

167-811

8587

AUG 13 4 45 PM '71

Last Will and Testament

LE.O.D. OF *Red*

71347

JOHN R. SHRIVER, JR.

KNOW ALL MEN BY THESE PRESENTS, that I, John R. Shriver, Jr., a resident citizen of the County of Jefferson, State of Alabama, being of sound and disposing mind and memory, do make, publish and declare this instrument as and for my last will and testament, and I do hereby revoke any and all other wills and codicils heretofore made by me.

I.

I direct that all of my just debts, including the expenses of my last illness and funeral, shall first be paid out of my estate by my executrix hereinafter named, as soon as possible after my death.

II.

I give and bequeath all of my wearing apparel, jewelry, books, pictures, any automobile I may own, and all other objects of my personal use, including eight guns of her choice to fill a gun cabinet and all hand guns, to my wife, Lucy D. Shriver, absolutely, if she be living at my death. My executrix shall divide the remainder of my gun collection mentioned above between my nephews, Rick Barnes and Johnny Reed. I hereby vest in my said executrix full power and authority to determine what objects of property are included in the foregoing description contained in this section of my will.



19720413000019640 1/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

III.

All of the rest, residue and remainder of my property, of whatsoever kind and character, and wheresoever situated, I give, bequeath and devise unto The First National Bank of Birmingham (and to such successor corporation having trust powers as shall

BOOK 273 PAGE 737

BOOK 272 PAGE 573

noted

AUG 16 1971

John R. Shriver Jr.
John R. Shriver Jr.

11

167-811

RECORD 272 PAGE 574

Page Two of the Last Will and Testament of John R. Shriver, Jr. -

succeed to the business of said bank by purchase, merger, consolidation or change of charter or name), as trustee, in trust, nevertheless, for the use and purposes, upon the terms and conditions, and with the powers and duties hereinafter stated. It is my desire that James S. Crow of said bank supervise the trust herein instituted.

IV.

The trustee shall hold and manage said property and such other property as it may subsequently acquire pursuant to the power and authority herein given to it (all of which for convenience will hereinafter be referred to as the "trust estate"), with full power to collect the income therefrom and from time to time sell, convey, exchange, lease for a period beyond the possible termination of the trust, or for a less period, improve, encumber, borrow on the security of, or otherwise dispose of it, all or any portion of said trust estate, in such manner and upon such terms and conditions as said trustee may approve, and with full power to invest and reinvest said trust estate and the proceeds of sale or disposal of any portion thereof, in such loans, stocks, bonds or other securities, mortgages, common trust funds, or other property, real or personal, as to said trustee may seem suitable, and to change investments from time to time as to said trustee may seem necessary or desirable. The trustee may continue to hold any property or securities originally received by it as a part of said trust estate, so long as it shall consider the retention thereof for the best interests of said trust estate, regardless of whether such property or securities are a so-called "legal" investment of

19720413000019640 2/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

John R. Shriver, Jr.
John R. Shriver, Jr.

BOOK 273 PAGE 738

12



19720413000019640 3/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

167-811

RECORDED
272 PAGE 575

Page Three of the Last Will and Testament of John R. Shriver, Jr.

trust funds where such course is in its opinion for the best interests of said trust estate. The trustee shall have the power to determine whether any money or property coming into its hands shall be treated as a part of the principal of the trust estate or a part of the income therefrom, and to apportion between such principal and income any loss or expenditure in connection with said trust estate as to it may seem just and equitable.

V.

So long as my said wife, Lucy D. Shriver, shall live and remain my widow, I direct that she shall be permitted to use and occupy the family home occupied by me at the time of my death, or such other suitable home purchased by the trustee upon the sale or disposition of my said family home, as in the trustee's judgment is of a value in a reasonable proportion to the entire trust estate. During the occupancy of such home by my said wife, the trustee shall pay all interest, taxes, repairs, insurance and miscellaneous maintenance charges thereon, and shall allow my wife the full use of said home free of rent and other charges.

VI.

The trustee shall hold said trust estate, without division into shares, in trust for the use and benefit of my said wife, Lucy D. Shriver, until the death or remarriage of my said wife, whichever event shall happen first. During such period the trustee shall pay over to my said wife, in such installments as may be convenient to her, for the support and comfort of herself and for the support, education, and comfort of her daughter, Drucilla Minton, the entire net income from said trust estate.

John R. Shriver, Jr.
John R. Shriver, Jr.

BOOK 273 PAGE 739

13

167-811

BOOK 272 PAGE 576

Page Four of the Last Will and Testament of John R. Shriver, Jr. -

If at any time during such period the net income from said trust estate shall not in the opinion of the trustee be sufficient for the proper support and comfort of my said wife and the support, education and comfort of the said Drucilla Minton, then I direct that the trustee shall pay to my said wife such additional sum or sums out of the principal of said trust estate as to it may seem necessary or desirable for said purposes. All payments made by the trustee to my said wife hereunder shall fully discharge the trustee as to amounts so paid, without obligation on the part of my said wife to account therefor to the trustee or to the said Drucilla Minton.

