

LAST WILL AND TESTAMENT

OF

FRANK M. LYNCH

JUD.
RECORD

496 PAGE 952

STATE OF ALABAMA)

JEFFERSON COUNTY)



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Shelby Cnty Judge of Probate, AL
03/29/1977 12:00:00 AM FILED/CERT

I, FRANK M. LYNCH, a resident citizen of Jefferson County, Alabama, being of sound mind and disposing memory, and above the age of twenty-one (21) years, do hereby make and publish this my Last Will and Testament, hereby revoking any and all Wills heretofore made by me.

ITEM ONE

I direct that all my just debts, including the expense of my last illness and funeral, be paid by my Executrix, hereinafter named, as soon after my death as may seem advisable.

ITEM TWO

I give, devise and bequeath all the interest I may own in any home in which I have the place of my residence at the time of my death, together with all the interest I may own in the parcel of land upon which the same is situated unto my wife Dorothy Holmes Lynch, if she survives me, and if not unto my children Frank A. Lynch and Marie Lynch Murrill, share and share alike.

I make no disposition of household furniture or furnishings as these items are the property of my said wife.

ITEM THREE

I give and bequeath unto my son Frank A. Lynch all of my jewelry, guns, watches, fishing tackle and other items

Filed in office this the 4th
day of January, 1977
for Probate and Record.

O. H. [Signature]
Judge of Probate

BOOK 19 PAGE 221

BOOK

Frank M. Lynch

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REGISTER
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of personal use, all to be his absolutely.

ITEM FOUR

496 PAGE 953

All the rest, residue and remainder of my property of every kind and character and wheresoever situated, I give, devise and bequeath as hereinafter provided:

(a) If my wife, Dorothy Holmes Lynch, survives me, my Executor hereinafter named shall as soon as practicable after my death, divide all the rest, residue, and remainder of my property into two shares, hereinafter referred to as "Share A" and "Share B". Share A shall consist of property, including any undivided interest in property, which my Executor may allocate to it, having a value equivalent to the amount which, when added to the value, (1) of any insurance on my life taxable as a part of my estate, which is payable to my wife and which qualifies for the marital deduction under provisions of the Internal Revenue Code, as now or hereafter amended; (2) of any property taxable as part of my estate which vests in my wife, absolutely, on my death or which has previously vested in her by virtue of ownership with me, or by virtue of a conveyance, or by operation of law; and (3) of any property bequeathed outright to my wife by any other Item of this Will, equal to one-half of the value of my adjusted gross estate, as calculated for estate tax purposes under provisions of the Internal Revenue Code, as amended.

In making division of the property constituting said residue of my estate, between said two shares, my Executrix shall calculate the percentage of said residue allocable to Share A under the foregoing provisions hereof on the basis of the value of said residue of my property as finally determined for Federal Estate Tax purposes, and shall apply said percentage to the value

BOOK 19 PAGE 222

BOOK

Dorothy M. Lynch



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03/29/1977 12:00:00 AM FILED/CERT

- 3 -

JUD.
RECORD

496 PAGE 954

of the property constituting said residue as of the date of actual division thereof.

I give, devise and bequeath said Share A of my property unto my wife, Dorothy Holmes Lynch, all to be hers absolutely.

If I survive my wife, Dorothy Holmes Lynch, the bequest to her of said Share A shall lapse and, in that event, the entire residue of my property shall be held and disposed of in accordance with Item Five hereof.

(b) Share B of my property shall consist of the remainder of said residue of my property, but after deducting and paying therefrom all cost of administration of my estate, debts of my estate, and any and all inheritance, estate, or other taxes levied against my estate by virtue of my death.

ITEM FIVE

I give, devise and bequeath Share B of my property unto my son Frank A. Lynch, as Trustee, in trust nevertheless, for the uses and purposes, upon the terms and conditions with the powers and duties hereafter stated.

(a) The Trustee shall hold all the property constituting Share B, hereinafter called "Trust Estate", for the use and benefit of my wife Dorothy Holmes Lynch, for and during her lifetime. During such period the Trustee shall transfer and pay over to my said wife, from time to time, the entire net income from said Trust Estate. If at any time during such period, the net income from said Trust Estate shall, in the sole judgment of the Trustee, be insufficient for the proper support and comfort of my said wife, my Trustee shall pay over to her such sum

BOOK 19 PAGE 223

Frank M. Lynch

or sums out of the principal of said Trust Estate as my Trustee may deem necessary or desirable for said purposes. All payments made by the Trustee to my said wife hereunder shall fully discharge the Trustee as to the amounts so paid, without obligation on the part of my said wife to account therefor.

