HI SULA

STATE OF ALABAMA

JEFFERSON COUNTY

Will Record 42 page 95

I, Julius B. Cooper, a resident citizen of Jefferson County, Alabama, being of sound mind and disposing memory, do hereby make and publish this, my Last Will and Testament, hereby revoking any and all former wills made by me.

ITEM ONE. I desire and I hereby direct that all of my just debts, including myfuneral expenses and the expenses of my last illness, be paid by my executors hereinafter named, as soon after my death as convenient.

ITEM TWO. I hereby give and grant unto my executors full power and authority, to sell any or all property owned by me, at the time of my death, real, personal or mixed, at private or public sale without order of court, The executors, until they are discharged as such, must agree unanimously on all sales of property to be made and must join in making said sales, and in the execution of any deeds, or instruments of sale or conveyance, and in case they cannot agree then an order of the Chancery Court should be procured either directing or refusing said sale to be made.

ITEM THREE. I hereby give, devise and bequeath unto my beloved wife, Maud Adams Cooper, all household furniture, furnishings and automobiles belonging to me at the time of my death, to be here absolutely.

ITEM FOUR. I do hereby give, devise and bequeath unto my sister, Mrs. Sallie French, the sum of \$500.00 to be paid to her in monthly installments of \$10.00 per month, said payments to begin at the expiration of three months from my death, and to continue either until the total sum of \$500.00 has been paid in monthly payments, or should the said Mrs. Sallie French die before the total sum of \$500.00 has been paid to her, as set out above, then said payments shall cease and the remainder of said \$500.00 shall lapse and become a part of the corpus of my estate, or should she die before the expiration of three months after my death, then this paragraph shall become null and void.

ITEM FIVE. I do hereby give, devise and bequeath to Snead Junior College located at Boaz, Alabama, my professional library located in my professional offices, it being my intention, however, that any special volumes that any member of my family might want to select are excepted from this devise. No furniture included in this property in this paragraph.

ITEM SIX. I do hereby direct that my executors hereinafter named shall, as such executors, make a final settlement of my estate and procure their discharge as such executors as sonn as the same can reasonably be done under the laws of the State of Alabama, and upon the final settlement of my estate, as set our herein, I direct that the Trustees of my estate shall immediately thereon take full charge and control of my estate, as hereinafter set forth.

ITEM SEVEN. I do herebyname and nominate my son, John Francis Cooper, my daughter, Elizabeth Wingate, and my trusted friend, E.M. Creel, now Judge of the Equity side of the Circuit Court, Tenth Judicial Circuit of Alabama, as executors of this my Last Will and Testament, and as such no bond shall be required of them.

ITEM EIGHT. I do hereby give, devise and bequeath unto the aforesaid John Francis Cooper, Elizabeth Wingate, and E.M. Creel, as joint Trustees all the rest and residue of my property, real, personal, or mixed which I may owm, or to which I may be entitled sat the time of my death, or to which my estate may become entitled after my death, in trust, however, for the uses and purposes and with the powers hereinafter set forth:

10 The Trustees shall take charge of, manage and control all of the trust property, leasing, selling, improving or otherwise handling the same as the Trustees deem best and shall collect all income derived therefrom. The Trustees shall more specifically have full power and authority to exchange property belonging to the trust estate, either real or personal, for other property, or interest in property, in such manner and upon such terms as the Trustees may deem advisable. The Trustees may execute leases of property for such terms as they may see fit.

2. The Trustees shall have the power and authority to sell at private sale, without order of court, and convey any and all of the trust property at such time or times as the Trustees deem to be to the interest of the trust estate. The proceeds of all such sales, as well as any other funds belonging to the estate which ITEM NINE: The monthly income provided herein to be paid to my wife, Maud Adams Cooper, shall be paid

to her beginning within one month after my deatho

are not necessary to be otherwise used in the administration of this trust, shall be by the Trustees from time to time loacted, the payment of such loans to be secured by a first mortgage on improved real estate of the reasonable market value of at least twice the amount of said loan. The Trustees are authorized in their discretion, to retain and hold in trust any stocks, bonds, securities, or other property, real opersonal or mixed, in which my estate, or any part thereof, may be invested at the time of my death, or to which my estate may become entitled after my death. All such loans so made shall be approved by all of the Trustees named.

