COPY OF WILL

STATE OF ALABAMA

JEFFERSON COUNTY

WILLS 9 Page 386 Wills 9 Page 457

KNOW ALL MEN BY THESE PRESENTS, That I, W.C. Gewin, of Birmingham, Jefferson County, Alabama, being of sound mind and disposing memory, do make and declare this my last will and testament expressly revoking any and all wills and testaments by me heretofore made.

FIRST: I direct that all my just debts be paid by my executor as soon after my death as can be convenient uy done.

SECOND: I give, devise and bequeath to my beloved wife, Lessie M. Gewin, all my household goods and furnishings, my medical library and equipment, including instruments, etc. and all articles of such a personal nature, and all automobiles which I may own at the time of my death.

THIRD: All the remaining property of which I may die seized and possessed, both real, personal and mixed, I hereby give, devise and bequeath to the American Trust & Pavings Bank, a corporation, of Birmingham, Alabama, as Trustee to be held in trust and disposed of by said Trustee upon the following terms and conditions.

- (a) During the life of the trust hereby created, said Trustee shall maintain as a home for my wife,
 Lessie M. Gewin, my present home place, in Arlington Place, Birmingham, Alabama, and after the death of my
 said wife, if she shall die during the term of said trust, said home place shall be maintained by said Trustee
 as a home for my single daughter or daughters, as long as any of them shall remain unmarried, and during the
 term of said trust. During the time that my home place shall be so maintained either for my wife or any of my
 unmarried daughters, said places shall be maintained and the taxes paid thereon out of the income from the
 trust estate hereby created. PROVIDED, that said home place may be sold or rented with the consent of my wife,
 if living, or if my wife is not living, then in the judgment of my said Trustee, and the net ptoceeds from
 such sale or renting used for providing another residence for my wife or unmarried daughters. At the termination
 of the trust hereby created then said home place shall become a part of the trust estate hereby created and
 descend according to its terms and conditions.
- (b) Said property shall be held by said Trustee in trust for the use and benefit of my beloved wife Lessie M. Gewin, and my children, share and share alike, in the form and manner herein set out, until my youngest child shall become twenty-one years of age, at which time said trust e state shall terminate, as hereinafter provided for. If any of my children, or my said wife, shall be deadhat the time of my death, or shall die during the life of said trust, but shall leave surviving an heir or heirs of his or her body, then direct that such heir or heirs shall take the share which my deceased child or wife would have taken if living, it being my intention that my property shall descend per stirpes and not per capita.
- (c) The said American Trust & Tavings Bank, as Trustee, shall keep my property, received by it under this my last will and testament, in trust until my youngest child shall become twenty one years of age. There shall be no division of said propertyuntil that time. When my youngest child shall become twenty one years of age, whe said Trustee shall divide the property held in trust by it, share and share alike per stirpes among my said wife and children, the heirs or heirs of any of them then deceased taking such part as would have been received by them had they been living, as provided for above. Then said trust shall cease, I request that my wife and children, if living, shall continue to advise with said Trustee since said Trustee at that time will be familiar with my estate and will be in a position to give most excellent andhelpful advice.
- (d) Out of the income derived from the property held in trust by the said American Trust & Tavings Bank, as Trustee, during the period that the same shall be held intact by said Trustee, said Trustee shall provide for the support and maintenance of my wife and the support, maintenance and education of my children, in such state and condition as may be reasonably necessary therefor. I hereby give to said Trustee full authority to apply so much of the income of said trust estate as may be reasonably necessary to the said support and maintenance of my wife and the support, maintenance and education of my said children, as in the judgment of my said Trustee and my bel oved wife, if she be living, may be necessary therefor, taking into account their position and condition in life, and if my wife be not living, then said Trustee shall exercise its judgment as it seems fit in that regard. I direct that the sums to be used for the support and maintenance of my wife

and the support, maintenance and education of my children shall be paid to my wife and expended by her and the said Trustee shall not be responsible for such expenditures. I further direct that if at any time during the life of said trust it shall be necessary, in the judgment of said Trustee, and my beloved wife, if living, to use any part of the principal of the trust fund for the support and maintenance of my wife, or for the support, maintenance and education of my children, then the said trustee shall have the right to appropriate such part of the principal of said trust that may seem to it reasonably necessary therefor.