VII.

From and after the death or remarriage of my said wife, Lucy D. Shriver, whichever event shall happen first, the trustee shall hold said trust for the use and benefit of Drucilla Minton, if she be living at the date of my said wife's death or remarriage, for the purpose of providing her with a college education.

Should the said Drucilla Minton be a minor, the trustee shall use and apply for her support, education and comfort, such part of the net income from the trust estate and the principal thereof as the trustee deems necessary or desirable for said purposes. From and after the time the said Drucilla Minton shall attain her majority, and during the continuance of the trust estate, the trustee shall transfer and pay over to her, for her support, education and comfort, the entire net income from the trust estate and also such additional sum or sums out of principal thereof as the trustee may from time to time deem necessary or desirable for said purposes.

19720413000019640 4/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

John R. Shriver, Jr.
John R. Shriver, Jr.

BOOK 273 PAGE 740

4

167-811

RECORDED
272 PAGE 577

Page Five of the Last Will and Testament of John R. Shriver, Jr. -

VIII.

Upon the completion of the education of Drucilla Minton, including a college or university degree, or upon her attaining age 22 or upon her marriage, whichever shall first occur, the trust estate of which she is the beneficiary as provided in Paragraph VII hereof shall terminate.

The trustee thereupon is directed to divide the trust estate into three (3) equal shares, and pay over and transfer free of trust one (1) share to Drucilla Minton, one (1) share to Margaret Ruth Barnes, my sister, and one (1) share to Ann S. Reed, my sister, absolutely, or their heirs if either of the persons herein named in this paragraph be then deceased.

In this distribution of the trust estate herein created, my trustee in its uncontrolled discretion may pay over the shares to be distributed either in cash or in property, or partly in cash and partly in property, and at such valuation as shall to it seem proper, and the determination of the trustee of the value of any property for the purpose of distributing any share hereunder, shall be final and conclusive and binding upon all persons interested in such distribution.

IX.

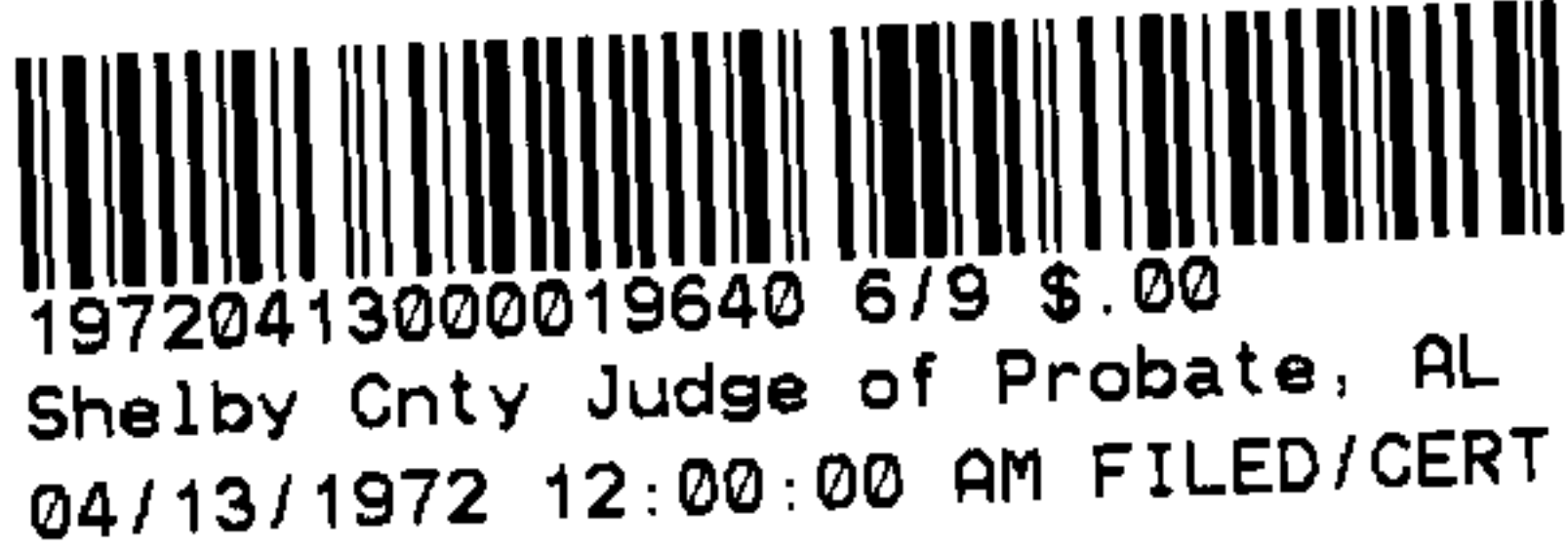
The trust created herein shall be treated as operating from the date of my decease, whether the trust property shall then be actually paid over to the trustee and set aside or not; and I hereby authorize and empower my executrix hereinafter named to make any payment which the trustee is herein authorized to make after the actual establishment of this trust.



19720413000019640 5/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

John R. Shriver Jr.
John R. Shriver, Jr.