- 3. The Trustees acting jointly and with the consent of the majority thereof shall have the power and authority to compromise, settle or arbitrate any claim or demand in favor of or against the trust estate.
- 4. The Trustees shall have the power and authority to cause any stocks, bonds, or securitiess at any time held in trust to be registered in the name of the nominee or nominees of the Trustees.
- 5° The Trustees shall have the power to determine what shall be charged or credited to income and what to principalo
- 6° The Trustees shall pay from and out of the income of the trust property any and all expenses reasonable necessary for the administration of the trust, including interest, taxes, insurance, including public liability insurance, and compensation to the Trustees, as well as any other expense incurred from the trust property is insufficient for the purpose of paying such expenses, the same may be paid from the corpus of the trust estate. Also to keep all improvements on real estate in proper and reasonable repair and pay all expenses therefor from and out of the income of the estate.
- 7. The Trustees shall during the widowhood of my beloved wife, Maud Adams Cooper, pay to her in monthly installments the net income from the trust estate, after paying the expenses of administration, the same to be used by her for her support, maintenance and confort and for the support, maintenance, education and comfort of my daughter, Alice Josephine Cooper, but as to the use, expenditure and application of the same, she shall be the sole judge, Should, in the judgment of the Trustees, the income from the estate not be sufficient to properly support and maintain my wife and child, the said Alice Josephine Cooper, then in that event, the Trustees may pay to my wife, the said Maud Adams Cooper, such sum, in addition to said income, from and out of the corpus of my estate for said purposes as they deem property, and such paymentsshall not be charged against the said Maud Adams Cooper in the final settlement of this trust.
- 8. In the event that any child of mineshould die, intestate, leaving no lineal descendants surviving, then the share of the trust estate set aside for such child, which remains in the hands of the Trustees, shall go to and vest in my then living child or children and the then living lineal descendants of each deceased child of mine, share and share alike (provided, however, that such lineal descendants of each deceased child of mine shall take per stirpes the share which such deceased child of mine would have taken had said deceased child of mine been them living) upon and subject to the same terms as herein above presecribed as to the share of such child or children.
- 9. Upon the death of my wife, or my daughter, Alice Josephine Cooper, or my unmarried son, Julius Gardner Cooper, during the life of this trust the Trustees are authorized to pay their funeral and burial expenses and the expenses of their las illness from the corpus of the trust estate.
- 10. John Frances Cooper, Elixabeth Wingate and E.M. Creel, as Trustees, shall be entitled to receive fair and reasonable compensation for their services in administering this trust.
- 11. Whenever in this instrument, the word "Trustee" is used, it is my intention that this word be construed either as singular or p; ural, whichever is proper in accordance with the context.
- 12. The trustees shall not be required to pay any interest on any money in their custody which awaiting distrivution and investment under the terms hereof. The funds of the trust estate shall not be commingled with the funds of the Trustees, nor either of them, but a separate account of the trust funds shall be kept at all times and all checks to be drawn thereon shall be signed by not less that two of the Trustees.
- 13. The Trustees shall not be required to give bond as Trustee number this instrument, unless ordered so to do, for cause shown, by a court having jurisdiction in which event the cost and expense of the bond dhall be paid from the trust estate.

ITEM Teme. The Trustees of my estate shall, in cooperation with the executors of my estate, manage all of the affairs of my estate prior to the discharge of said executors so long as there is no conflict in the duties herein provided for each.

ITEM ELEVEN. The bequest provided for above to my sister, Mrs. Sallie French, shall be paid to her by the Trustees after the final settlement of my estate by the executors of my estate in the same manner and in the same amounts set out and provided in Item Four, however, the total bequest is not to exceed the sum of \$500.00, payable monthly as provided in said Item Four and to cease upon the conditions set out therein.

ITEM TWELVE. Should any one of the Trustees herein named for any reason cease to act as Trustee under the terms of this Will, then in that event, such Trustees! successor shall be appointed by the Circuit Court, Tenth Judicial Circuit of Alabama, in Equity.

ITEM THIRTEEN. Proper and beasonable care and diligence shall be exercised by the Trustees of my estate in the performance of the duties herein set out, but said Trustees are not to be liable for any losses in my estate, except for willful misconduct on his or her part.

