

Last Will and Testament

of CHARLES K. GAMMILL

33993

WILL
RECORD 118 PAGE 67

STATE OF ALABAMA

JEFFERSON COUNTY

W I T N E S S E T H:

I, Charles K. Gammill, a resident of Birmingham, Jefferson County, Alabama, being of sound mind and disposing memory, do hereby make and publish this my Last Will and Testament, revoking all former wills which may have been made at any time heretofore by me.

ITEM ONE

I will that all my just debts and funeral expenses shall be paid by my executor as soon after my death as practical.

ITEM TWO

I will, devise and bequeath unto my wife, Mildred Gammill, our home, located at 949 W. 3rd, Birmingham, Alabama, to be hers for life. Upon her death the title to said home shall vest in my son, George Thomas Gammill, as his sole property. As long as my son, George Thomas Gammill, continues unmarried, he shall have the right, during the life of my said wife, to enjoy the occupancy of same home and furnishings jointly with my said wife.

ITEM THREE

I will to my son, Charles Lewis Gammill, all my personal property, including money; not including, however, household furniture and effects, which I regard as belonging to my wife, and subject to her disposition. The money herein referred to is devised to my said son, Charles Lewis Gammill, in trust, to be employed as herein provided.

ITEM FOUR

I hereby give, devise and bequeath to my sons, George Thomas Gammill and J. E. Gammill, and to my daughter, Janette Knox, the sum of \$2,000.00 each, to be paid by my trustee as herein provided.



ITEM FIVE

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I hereby give, devise and bequeath to my son, Charles Lewis Gammill, all my shares of stock in the Charles K. Gammill Drug Company, a corporation, in trust, however, to hold, control, vote and to apply the income and dividends therefrom as herein limited, prescribed and provided, namely;

1. I direct that my trustee shall, after complying with Item #1 hereof, apply the monies and proceeds of properties devised to him, as trustee, under Item #3 hereof, equally to the payment of the specific bequests provided in item #4 hereof, or so much thereof as will be required. If such monies and proceeds of properties are not sufficient to fully discharge said specific bequests, my said Trustee shall pay the remainder of the said bequests from the funds and income of the Charles K. Gammill Drug Company, provided that such payment does not jeopardize the business of the said Charles K. Gammill Drug Company, or does not jeopardize the payments herein provided to be made to my said wife. In any event the specific bequests herein provided in Item #4 hereof, shall be fully discharged within three years from the day of my death. My trustee, in making payments upon such specific bequests shall make said payments equally to all three of said devisees.

2. From the said income and dividends arising from the trust herein established, I direct that my trustee shall pay to my wife, Mildred Gammill, the sum of \$50.00 per week during her life time for her support and maintainance. If, after complying with Item #1 hereof, and after the payment of the bequests in Item #4 hereof, there is a residue of monies or properties bequeathed under Item #3 hereof, said monies and income from said properties shall be held by my said trustee during the life of my said wife as an emergency fund to be used by him in his sole discretion to meet any emergency needs of my wife, children or grand-children. My said trustee is authorized to invest or reinvest any of said surplus money and to sell any of said property. Upon the death



of my wife, the property remaining unsold shall be disposed of and the proceeds thereof, together with any other monies remaining in the emergency fund, shall be distributed equally to my four children, or their heirs per stirpes. If a division is possible, my said trustee is authorized to divide any of said property for the purpose of distribution without a sale thereof. Without in anywise limiting my trustee's discretion, the fund hereby established may be used by him for medical, surgical and hospital expenses, support, maintenance and education of any of the aforesaid beneficiaries.

3. After the payments herein directed to be paid as provided in Item #4 hereof, and as provided in paragraph #2 of this item, the net income and dividends of the trust herein established, except as to the emergency fund established in paragraph #2 of this item, shall be paid by my trustee to himself. In the event that my son, Charles Lewis Gammill, predeceases my wife, Mildred Gammill, or, in the event he should become mentally incapacitated to the extent that he is unable to carry on the business known as Charles K. Gammill Drug Company, a corporation, the business of the said Charles K. Gammill Drug Company, a corporation, shall be sold and one-half of the proceeds thereof will be paid to my said wife and the other one-half to Virginia Gammill, the wife of my said son, Charles Lewis Gammill. In the event that my son, Charles Lewis Gammill, becomes physically incapacitated during the life of my said wife, he may in his sound discretion sell the said business, in which event one-half the proceeds thereof will go to my said wife, Mildred Gammill, and the other one-half to my said son, Charles Lewis Gammill.

4. Upon the death of my said wife, provided the specific bequests contained in Item #4 hereof have been discharged, this trust shall cease and determine and my said trustee, Charles Lewis Gammill, shall assign and transfer to himself all of my said shares in the said Charles K. Gammill Drug Company, a corporation, to be his absolutely and forever.



