any or all trust securities or other property in bearer form, in the name of the Trustee, or in the name of its nominee, without disclosing any fiduciary relationship.
- 9. To vote in person or by proxy upon all stocks held by it to unit with other owners of similar property in carrying out any plan for re-organizing any corporation, or company whose securities form a portion of the trust estate; to exchange the securities of the corporation for other securities upon such terms and conditions as they deem proper. To assent to the consolidation or merger of any such corporation, as it may deem expedient for the protection of the interest of the trust estate in the same fashion as the holder of stocks, bonds or other securities may so assent.
- 10. To institute and defend any and all suits or legal proceedings relating to the said trust estate in any court, and to employ counsel, and to compromise, or submit to arbitration all matters of dispute in which said trust estate may be involved, as in its judgment may be necessary or proper.
- 11. To pay from and out of the income of the trust estate any and all expenses reasonably necessary for the administration of the trust including interest, taxes, insurance, including public liability insurance, as well as other expenses incurred for the

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benefit of the trust estate, and in the event that income from the trust property is insufficient for the purpose of paying such expenses, to pay the same from the corpus of the trust estate.

- 12. To execute and deliver any and all contracts, conveyances, transfers, or other instruments, and to do any acts necessary or desirable, in the execution of the powers herein vested in it.
- 13. If, at any time during the period of trust, the net income from said trust estate shall not in the opinion of the Trustee be sufficient for the proper purposes of the trust, I direct that the Trustee shall pay over to the beneficiaries such additional sum or sums out of the trust principal as it may deem necessary. All payments made by the Trustee hereunder shall fully discharge the Trustee as to the amounts so paid without obligation on the part of the beneficiary to account therefore.
- 14. To pay over the entire net income from the trust estate to the income beneficiary, or for the use of the income beneficiary, in such installments as may be convenient and satisfactory to the Trustee, but such installments to be paid at least annually.
- 15. The beneficiaries shall receive their final distributive share from this trust when they attain the age of twenty-five years. When the youngest beneficiary has received his or her distributive share, the Trustee shall stand discharged. If any of my children shall die before receiving his or her final distribution under this trust, then his or her proportionate share shall at his or her death be paid over to the administrator or executor of his or her estate.
- 16. Other and additional property may be made subject to this trust, but only with the consent of the Trustee by delivering the property to it with written instructions that the property is to be held subject to the terms of this Trust.
- 17. Whenever the word Trustee, or Trustees, "Executor" or "Executors" is used, it shall be construed, either as singular or plural, as masculine or feminine whichever is proper in the context.
- 18. During the continuance of the Trust, the Trustee shall pay to or for the benefit of the beneficiaries so much of the income and principal of the beneficiary's share as the Trustee may deem necessary or desirable to provide for the health, maintenance, support and education of the beneficiary. Any part of the net income not so used shall be accumulated and added to the principal of said share being thereafter invested and treated in all respects as a part thereof, or may be distributed in such manner as the Trustee deems to be in the best interests of the beneficiary.
- 19. The income of the trust herein created shall accrue from the date of my death and until the trust established. I authorize my Executrix in her sole discretion, from time to time and at any time, to pay out of my general estate to the respective income



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beneficiaries of such trusts, as advance payments of income, such sums as in the Trustee's judgment are not in the excess of the income which such beneficiary probably would have been entitled to receive from said trust had the same been established. Any such sum paid from the principal of my general estate shall be regarded merely as a temporary advance to be restored to the principal from income otherwise payable to the beneficiary to whom such advance shall have been made.