ITEM FOURTEEN. When my daughter, Alice osephine Cooper, shall have reached the age of twenty-four years, then this trust shall terminate, and subject to the provisions in this Will my trust estate shall vest equally in each of the cestui que trusts to wit: Maud Adams Cooper, John Francis Cooper, Elizabeth Wingate, Julius Gardener Cooper and Alice Josephine Cooper.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal to the foregoing instrument consisting of pages from 1 to 4, both inclusive, including this page, and items numbered from "Item One" to "Item Fourteen" both inclusive, this the 20th day of January, 1940.

Julius B. Cooper L.S.

Signed and published as this Last Will and Testament by Julius B. Cooper in our presence; and we, in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the date of said Will, said Will containing pages numbered from 1 to 4, both inclusive and bearing date of 20th day of January, 1940.

Hiram Dodd

Mary E. Stark

J. Wiley Logan

CODICIL NO. 1 Will Record 42 page 99

TO THE LAST WILL AND TESTAMENT OF JULIUS B.COOPER OF BIRMINGHAM, JEFFERSON COUNTY, ALABAMA

STATE OF MINNESOTA

COUNTY OF OLMSTEAD

know all Men By These Presents, that I, Julius B. Co oper, of Birmingham, Jefferson County, Alabama, being over the age of twenty one years and of sound mind and disposing memory, hereby announce this as codicil No. 1 to that certain will heretofore made and executed by me either in December 1939, or in the early part of the present year 1940, which said will was drawn up and prepared for me by Mr. J. Wiley Dogan, Attorney of Birmingham, Defferson County, Alabama, and witnessed by Mr. Hiram Dodd, and Miss Stark, secretary to Mr. Logan, as well as Mr. Logan himself.

PARAGRAPH NO. 1. I hereby direct that in addition to the executors named in the above said Will, that my nephew Mr. Aubrey C. Cooper, of Washington, D.C. be named a co-executor of said will and shall exercise full and equal authority as such, along with the executors named in said will.

PARAGRAPH 2. I hereby devise and bequeath to my sons, John Francis Cooper and Julius Gardner Cooper, all of the land or lands of which/am seized and possessed at the time of my death, situated in Wilcox County, Alabama. A description of said lands being appended hereto and marked, Exhibit A., and shall be a part of my said will referred to in this codicil.

PARAGRAPH 3. I hereby devise and bequeath to my daughter, Elizabeth Cooper Wingate, that certain tract of land or lands, situated in Tuscaloosa County, Alabama, which said land or lands was acquired by me in the process of division of the estate of my father, Francis Cooper, deceased. A description of said land being

appended hereto and marked Exhibit B, and shall be a part of my said will referred to in this codicilo

I further devise and bequeath to my said daughter, Elizabeth Cooper Wingate, eighty acres, more or less, of land situated in Tuscaloosa County, Alabama, which said land being the same eighty acres, more or less, acquired by me through purchase from Mr. Frank Roll, and or other members of the Roll family, a description of which said eighty acres, more or less, being fully described and appended hereto and marked, Exhibit C, and shall be a part of my said will referred to in this codicile

PARAGRAPH 4. I hereby devise and bequeath to my daughter, Alice Josephine Cooper, that certain tract or parcel of land, situated in Tuscalcosa County, Alabama, consisting of two hundred acres, more or less, being lands that border on the east side of the Viena Road, Tuscalcosa County, Alabama, said lands being the same tract or parcel of land heretofore conveyed to the devisor by Francis Cooper and Mary A. Cooper, a description of which said lands being appended hereto and marked Exhibit D, and shall be a part of my said will referred to in this codicil.

PARAGRAFH NO. 5. I hereby devise and bequeath to my childred, John Francis Cooper, Elizabeth Cooper Wingate, Julius Gardner Cooper, and Alice Josephine Cooper, an undivided one-half interest in that certain tract of End or lands situated in Jefferson and St. Clair Clunties, Alabama, consisting of approximately eleven hundred acres, more or less, said lands being the same tract or parcels of land or lands heretofore conveyed to the devisor, and Aubrey C. Cooper, by the St. Clair land and Investment Company, Inc. at the time of the dissolution of said Corporation, a description of said parcel or parcels of land being fully described and appended hereto and marked Exhibit E, and shall be a part of my said will referred to in this codicil.

