

2169

STATE OF ALABAMA)
JEFFERSON COUNTY)

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I, R. A. Lewis, a resident citizen of said county, in said state, being of sound mind do hereby make and declare this to be my last will and testament, hereby expressly revoking any and all wills heretofore made by me.

Item 1- I hereby nominate and appoint my wife, Mattie I. Lewis and the Birmingham Trust & Savings Company, a body corporate under the laws of Alabama, with its principal place of business at Birmingham, Alabama, executors of this my last will and testament, and hereby direct that as such executors they shall not be required to give bond.

Item 2- I authorize and direct my executors to pay all debts that I may owe at the time of my death, as soon as practicable after my death, including funeral expenses and court costs incident to the administration of my estate, and to that end, the executors, or the acting executor, may sell and convey at private sale and without order of court, any property belonging to my estate deemed necessary to be sold for these purposes.

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I further direct my executors, or the acting executor, to pay over to my wife the net income from my estate, or so much of the corpus of my estate as may be necessary for her comfortable support and maintenance during the time the administration of my estate is pending in court, and to that end, my executors or the acting executor is authorized to sell and convey, at private sale and without order of court, such of the property belonging to my estate as may be necessary for this purpose.

Item 3- I give, devise and bequeath to my wife, Mattie I. Lewis all household furniture and furnishings, including my wearing apparel, and in the event my wife is dead at the time of my death, the property devised and bequeathed by this item of my will shall go to and vest in my children, share and share alike, the children to make division of same between themselves.

Item 4- All the rest and residue of the property of which I die seized and possessed, I give, devise and bequeath to my wife, Mattie I. Lewis, and the said Birmingham Trust & Savings Company, as trustees in trust for the following uses and purposes:-

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(a) The trustees are to take charge of, manage and control, look after and protect all of the property devised by this item of my will as fully and to the same extent and with the same powers as if the absolute owner thereof, and said trustees are authorized, at any time they deem advisable, to sell and convey, at private sale and without order of court, any or all of the trust property at such price and upon such terms as they deem best, and said trustees are authorized to reinvest the proceeds of any sale of the property by way of loans, or otherwise as they deem best, or use the proceeds or such portion thereof as is deemed necessary for any of the purposes authorized by this will, and in like manner, the trustees may sell and convey any property at any time belonging to the trust estate and in like manner reinvest the proceeds or use the proceeds for any purpose authorized by this will.

(b) The trustees are authorized and directed to pay over to my wife, from time to time, or as and when received, the net income from all the trust property in the custody of the trustees, that is, the income that remains after paying the cost and expense of insurance, protecting or repairing the trust property including taxes or other charges and including all charges incident to the administration of the trust, and in the event the net income is ~~insufficient~~ insufficient to furnish my wife a comfortable support and maintenance, including the amount that she may deem necessary to contribute or use in the comfortable support and maintenance of any of my children, then the trustees are authorized to use so much of the corpus of the trust estate as may be necessary to provide a comfortable support and maintenance for my wife and such of my children as my wife deems necessary; ~~and~~ my wife to be the judge of the amount to be paid over to her for these purposes, and the trustees are authorized to sell and convey, at private sale and without order of court, any of the trust property, and use the proceeds or so much thereof as is deemed necessary for these purposes.

(c) In the event my wife should be dead at the time of my death, or should die before the time for distribution of my estate under this will, or in the event my wife should become incapacitated or decline to further act as trustee, then it is

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my will that the Birmingham Trust & Savings Company as trustee shall have and exercise all of the powers conferred upon my trustees under this will, and the Birmingham Trust & Savings Company as trustee shall be entitled to fair and reasonable compensation for all services performed by it in the execution of this trust, either performed jointly with my wife as trustee or by itself as trustee.