- 20. As to the net income, which by any of the provisions of this will may be payable to any person, he or she shall have no right or power, either directly or indirectly, to anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell, or otherwise dispose of same, or any part thereof, until same shall have been actually paid in hand to him by the Trustee. Nor shall such income, nor the principal or corpus of any trust estate, nor any part of, or interest in, either of them be liable for or to any extent subject to any debts, claims, or obligations of any kind or nature whatsoever, or to any legal process in aid thereof, contracted or incurred by or for such person, before or after my death.
  - 21. To collect the income on trust property.
- 22. To compromise, abandon, adjust and settle in the Trustee's discretion any claim in favor of or against the trust.
- 23. To continue or dispose of any business enterprise without liability therefore, whether such enterprise be in the form of a sole proprietorship, partnership, corporation, or otherwise, and to develop, add capital to, expand or alter the business of such enterprise, to liquidate, incorporate, reorganize, manage or consolidate the same, or change its charter or name, to enter into, continue or extend any voting trust for the duration of or beyond the terms of the trust, to appoint directors and employ officers, managers, employees or agents (including any trustee or directors, officers or employees thereof) and to compensate and offer stock options and other employee or fringe benefits to them, and in exercising the powers in relation to such business enterprise, to receive extra or extraordinary compensation therefore.
- 24. To subdivide or otherwise develop, and to change the use or purpose of, any real estate constituting a part of the trust into residential, recreational, commercial, cemetery, or other usage, to construct, alter, remodel, repair or raze any building or other improvement located thereof, to release, partition, vacate, abandon, grant easements in or over, dedicate or adjust the boundaries as to any such property.
- 25. To operate farms and woodlands with hired labor, tenants or sharecroppers, to acquire real estate, crop allotments, livestock, poultry, machinery, equipment, materials, and any other items or production in connection therewith, to clear, drain, ditch, make roads, fence and plant part or all of such real estate, and to employ or enter into any practices or programs to conserve, improve or regulate the efficiency, fertility and production thereof, to improve, sell, auction, or exchange crops, timber or other products thereof, to lease or enter into other management, cutting, production or sales contracts for a term beyond the possible termination of the trust or for a less period, to employ the

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methods of carrying on agriculture, animal husbandry and silviculture which are in use in the vicinity of any such real estate or which the trustee deems otherwise appropriate, to make loans or advances at interest for production, harvesting, marketing or any other purpose hereunder, in such manner and upon such terms and conditions as the trustee may approve, and in general to take any action which the trustee deems necessary or desirable in such operation of farms and woodlands.

- 26. To drill, explore, test, mine or otherwise exploit oil, gas, or other mineral or natural resources, to engage in absorption, repressuring, and other production, processing or secondary recovery operations, to install, operate and maintain storage plants and pipelines or other transportation facilities, to engage in any of the above activities directly under such business form as the trustee may select or to contract with others for the performance of them, and to enter into and execute oil, gas, and mineral leases, division and transfer orders, grants, farm-out, pooling or unitization agreements, and such instruments or agreements in connection therewith as the trustee deems necessary or desirable.
- 27. To borrow money from any lender, including the trustee, for such time and upon such terms as the trustee sees fit, with or without security on or mortgage of any real property or upon pledge of any personal property held hereunder, and to execute mortgages or collateral agreements therefore as necessary.
- 28. To advance money to or for the benefit of any trust for any purpose of the trust, and the trustee shall be reimbursed for the money so advanced with reasonable interest thereon from the trust or from any funds belonging thereto.
- 29. To lend money to the personal representative of my estate or my spouse's estate, and to purchase property from the personal representative of either estate and retain it for any period of time without limitation, and without liability for loss or depreciation in value, notwithstanding any risk, unproductivity, or lack of diversification.
- 30. To hold money in a custody arrangement while awaiting distribution or investment under the terms hereof, even though such money be commingled with other funds of the trustee (in which case the trustee shall keep a separate account of the same on the books of the trustee), and the trustee shall not be required to pay interest thereon.
- 31. To appoint, employ, remove and compensate such attorneys, agents and representatives, individual or corporate, as the trustee deems necessary or desirable for the administration of the trust, and to treat as an expense of the trust any compensation so paid.
- 32. To cause any security or other property to be held, without disclosure of any fiduciary relationship, in the name of the trustee, in the name of a nominee, or in unregistered form.
  - 33. To exercise any power hereunder, either acting alone or jointly with others.