BOOK 273 PAGE 741



167-811

RECORDED
272 PAGE 578

Page Six of the Last Will and Testament of John R. Shriver, Jr. -

X.

The First National Bank of Birmingham, as trustee hereunder, shall be entitled to receive reasonable compensation for its services hereunder, to be paid out of the income of said trust estate.

The trustee shall pay out of the income of the trust property any and all expenses reasonably necessary for the administration of the trust, including interest, taxes, insurance, public liability insurance and compensation to the trustee as well as any other expense incurred for the benefit of the trust estate, and in the event the income from the trust property is insufficient for the purposes of paying such expenses, the same may be paid from the corpus of the trust.

XI.

My executrix and trustee shall be authorized to employ and rely upon the advice of counsel from time to time in any legal matters arising in connection with the administration of my estate and of the trust created hereby, and to pay such counsel reasonable compensation for such services out of income or principal of my estate as under the circumstances they deem proper. In such legal matters I suggest that my executrix and trustee use the firm of Beddow, Embry & Beddow, Birmingham, Alabama, or the successors of such firm as presently constituted.

XII.

I hereby nominate and appoint my wife, Lucy D. Shriver, and the First National Bank of Birmingham as co-executors and I direct that my said executors shall not be required to give bond or to file an inventory or appraisal of my estate in any court,

BOOK 273 PAGE 742

John R. Shriver Jr.
John R. Shriver Jr.

21

167-811

RECORDED
272
PAGE 579

Page Seven of the Last Will and Testament of John R. Shriver, Jr. -

though it shall make out and keep an inventory and shall exhibit the same to any party in interest at any reasonable time. I hereby vest in my said executors the same full powers of management, control and disposition of my estate herein given to the trustee, and I direct that in the exercise of such powers they shall be free from the control and supervision of the Probate Court, or any other court.

XIII.

In the event that my said wife, Lucy D. Shriver, and I shall die in a common accident or disaster, or under any circumstances creating any doubt as to which of us survived the other, my said wife shall be presumed to have survived me for all purposes under this will.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this, the 11 day of July, 1965.

John R. Shriver (SEAL)
John R. Shriver, Jr.

We, the undersigned, hereby certify that the above named John R. Shriver, Jr. subscribed his name to the foregoing instrument in our presence, and published and declared the same to be his last will and testament, and we, at the same time, at his request and in his presence, and in the presence of each other, have hereunto signed our names as subscribing witnesses.

Barney Kaul
Name

1632 21st St. S.W.
Address

James W. Kaul
Name

1632 21st St. S.W.
Address

Filed in office this the 22 day of June, 1971
for Probate and Record.

J. R. Madsen

167-911

CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

I, J. PAUL MEEKS, Judge of the Court of Probate, in and for said State

and County, do hereby certify that the foregoing instrument _____ of writing ha S 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 John R. Shriver, Jr. Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Vol. 272 Page 572-580

In witness of all which I have hereto set my hand, and the seal of the said Court, this date March 22, 1971

Form No. 98

J. Paul Meeks, Judge of Probate

19720413000019640 8/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

I, E. R. LINDSEY as Register of the Circuit Court, Tenth
Judicial Circuit of Alabama, do hereby certify that the fore-
going is a true, correct and full copy of the instrument _____ here-
with set out as appears of record in said Court. WITNESSE
my hand and the seal of said Court, this the 4 day
of April 1972 E. R. Lindsey
Register

FILED
IN OFFICE

JUD. RECORD 272 PAGE 584

AUG 13 4 46 PM '71

161-811

IN THE MATTER OF THE ESTATE OF

E.R. LINDSEY
REGISTER
E.O.D. *Red*

IN THE PROBATE COURT OF
JEFFERSON COUNTY
ALABAMA

John R. Shriver, Jr.

Deceased

March TERM 1971

CASE NO. 71847

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 Lucy D. Shriver and The First
National Bank of Birmingham

Execut ors named in said will, who ha ve complied with the requisitions of law and who
are authorized to take upon themselves the execution of such will.

Witness my hand this date, March 22, 1971

J. Paul Meeks
J. PAUL MEEKS
Judge of Probate

I, E. R. Lindsey, ~~Assistant Probate Judge~~ ~~Deputy Clerk~~ ~~Register~~
Circuit Tenth Judicial Circuit of Alabama
of the ~~Court of Probate of Jefferson County, Alabama~~ hereby certify that the foregoing is a true, correct
and full copy of the Letters Testamentary issued in the above-styled cause as appears of record in said
Court. I further certify that said Letters are XXXXXXXXXXXXXX in full force and effect.

Witness my hand and seal of said Court this date, April 4, 1972

~~XXXXXXXXXXXXXX~~
~~Assistant Probate Judge~~
~~Deputy Clerk~~ Register

19720413000019640 9/9 \$.00
Shelby Cnty Judge of Probate, AL
04/13/1972 12:00:00 AM FILED/CERT

BOOK 273 PAGE 745

PROBATE-60

Microfilm AUG 16 1971

22