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(d) In the event my wife should be dead at the time of my death, or should die before my youngest child arrives at the age of twenty-five years, then it is my will that this trust shall continue until my youngest child arrives at the age of twenty-five years, and as soon as practicable after my youngest child arrives at the age of twenty-five years, the Birmingham Trust & Savings Company as surviving trustee shall divide the trust property between my children, share and share alike, the child or children of any deceased child taking the share which the parent would have taken if living, and in making division, the trustee is authorized to divide the property in kind or may sell and convey, all or any portion of the trust property and divide the proceeds, or equalize the division with proceeds of sale. There is to be no division of the trust property between my children until the death of my wife, but as soon as practicable after the death of my wife, if my youngest child be then twenty-five years of age, the ^{said} trustee is authorized to make division of the trust property in the manner and way as herein set forth, as soon as practicable after the death of my wife.

(e) In the event my wife should be dead at the time of my death, or should die before the time for division arrives under the terms hereof, then I direct the Birmingham Trust & Savings Company, as sole trustee to pay over to my children share and share alike, the net income from the trust property, until the time for division arrives under the terms hereof, the child or children of any deceased child taking the share which the parent would have taken if living, and in the event either of my children should, from any cause, be in need of additional funds over and above the net income received by such child, then to provide

a comfortable support and maintenance, the trustee is authorized to advance to such child from the corpus of the trust estate, such amount from time to time as the trustee deems advisable, the same to be charged against the child as an advancement and taken into account on the final distribution of the trust estate.

IN WITNESS WHEREOF, I have hereunto set my signature to this my last will and testament, and have identified the three (3) preceding pages, by writing my name on the margin thereof, which together with this page constitute this my last will and testament, this 3rd day of May 1917.

R. A. Lewis (L.S.)

R. A. LEWIS signed the foregoing instrument in our presence and in the presence of each of us, declaring the same to be his last will and testament, and we in his presence and at his request and in the presence of each other, have hereunto affixed our signatures as attesting witnesses on the day of the date of said will.

Wm. N. Branghton
E. B. Hirsch

CERTIFICATE TO THE PROBATE 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 instrument of writing has 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

of R. A. Lewis Deceased and that said Will

together with the proof thereof have been recorded in my office in Book of Wills, Vol. 24 Page 583-587.

In witness of all which I have hereto set my hand, and the seal of the said Court, this the 31st day of May, 193 5.

Eugene H. Hawkins Judge of Probate.

In the Matter of:

ESTATE OF R. A. LEWIS,
Deceased.

) IN THE PROBATE COURT OF
)
) JEFFERSON COUNTY, ALABAMA.
)
)

RENUNCIATION OF RIGHT TO ACT AS EXECUTOR.

The undersigned Birmingham Trust & Savings Company, a corporation, does hereby, and by these presents, renounce its appointment as executor of the last will and testament of said R. A. Lewis, deceased, and does hereby decline to act as such executor, on this 30th day of May, 1935.

BIRMINGHAM TRUST & SAVINGS COMPANY,
a corporation,

By

George A. Brewer
Assistant Trust Officer.

STATE OF ALABAMA)
:
JEFFERSON COUNTY)