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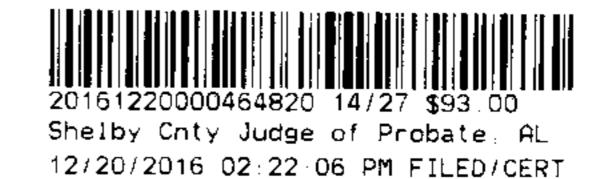
- 34. To pay the funeral and burial expenses of any beneficiary from the principal of the trust from which income has been payable to such beneficiary.
- 35. To divide or distribute the trust property as provided for hereunder in cash or in kind, or partly in each; to allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries or separate trusts, without liability for, or obligation to make compensating adjustments by reason of, disproportionate allocations of unrealized gain for federal income tax purposes; to determine the value of any property so allocated, divided, or distributed; and to determine the share and identity of persons entitled to take hereunder.
- 36. To deal with the fiduciary or fiduciaries of any other trust or estate, even though the trustee is also the fiduciary or one of the fiduciaries of the other trust or estate.
- 37. To make purchases and sales, outright of financed, by way of short sales, puts, calls, straddles, and sales against the box, on margin or otherwise, covered or uncovered, whether of commodities, precious metals, financial instruments, contracts for future delivery, or other investment media, however speculative, and for the purpose of enabling the trustee to exercise the powers granted under this subparagraph, to maintain and operate margin accounts, discretionary accounts, or any other type of brokerage accounts, and to pledge or mortgage the trust property as security for loans or advances made to the trustee in conjunction with any transactions permitted under this subparagraph.
- 38. To retain or invest in (alone or jointly with others) life insurance, annuity or endowment policies, or policies incorporating combined life, annuity or endowment features ("insurance policies"), in such form, on such life or lives and on such terms as the trustee considers advisable.
- 39. To (i) conduct environmental assessments, audits, and site monitoring to determine compliance with any environmental law or regulation thereunder; (ii) take all appropriate remedial action to contain, clean up or remove any environmental hazard including a spill, release, discharge or contamination, either on its own accord or in reponse to an actual or threatened violation of any environmental law or regulation thereunder, (iii) institute legal proceedings concerning environmental hazards or contest or settle legal proceedings brought by any local, state, or federal agency concerned with environmental compliance, or by a private litigant; (iv) comply with any local, state or federal agency order or court order directing an assessment, abatement or cleanup of any environmental hazards; and (v) employ agent, consultants and legal counsel to assist or perform the above undertakings or actions. Any expenses incurred by the trustee under this subparagraph may be charged against income or principal as the trustee shall determine; except that in no event shall such power be exercised in any manner that would deprive my spouse of the income of the trust named for my spouse to which my spouse is entitled under state law.

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- 40. To receive any property, real or personal, to be added to the trust from my spouse in any event (and if the trustee consents in writing, from any other person) by lifetime or testamentary transfer or otherwise; provided, however, that the trustee may require, as a prerequisite to accepting property, that the donating party provide evidence satisfactory to the trustee that (i) the property is not contaminated by any hazardous or toxic materials or substances; and (ii) the property is not being used and has never been used for any activities directly or indirectly involving the generation, use, treatment, storage, disposal, release, or discharge of any hazardous or toxic materials or substances.
- 41. To make such elections and allocations under the tax law permitted to be made by the trustee as the trustee considers advisable (whether or not the election relates to trust property), without regard to, or adjustments between principal and income or the relative interests of the beneficiaries.
- B. The powers granted in this Article shall be in addition to those granted by law, and may be exercised even after termination of all trusts hereunder, until actual distribution of all trust principal, but not beyond the period permitted by any applicable rule of law relating to perpetuities. Notwithstanding any other provision of this instrument, upon a written direction from my spouse, the trustee of the trust named for my spouse shall make productive any unproductive property or shall convert the same into productive property within a reasonable time, including in the case or proceeds of any retirement plan (as defined in subparagraph 18 of paragraph A of this Article) that is accumulating earnings within the plan, by withdrawal of those proceeds from the plan.
- C. To the extent that such requirements can legally be waived, no trustee hereunder shall ever be required to give bond or security as trustee, or to quality before, be appointed by, or account to any court, or to obtain the order or approval of any court with respect to the exercise of any power or discretion granted in this instrument.
- D. The trustee's exercise or nonexercise of powers and discretions in good faith shall be conclusive on all persons. No person paying money or delivering property to any trustee hereunder shall be required or privileged to see to its application. The certificate of the trustee that the trustee is acting in compliance with this instrument shall fully protect all persons dealing with a trustee.
- E. This instrument and all dispositions hereunder shall be governed by and interpreted in accordance with the laws of the State of Alabama.
- F. The compensation of a corporate trustee shall be in accordance with its published schedule of fees as in effect at the time the services are rendered. Except with respect to the trust named for my spouse, such compensation may be charged to principal or to income or partly to each in this discretion of the corporate trustee.
- G. No trustee shall be liable for any loss or depreciation in value sustained by the trust as a result of the trustee retaining any property upon which there is later discovered to be hazardous materials or substances requiring remedial action pursuant to any federal,



state, or local environmental law, unless the trustee contributed to the loss or depreciation in value through willful default willful misconduct, or gross negligence.