5. If before the full payment of the specific bequests herein provided under Item #4 hereof, either one of my said three named children shall die, then the unpaid part of the said child's bequest shall vest equally in the heirs of the said deceased child. If either of the said children die without heirs, his unpaid part shall vest in the two survivors.

6. It is my will, and I give to my said trustee, all such power and authority as may be necessary and proper to carry out the trust herein established, including such operation of the Charles K. Gammill Drug Company, a corporation, as devolves upon him by ownership of said shares as such trustee, and I exempt my said trustee from giving bond, and I further exempt him from filing in any court any inventory of the properties, income and dividends constituting the trust herein established.

ITEM SIX

In the event that Paragraph #3 of Item #5 becomes operative and it becomes necessary to sell the business of the Charles K. Gammill Drug Company because of the death or incapacity of my said son, Charles Lewis Gammill, then I direct that my sons, George Thomas Gammill and J. E. Gammill, my daughter, Janette Knox, my daughter-in-law, Virginia Gammill and my wife, Mildred Gammill, collaborate in effecting the sale of said Charles K. Gammill Drug Company, a corporation. In the event of a dispute, a decision of any three shall be binding upon all.

ITEM SEVEN

I nominate my son, Charles Lewis Gammill, as executor of this my Last Will and Testament, and declare he shall not be required to give any bond for the performance of his duty as such executor, nor shall he be required to make any inventory of the property coming into his hands as such executor, or to make any accounting thereof to any court.

WITNESS my hand and seal this the 4 day of

August, 1948.

Charles K. Gammill (SEAL)
TESTATOR

Signed, sealed and declared by the said Charles K. Gammill to be his Last Will and Testament in the presence of us, who at his request and in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

N. N. Groves, 408 First N. Bldg, Bham Ala.
Margie N. May, 501 So. 52nd St, Bham Ala.

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STATE OF ALABAMA
JEFFERSON COUNTY

WILL
RECORD 118 PAGE 72

I, the undersigned, Charles K. Gammill, residing in Birmingham, Jefferson County, Alabama being of sound mind and disposing memory, do hereby make, publish and declare the following to be my codicil to my last Will and Testament, heretofore made by me on the 4th day of August, 1948, which Will was duly signed by me on said date, and was attested by two witnesses, namely; H. H. Grooms and Margie N. May on said date. This codicil to be taken as a part of said Will to-wit:

(A)

I do hereby give, devise and bequeath to my son, Charles L. Gammill my undivided one-half interest in and to the following described real estate, situated in Shelby County, Alabama:

My entire undivided interest in and to the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 36, Township 18, Range 2 West; mineral and mining rights excepted. Also subject to the restrictions, conditions and limitations of record.

(B)

I do hereby give, devise and bequeath to my son, John E. Gammill, the following described real estate;

Lots 3 and 4 in Block 54 in the North Smithfield Survey, said lots being located on 10th Avenue between Second and Third Streets West, in Birmingham, Jefferson County, Alabama.

Witness my hand and seal this the 3rd day of January, 1956.

Charles K. Gammill (SEAL)

The foregoing codicil was this day made, published and declared by Charles K. Gammill as a codicil to his Will bearing date of August 4, 1948, and we hereby certify that he signed the same as such codicil in our presence, and in the presence of each of us, and that we, at his request and in his presence, and in the presence of each other have signed our names hereto as subscribing witnesses on this the 3rd day of January, 1956.

CERTIFICATE TO THE PROBATE OF WILL

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THE STATE OF ALABAMA,
JEFFERSON COUNTY.

I, G. C. Boner, Judge of the Court of Probate, in and for said

State and County, do hereby certify that the foregoing instrument s of writing in ve 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

Charles K. Gammill, Deceased and that said Will

together with the proof thereof have been recorded in my office in Book of Wills, Vol. 118 Page 72

In witness of all which I have hereto set my hand, and the seal of the said Court, this the 13th day of Feb. 1956.

Form No. 98-2-46-5M

Judge of Probate

CERTIFICATE TO COPIES

Form No. 67

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

PROBATE COURT

I, Guy W. Hanna, 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 Will of Charles K. Gammill,
deceased, together with the Certificate to the Probate Thereof,

in the presence of

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

Given under my hand and official seal, this

the 31st day of July, 1956

Guy W. Hanna

Judge of Probate.

STATE OF ALABAMA, SHELBY COUNTY

I, L. C. Walker, Judge of Probate, hereby certify that the within Copy of Will
was filed for record the 3 day of Aug 1956, at 8 o'clock P.
and recorded in Deed record 181 1322, and the Mortgage Tax of
Deed Tax of --- has been paid.

L. C. Walker Judge of Probate