Upon the death of my wife, or upon my death, if she should predecease me, the Trustee shall pay over the entire property then constituting the Trust Estate to my children, Frank A. Lynch and Marie Lynch Murrill, share and share alike, or to the lineal descendants of either of them who may die before the termination of this Trust, per stirpes, and in the event either said child shall predecease me leaving no lineal descendants then in such event the Trustee shall pay over the share of such child so predeceasing me to my surviving child or, his or her lineal descendants as the case may be, in the same proportion as other trust assets are divided.

(b) If my son, the said Frank A. Lynch should resign or for any reason fail or cease to act as Trustee, I hereby appoint Schuyler A. Baker, Esquire as successor Trustee herein, with all the rights power and duties vested in my son under the terms and provisions of this Will.

ITEM SIX

(1) The Trustee shall hold and manage the property constituting the Trust Estate and such other property as he may subsequently acquire pursuant to the power and authority given to him, with full power to compromise, adjust and settle in his discretion any claim in favor of or against said Trust Estate, with full power to collect the income therefrom and from time



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BOOK 19 PAGE 224

Frank M. Lynch



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496 PAGE 956

to time to sell, convey, exchange, lease for a period beyond the possible termination of this trust, or for a less period, improve encumber, borrow on the security of, or otherwise dispose of, all or any portion of said Trust Estate, in such manner and upon such terms and conditions as my 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 and to make new 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 as a part of said Trust Estate, so long as my Trustee 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 trust funds. In the disposition of any property constituting a part of said Trust Estate, the Trustee may acquire other property which is not a so-called "legal" investment of trust funds where such course is in his opinion for the best interests of said Trust Estate. The Trustee shall have power to determine whether any money or property coming into their hands shall be treated as a part of the principal of said 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 them may seem just and equitable.

(2) The Trustee shall pay from and out of the income of the Trust Estate any and all expenses reasonably necessary for the administration of the Trust, including interest, taxes,

BOOK 19 PAGE 225

Frank M. Lynch



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- 6 -

496 PAGE 957

insurance, public liability insurance, as well as any other expenses incurred for the benefit of the Trust Estate, and in the event the income from the Trust Estate is insufficient for the purpose of paying such expenses, the same may be paid from the corpus of the Trust Estate.

(3) As to the net income which by any of the provisions of this Will may be payable to any beneficiary, he or she shall have no right or power either directly or indirectly to anticipate, charge, mortgage, encumber, assign, pledge, hypothecate, sell or otherwise dispose of same, or of any part thereof, until same shall have been actually paid in hand to him or her by the Trustee. Nor shall such income, nor the principal or corpus of said Trust Estate, nor any part of, or interest in said Trust Estate be liable for or to any extent subject to any debts, claims or obligations of any kind or nature whatsoever, or to any legal process in aid thereof, contracted or incurred by or for any beneficiary hereunder before or after my death.

ITEM SEVEN

I nominate, constitute and appoint my wife Dorothy Holmes Lynch, as Executrix of this my Last Will and Testament, and I direct that my said Executrix shall not be required to give bond or file an inventory or appraisement of my estate in any court. In the event my said wife shall predecease me or for any reason fail or cease to act as such Executrix I nominate, constitute and appoint Frank A. Lynch as Alternate Executor and do expressly relieve him of giving any bond or filing any inventory of my estate in any court. During the administration of my estate I hereby vest in my said Executrix and Alternate Executor,

BOOK 19 PAGE 226

BOOK

Frank M. Lynch



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- 7 -

NO. 496 PAGE 95

as the case may be, full power to sell, convey or otherwise dis
pose of, all or any part of my estate, in such manner and upon
such terms and conditions as my said Executrix or Alternate
Executor shall approve.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal on this the 7 day of JANUARY,
1974.

Frank M. Lynch (SEA)
Frank M. Lynch

SIGNED, SEALED, PUBLISHED and DECLARED by the above
named Frank M. Lynch, as and for 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 hands as
witnesses thereto on the day the same bears date.