H. Notwithstanding any contrary provision of this instrument, the trustee may withhold a distribution of principal to a beneficiary from a trust, other than the trust named for my spouse, until receiving from the beneficiary an indemnification agreement in which the beneficiary agrees to indemnify the trustee against any claims filed against the trustee as an "owner" or "operator" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as from time to time amended, or any regulation thereunder.

### ARTICLE VII

- A. Any trustee may resign at any time by giving prior written notice to the beneficiary or beneficiaries to whom the current trust income may or must then be distributed.
- B. On my death. I name Phillip G. McGhee, as trustee of each trust held under this will. Except as otherwise provided in paragraphs D and E of this Article, if Phillip G. McGhee fails or ceases to act as trustee hereunder for any reason, or if any successor trustee appointed as hereinafter provided ceases to act as trustee hereunder for any reason, the person or persons indicated in paragraph F of this Article shall, by written instrument, appoint any person (other than my spouse or a descendant of mine), or any bank or trust company, within or outside the State of Alabama, a successor trustee.
- C. The person or persons indicated in paragraph F of this article may, at any time, by written instrument, approve the accounts of the trustee, with the same effect, as if the accounts had been approved by a court, having jurisdiction of the subject matter, and of all necessary parties.
- D. If any corporate trustee designated to act or at any time acting hereunder is merged with or transfers substantially all of its assets to another corporation, or is in any other manner reorganized or reincorporated, the resulting or transferee corporation shall become trustee in place of its corporate predecessor.
- E. If the trustee is unable to act in any jurisdiction with respect to any property, asset, interest or claim owned by me or any trust created hereunder because of the laws of the state in which such property, asset, interest or claim is located, then the trustee is authorized to appoint, employ, remove and compensate any person (other than my spouse or a descendant of mine) or corporate fiduciary capable of so acting with regard to such property, asset, interest or claim, in such manner and upon such terms and conditions (including the power to establish a trust an employ as trustee any person or corporate fiduciary, including any affiliated company, capable of acting with regard to such property, asset, interest or claim) as the trustee deems acceptable and to treat as an expense of the trust any compensation, charges and expenses so paid. Any such fiduciary shall be permitted to act without giving bond. If any such fiduciary is appointed, I give to

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such person or corporation, in addition to the powers conferred by law of its situs, all of the rights, powers and discretion that are set forth or referred to in paragraph A of Article VI of this instrument (including the power to sell real or personal property at public or private sales for any purpose and to hold title to property in the name of a nominee), to be exercised without court order; provided, however, that in the exercise of any power granted, such fiduciary shall first consult with and obtain the written consent of the trustee acting generally at the time before taking any action whatsoever.

- F. A successor trustee may be appointed pursuant to paragraph B of this Article and the accounts of the trustee may be approved pursuant to paragraph C of this Article by my spouse, if then living, or, after the death of the last to die of my spouse and me, by a majority in number of the beneficiaries to whom the current trust income may or must then be distributed. If any person so entitled to act is then under legal disability, the instrument of appointment or approval may be signed by the lawful guardian of such person on his or her behalf.
- G. The incumbent trustee shall have all of the title, powers, and discretion granted to the original trustee, without court order or act of transfer. No successor trustee shall be personally liable for any act or failure to act of a predecessor trustee. With the approval of the person or persons indicated in paragraph F of this Article who may approve the accounts of the trustee, a successor trustee may accept the account furnished, if any, and the property delivered by or for a predecessor trustee without liability for so doing, and such acceptance shall be a full and complete discharge to the predecessor trustee.