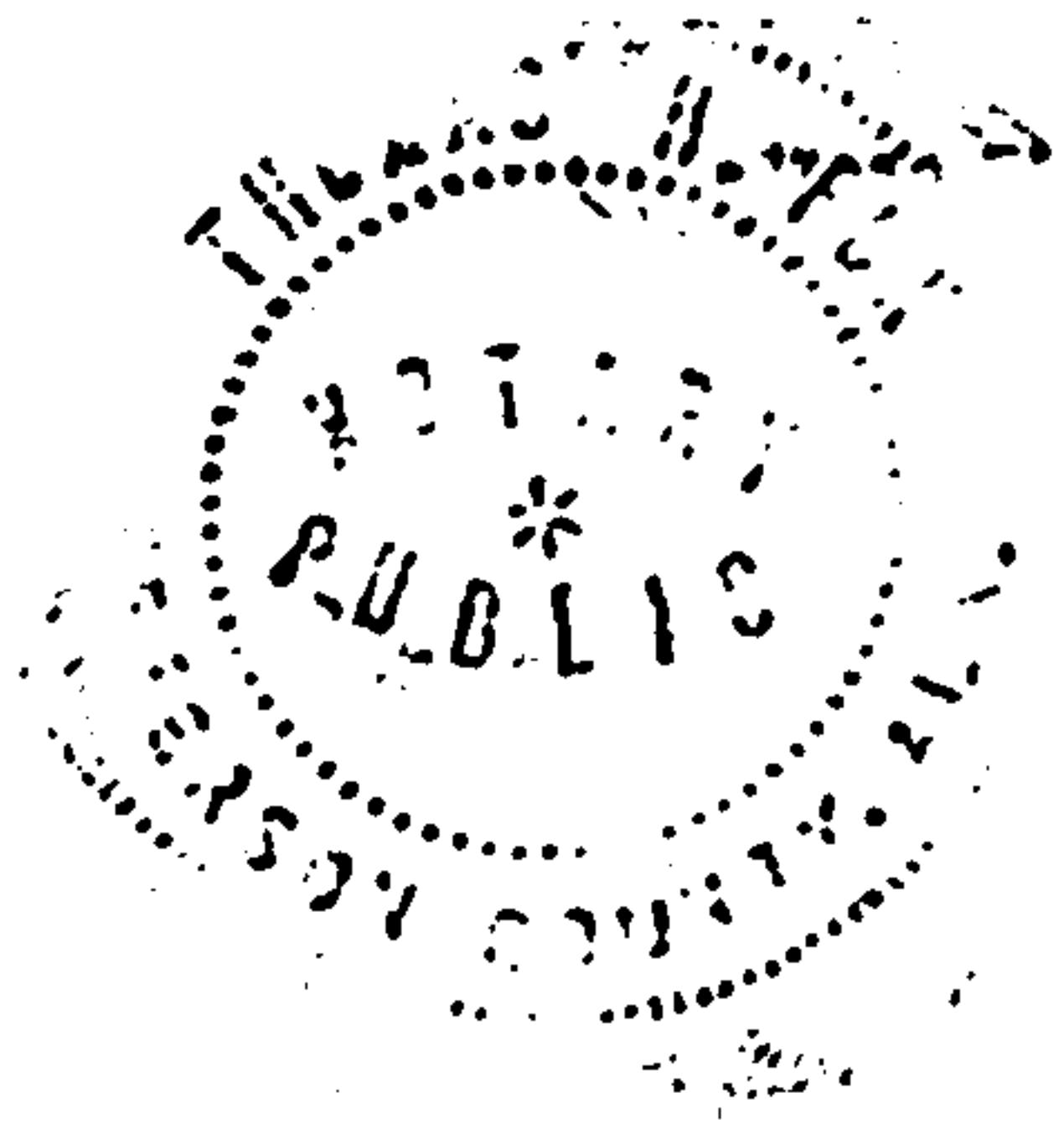
I, Thomas H. Fox, a Notary Public in and for said County, in said State, hereby certify that George A. Brewer, whose name as Assistant Trust Officer of Birmingham Trust & Savings Company, a corporation, is signed to the foregoing renunciation, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal on this 30th day of May,

1935.

Thomas H. Fox

Notary Public.



THE STATE OF ALABAMA,
JEFFERSON COUNTY.

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 of R. A. Lewis, deceased, together with the Certificate to the Probate thereof, and Renunciation by Birmingham Trust & Savings Company, a corporation, of right to act as Executor,

~~XXXXXXXXXX~~

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

Given under my hand and official seal, this
the 4th day of December, 19 52

Tom C. Garner
Judge of Probate.

Filed in the office of the Probate Judge on the 17 day of Mar 19 53 at 10:30 clock A M.
and recorded in Deed Book 158 Page 464 this 19 day of Mar 19 53
Deed Tax — Mortgage Tax — has been paid.
L.C. Walker, Judge of Probate