- (e) If at any time during the existence of said trust estate my father or mother or any of my brothers or sisters shall be in such circumstances as to rewaire financial aid for their support and maintenance then said trustee shall be authorized to appropriate so much of the fund of said trust estate as may be reasonably necessary for their support and maintenance and all funds so appropriated shall be deemed a gift and there shall be no obligation to repay the same, but the appropriation shall only be made—at the discretion of said trustee; and provided the same shall not unduly burden said trust estatem nor shall the same be a legal claim against my estate or those to whom said estate is herein devised and bequeathed. Said Trustee shall have the same authority with reference to any of my wife's sisters or brothers or with reference to Mr. T.C. McGahey and Mrs. Belle McGahey, and if after said trust estate shall cease and the same be divided any of the above persons shall be in need, I solemnly charge my wife and children to see that such needs are met out of the estate which they shall receive, if in their judgment and discretion the same can be done, but this request on my wife and children is in no wise intended as a legal charge or claim against my said estate or on those to whom the same is devised and bequeathed.
- (f) Said trustee shall have like authroity with reference to the support and maintenance of my chauffeur, Evans Cook, and my present cook, Mary Gewin, if they shall be in my employ at the time of my death.
- (g) The said trustee during the time that said trust estate shall exist shall have the right to sell any of the real estate or securites or other property held by it in trust, for re-investment, for the support of my wife and the support, education and maintenance of my children, or for the carrying out of any of the provisions of this my last will and testament. Saidtrustee is hereby authorized to make in its name as trustee, such deeds of conveyance and other instruments as may be necessary to convey title by warranty deed or otherwise to the purchaser of any real estate or securities, or any personal property which may be sold by said trustee, and a recital in such deed or instrument of conveyance that the sale of the property conveyed is made for re-investment or for the support, maintenance and education of my wife or children shall be sufficient evidence as far as the purchaser is concerned of its authority as such executor, and the rightfullness of the sale. All money on hand and received by said trustee, or realized from the sale of any real estate or personal property or securities held in trust, unless the same is used for the support of my wife and the support and education of my children, or in garrying out the provisions of this my last will and testament and the provisions of said trust, shall be re-invested by said trustee in first mortgage loans on real estate in Jefferson County, Alabama, at not more than fifty per cent of its market value as appraised by said trustee, but no loans shall be made on any real estate which at the time of the making of the loan is not bringinig in a sufficient net income to pay the interest on said loan.
- (h) Said American Trust & Savings Bank, as said trustee, shall be required to execute a bond as trustee in the principal ssum of the reasonable cash value of the property which shall come into its possession under this trust, but not to exceed Dollars, said bond to be executed by a duly qualified surety company authorized to do business in the State of Alabama, the premium upon the same to be paid out of said trust estate or the income thereunder. All funds pending investment shall be deposited in the savings account of any reputable banking institution of Birmingham, Alabama, including the American Trust & Dayings Bank, and if the same shall remain on deposit in said savings account before being loaned our for a sufficient length of time to be entitled to interest under the rules and regulations of the bank in which the same are deposited, interest shall be paid upon said funds so deposited in such savings account at the rate allowed under the rules and regulations of such bank. However, the said trustee shall use reasonable diligence in loaning out said funds during the time the same are places upon deposit in such savings account.

(i) The trustee shall be entitled to such compensation for its services under said trust as may be allowed by law.

I hereby nominate and appoint said "merican Trust & Davings Dank of Birmingham, Alabama, as executor of this my last will and testament, I direct that upon my death my wife, is she be living, or some person designated by her shall go therough all my papers and securities, examine the same in the presence of my executor or some person designated by it, and thereafter all my papers, securities, personal property, etc. shall be turned over to my executors for handling by it under the terms of this my last will and testament.

IN WITNESS WHEREOF, I, the said W.C. Gewin, have hereunto set my hand and seal, this the 25 day of June 1923, and have signed on the margin of each page of this my last will and testament, the same consisting of six pages, numbered one to six, inclusive,

W.C. Gewin (Seal)

Signed, sealed, published and declared by said testator, W.C. Gewin, as and for his last will and testament, in the presence of us, who, at the same time, and at his request, in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, on this the 25th day of June, 1923.

Frank Davis Jr. ?????
Harold Atkinson

FIRST CODICIL WILLS 9 Page 463

I, W.C. Gewin, a resident of Birmingham, Jefferson County, Alabama, do make, publish and declare this to be a FIRST CODICIL to my will which bears the date of June 25, 1923.

WHEREAS, by my said will, I appointed the American Trust & Savings Bank of Birmingham, Alabama, to be executor and Trustee thereof; and

WHEREAS, the American Trust & avings Bank of Birmingham, Alabama, has merged with the Traders National Bank of Birmingham and is known as the American-Traders National Bank of Birmingham, Alabama;

NOW, THEREFORE, I hereby make, constitute and appoint the American-Traders National Bank of Birmingham, Alabama, as Executor and Trustee of my said last will and testament in the place of the American Trust and avings Bank of Birmingham, Alabama, and I declare that my said will shall be construed as if the name of the American-Traders National Bank of Birmingham, were substituted therein as Executor and Trustee thereof for the name of the American Trust & Savings Bank of Birmingham, Alabama.

I hereby confirm my said will in all other respects.

IN WITNESS WHEREOF, I hereunto set my hand this 15th day of Mat, 1928.

W.C. Gewin (L.S.)

The foregoing was signed, sealed and declaredby W.C. Gewin to be the First Codicil to his last will and testament, in our presence, and we, at his request and in his presence and in the presence of each other, have hereunto set our signatures as attesting witnesses, on this 15th day of May, 1928.

E.J. Morgan

Geo. W. Barber

CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA

JEFFERSON COUNTY

I, J.P. Stiles, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instruments of writing have this day, in said Court, 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 W.C. Gewin Deceased and that said Will and codicil together with the proof thereof have been recorded in my office in Book of Wills . Vol 9, page 455-463.

In witness of ealth which I have hereto set my hand, and the seal of the said Court, this the 10th day of

August, 1929.

SEAT.

J.P. Stiles, Judge of Probate

CERTIFICATE TO COPIES

THE STATE OF ALABAMA

JEFFERSON COUNTY

SEAL

PROBATE COURT

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 Sodicil, thereto, of, W.C. Gewin; together with the Certificate to the Probate, thereof; as the same appears on file and of record in this office.

Given under my hand and official seal, this the 13th day of March, 1951.

Tom C. "arner, Judge of Frobate

Filed in the office of the Probate Judge on the 15 day of March, 1951 at 2:00 P.M. and recorded in Deed Record 145 on page 198 this the 31st day of March, 1951.

L.C. Walker

NO TAX DUE ON THIS INSTRUMENT.

Judge of Probate