### ARTICLE VIII

- A. I name my spouse, Jack P. McGhee, as Executor of this my Last Will and Testament. If my spouse cannot or will not serve, I name Phillip G. McGhee to serve. No executor, of this will, shall be required to furnish bond or other security as executor.
- B. If the appointment of an executor of my estate is necessary or desirable in any jurisdiction in which no executor herein named is able and willing to act, I appoint as my executor in that jurisdiction such person as my executor shall select that executor to serve without bond, or if or if bond is required, without surety thereon, and to have all the powers and discretion with respect to my estate in that jurisdiction that are set forth or referred to in paragraph C of this Article, to be exercised without court order. As used in this will, the term "executor" designates any court-appointed fiduciary of my estate from time to time qualified and acting in any jurisdiction.
- C. In addition to all powers granted by law, my executor shall have all the powers and discretion with respect to my estate during administration that are set forth or referred to with respect to the trustee hereunder (including the power to sell real or personal property at public or private sales for any purpose and to hold title to property in the name of a nominee), to be exercised without court order.

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- D. I empower my executor (i) to make such elections under the tax laws as my executor deems advisable, including an election to create qualified terminable interest property for both estate and generation-skipping tax purposes or for estate tax purposes alone, and (ii) to allocate the unused portion, if any, of my GST exemption (as defined in this paragraph) to any property with respect to which I am the transferor for generation-skipping tax purposes (irrespective of whether such property passes under this will) in such manner as my executor deems advisable, in each case without regard to the relative interests of the beneficiaries; however, my executor shall not make adjustments between principal and income, or in the interests of the beneficiaries, to compensate for the effects of such elections and allocation. Any decision made by my executor with respect to the exercise of any tax election or the allocation of my GST exemption shall be binding and conclusive on all persons. As used in this paragraph, the "GST Exemption" means the exemption from generation-skipping tax allowed under Code Section 2631.
- E. I direct that the compensation of the corporate executor shall be in accordance with its published schedule of fees as in effect at the time the services are rendered.
- F. To the extent that such requirements can be legally waived, no executor shall be required to file an inventory or appraisal, or account to any court, or obtain the order or approval of any court before exercising any power or discretion granted in this will.
- G. No executor shall be liable for any loss or depreciation in value sustained by the estate as a result of the executor retaining any property upon which there is later discovered to be hazardous materials or substances requiring remedial action pursuant to any federal, state, or local environmental law, unless the executor contributed to the loss or depreciation in value through willful default, willful misconduct, or gross negligence.
- H. To the maximum extent permitted by law, the executor may withhold a distribution to a beneficiary hereunder until receiving from the beneficiary an indemnification agreement in which the beneficiary agrees to indemnify the executor against any claims filed against the executor as an "owner" or "operator" under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as from time to time amended, or any regulation thereunder; provided further that the executor may not take any action under this paragraph which would in any way jeopardize any marital deduction available under federal or state law for property passing to or for the benefit of my spouse.

I signed this will on August 18, 2005.

GLORIA D. MCGHEE

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On the date last above written, we saw Gloria D. McGhee in our presence, sign the foregoing instrument at its end. She then declared it to be her will and requested us to act as witnesses to it. We then, in her presence and in the presence of each other, signed our names as attesting witnesses, believing her at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

Hacir Lanis Hallanis	3/12 Middlebodls Di. Helji, He Address 35000 720 N. 1845f Bersen, M. 35020 Address
	Address

I, Gloria D. McGhee, the testatrix, sign my name to this instrument this 18<sup>th</sup> day of August, 2005, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

We, Total Williams 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 (or willingly directs another to sign for her), 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 of age or older, of sound mind, and under no constraint or undue influence.

Witness

Witness

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May 1

## STATE OF ALABAMA COUNTY OF JEFFERSON

Subscribed, sworn to and a	acknowledged before me b	y Gloria D. McGhee, the
estatrix, and subscribed and sworn	to before,me by	
Truci L. Mis	& KENNY TOE	Hasman,
witnesses, this 18th day of August, 2	2005,	j.
	Cathy D.	Lian
	NOTARY PUBLIC	1 . 7 Ci
	My commission expires:	1 50-01

Prepared by: AUSMAN, KEYES & KEYES, P.C. Attorneys at Law 720 North 18<sup>th</sup> Street Bessemer, AL 35020 Phone: (205) 428-5877

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IN THE MATTER OF THE ESTATE OF	) PROBATE COURT OF ) TALLAPOOSA COUNTY,
	) ALABAMA
GLORIA D. MCGHEE, DECEASED.	) CASE NO. <u>2016-0137</u>

# PETITION FOR LETTERS TESTAMENTARY

TO THE HONORABLE LEON ARCHER. JUDGE OF PROBATE OF TALLAPOOSA COUNTY, ALABAMA:

Comes your petitioner, Phillip G. McGhee, and, upon information and belief, respectfully shows unto your Honor the following facts:

- 1. In the last will and testament of Gloria D. McGhee, Deceased, which said will has been or shall be duly probated and admitted to record in this Court, your petitioner is named as Executor thereof.
- 2. Phillip G. McGhee, petitioner is an inhabitant of the State of Alabama. Your petitioner is above the age of twenty-one years, and in no respect disqualified under the law from serving as such Executor.
- 3. Under said will your petitioner is exempted from giving bond as such Executor. The said decedent died seized and possessed of certain real and personal property, the value of which is estimated, in the aggregate, to be approximately less than \$\_1,800,000. The value of the personal property is estimated to be less than \$\_50,000.

Wherefore, to the end that the properties constituting said estate may be collected and preserved for those who appear to have a legal interest therein, and that said will may be executed according to the requests and directions of said decedent, your petitioner prays that your Honor will take judicial notice of the probate of the will of the decedent, and will grant letters testamentary to petitioner in this matter-without entering into bond, as is provided by the terms of said will.

HILLIP & MCGH

Petitioner

Address:

22539 Eastern Valley Road

McCalla, AL 35111

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effect the probate and record in this Court of said will as the last will and testament of said deceased.

PHILLIP G. MCGHEE

Petitioner

Address:

22539 Eastern Valley Rd.

McCalla, AL 35111

Attorney for Petitioner: Joe Ausman AUSMAN & KEYES ATTORNEYS, LLC P.O. Box 3570 Hueytown, AL 35023 (205) 491-7432

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned, a notary public in and for said county in said state, personally appeared Phillip G. McGhee, who, being first duly sworn, makes oath that he has read the foregoing petition and knows the contents thereof, and that he is informed and believes, and, upon such information and belief, avers that the facts alleged therein are true and correct.

PHILLIP G. MCGHEE

Petitioner

Address:

22539 Eastern Valley Rd.

McCalla, AL 35111

Subscribed and sworn to before me this // day of

NOTARY PUBLIC

My commission expires:

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Shelby Cnty Judge of Probate, AL 12/20/2016 02:22:06 PM FILED/CERT

IN THE MATTER OF TH	E ESTATE OF	) ) )	PROBATE COURT OF TALLAPOOSA COUNTY, ALABAMA		
GLORIA DEMCGHEE,	DECEASED.	)	CASE NO	2016-0137	
OCT 3 1 2016					
PROBATE OFFICE	PETITION FOR P	ROBA	TE OF WILL		

TO THE HONORABLE LEON ARCHER, JUDGE OF PROBATE OF TALLAPOOSA COUNTY, ALABAMA:

Comes your petitioner, Phillip G. McGhee, and upon information and belief, respectfully show unto your Honor the following facts:

- 1. Gloria D. McGhee died at Birmingham, Jefferson County, Alabama on or about October 9, 2016, and at the time of such death, was an inhabitant of Alabama.
- 2. Surrendered herewith is said decedent's last will and testament naming petitioner as Executor thereof, which was duly signed by said decedent when over twenty-one years of age, and was attested by the following witnesses, namely:

## Name Present Address

Traci L. Davis

3112 Middlebrooks Dr., Adger, AL 35006

Kenny Joe Ausman

1925 27<sup>th</sup> Ave. N, Hueytown, AL 35023

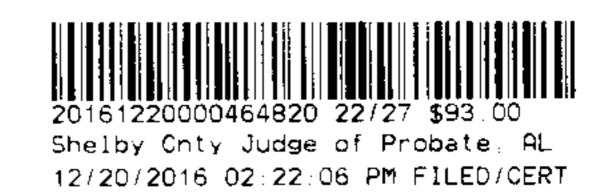
3. The following is a true, correct, and complete list of the names, ages, conditions, relationships, and addresses of said decedent's widow and next-of-kin, namely:

## Name, age, condition, relationship Address

Phillip G. McGhee, over 21, sui juris, son 22539 Eastern Valley Rd., McCalla, AL 35111 Melissa M. O'Brien 1008 Independence Court, Alabaster, AL 35007

Jack P. McGhee, spouse, predeceased (October 24, 2013)

Wherefore your petitioner prays that your Honor will take jurisdiction of this petition; will cause all such notices or citations to issue to the said next-of-kin, and attesting witnesses as may be proper in the premises; and will cause such proceedings to be had and done, and such proof to be taken, and render such orders and decrees as will duly and legally



Attorney for petitioner: Joe Ausman AUSMAN & KEYES ATTORNEYS, LLC P.O. Box 3570, Hueytown, AL 35023 (205) 491-7432



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## STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned, a notary public in and for said county in said state, personally appeared Phillip G. McGhee, who being first duly sworn, makes oath that he has read the foregoing petition and know the contents thereof, and that he is informed and believes, and, upon such information and belief, avers that the facts alleged therein are true and correct.