PARAGRAPH NO. 6. I hereby devise and bequeath to my childred John Francis Cooper, Elizabeth Cooper Wingate, Julius Gardner Cooper and Alice Josephine Cooper, that certain tract or parcel of land or lands, situated in Jefferson County, Alabama, consisting of thirty five acres, more or less, and lying north of Camp Gertrude Coleman, Girl Scouts of America Camp, said tract or parcel of land having been conveyed to the devisor heretoe fore, by the St. Clair Land and Investment Company, Inc. a description of which said tract or parcel of land being appended hereto and marked Exhibit F., and shall be a part of my said will referred to in this codicil.

PARAGRAPH 7. Any part of my said will above referred to in conflict with the provision of this codicil are hereby revoked.

iven under my hand and sealon this 17th day of Sept. 1940.

Julius B. Gardner

Seal.

We hereby certify that the above codicil which is represented to us as being codicil No. 1 of the last will and testamenr of Julius B. Cooper, of Birmingham, Jefferson Co., Alabama, That said codicil was signed by the said Julius B. Cooper, in our presence and that we have signed the same as subscribing witnesses in his presence and in the presence of each other. Sept. 17, 1940

Witness Frank E. Warner

Address 815 2nd St. N.W. Rochester, Minn.

Witness L.C. McEwen

Address 18 12th Ave. N.W. Rochester, Minn.

Z.M. Mullen

2231 W 4th St.

Davenport, Iowa

CERTIFICATE TO THE PROPATE OF WILL

THE STATE OF ALABAMA

JEFFERSON COUNTY

I, Eugene H. Hawkins, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instruments of writiving hace this day, in said ourth, and before me as the Judge thereof, been duly proven by the proper testimony, to be the genuine Last Will and Testament and Codicil of Julius B. Cooper, Deceased and that said Will and Codicil together with the proof thereof have been recorded in my office in Book of Wills Vol. 42 page 95-101.

In witness of all which I have hereto set my hand and the seal of the said Court, this the 29th day of Nov. 1940e

SEAL

Eugene H. Hawkins, Judge of Probate

0 0 0

JULIUS B. COOPER, DECEASED, ESTATE OF,

CASE NO. 13111

ORDER PROBATING HIS LAST WILL AND TESTAMENT

PROBATE COURT

AND CODICIL THERETO

November 20th, 1940

This day having been regularly continued for hearing the application of Elizabeth Wingate, which was heretofore filed in this Court for the probate of instruments of writing purporting to be the last Will and Testament and Codicil thereto of Julius B. Cooper, deceased; Now comes the said applicant and moves the Court to grant said a plication. And it appearing to the satisfaction of the Court that the acceptance of service and waiver of notice by the widow and all the remaining next of kin of said decedent has been filed in this Court, and that Court having ascertained by sufficient evidence that the signatures affixed to said waivers of notice and/or acceptance of service, are the genuine signatures of said nect of kin; And it further appearing to the Court that notice of the filling of said petition and of the time appointed for hearing the same has been given in pursuance of law and in the the premises on the 30th day of October, 1940. Now on motion of said petitioner the Court proceeds to hear said application. And now after due proof and hearing had according to the laws of this State, it is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the last "illand Testament and Codicil thereto of Julius B. Cooper, deceased, be duly admitted to probate and ordered to be recorded, together with the proof thereof, and all other papers on file relating to this proceeding.

It is further ordered that petitioner pay the costs of this proceeding

CERTIFICATE TO COPIES

THE STATE OF ALABAMA

PROBATE COURT

JEFFERSON COUNTY

I, Tom C. Garner, Judge 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 Last Will and Testament and Codicil of Julius B. Cooper, deceased, together with certificate to the Probate thereof and order probating same, as the same appears on file and of records, in this office.

Given under my hand and official seal, this the 5 day of February 1948.

Tom C. Garner, Judge of Probate

Filed in the office of the Probate Judge on the 13 day of February, 1951 at 11:00 A.M. and recorded in Deed Tecord 145 on page 98 this the 5 day of March, 1951.

L.C. Walker

udge of Probate

NO TAX DUE ON THIS INSTRUMENT.