PHILLIP G. MCGHÉE

Petitioner

Address: 22539 Eastern Valley Road

day of (

McCalla, AL 35111

Subscribed and sworn to before me this 19

NOTARY PUBLIC

My commission expires:

IN THE MATTER OF THE ESTATE OF	<ul><li>) PROBATE COURT OF</li><li>) TALLAPOOSA COUNTY,</li><li>) ALABAMA,</li></ul>
GLORIA D. MCGHEE, DECEASED.	) CASE NO. <u>2016</u> -0137

## WAIVER OF NOTICE

TO THE HONORABLE LEON ARCHER, JUDGE OF PROBATE OF TALLAPOOSA COUNTY, ALABAMA:

The undersigned, Melissa M. O'Brien, hereby accepts service of notice of the filing of the Petition for Letters of Testamentary and Petition for the Probate of the Will in the matter of the Estate of Gloria D. McGhee. Deceased, and hereby waives all other further notice thereof, either by publication or otherwise, and further enters her appearance in Court on the day set for hearing said matter, and on any day to which the same may be continued.

Dated this the 19 day of Cotobu, 2016.

Witnesses:

MELISSA M. O'BRIEN

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Center for Health Statistics

ALABAMA CERTIFICATE OF DEATH Sumber 101 2016-37894

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This is an official certified copy of the original record filed in th∈ Center of Health Statistics, Alabama Department of Public Health, Montgomery, Alabama, 2016-423-809-5

State Registrar of Vital Statistics

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### IN THE PROBATE COURT FOR TALLAPOOSA, ALABAMA

IN THE MATTER OF THE ESTATE OF

CASE 2016-0137

GLORIA D. MCGHEE, Deceased

#### LETTERS TESTAMENTARY

BE IT REMEMBERED AND MADE KNOWN TO ALL WHOM IT MAY CONCERN:

That the Will of the above-named deceased having been duly admitted to record in said county, Letters Testamentary are hereby granted to Phillip G. McGhee, Personal Representative named in said Will, who has duly qualified in compliance with the requisites of the laws (bond was excused), and it authorized to administer such estate in accordance with the procedures provided in Alabama Code 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).

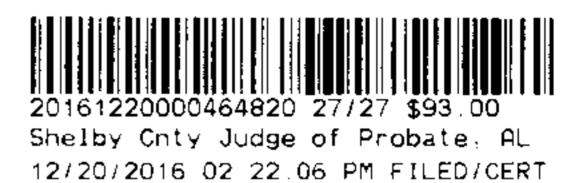
(SEAL) PROBATE JUDGE Shelby Chty Judge of Probate, AL 12/20/2016 02:22:06 PM FILED/CERT Ollun , Chief Clerk of the Court of Probate for Tallapoosa County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the Letters

2016.

said Letters are still in full force and effect.

Testamentary issued in the above-styled cause as appears of record in said Court. I further certify that

THE STATE OF ALABAMA
TALLAPOOSA COUNTY
IN THE PROBATE COURT
ESTATE OF:
GLORIA D. MCGHEE,
DECEASED
CASE NO. 2016-0134
NOTICE TO CREDITORS



Letters Testamentary upon the Last Will and Testament of said decedent, having been granted to the undersigned on the 23<sup>rd</sup> day of November, 2016, by the Honorable Tom F. Young, Jr., Judge of the Probate Court of Tallapoosa County, Alabama, notice is hereby given that all persons having claims against said Estate are required to file an itemized and verified statement of such claim in the office of the said Judge of Probate within six months from above date, or said claim will be barred and payment prohibited.

Phillip G. McGhee Personal Representative

TO: Tallapoosa Publisher

Please publish for once a week for three (3) successive weeks as required by law.

JUDGE OF PROBATE