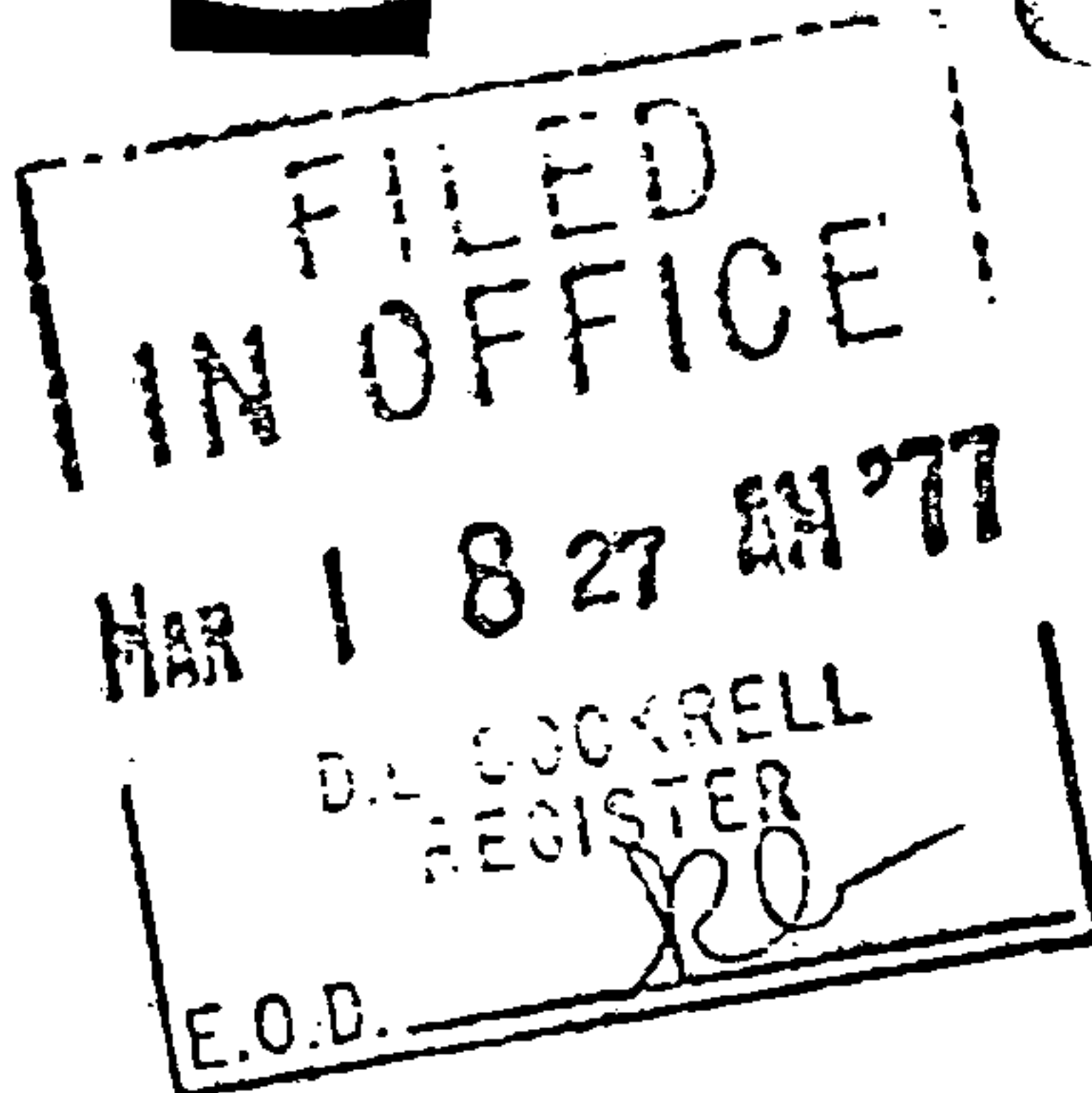
Thomas Coleman
Name

903-City Federal Building
Birmingham, Alabama
Address

W. H. Norton
Name

Bham, Ala
Address

BOOK 19 PAGE 227



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RECORD 496 PAGE 959

BOOK 19 PAGE 228

CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama

JEFFERSON COUNTY

I, O. H. Florence, 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 Frank M. Lynch Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 496, Page 951-958

In witness of all which I have hereto set my hand, and the seal of the said Court, this date Jan. 4, 1977

PROBATE-98

O. H. Florence Judge of Probate.



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Shelby Cnty Judge of Probate, AL
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BOOK 19 PAGE 229

BOOK

The State of Alabama
JEFFERSON COUNTY

CIRCUIT COURT,
TENTH JUDICIAL CIRCUIT OF ALABAMA
IN EQUITY

I, the undersigned, as Register of the Circuit Court, Tenth Judicial Circuit of Alabama, do hereby certify that the foregoing contains a full, true and correct copy of the instrument herewith set out as appears of record in said Court.

Witness my hand and seal of said Court, this the 24 day of March, 19 77.

D. L. Cockrell, Register.
By: Deborah Wright
Deputy Register.

FILED
IN OFFICE
MAR 1 8 27 AM '77
D.L. COCKRELL
REGISTER
E.O.D. *[Signature]*

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY,
ALABAMA

DECEMBER TERM 1976

FRANK M. LYNCH

Deceased

CASE NO. 89082

JUD. RECORD 496 PAGE 963

LETTERS TESTAMENTARY

BE IT REMEMBERED AND MADE KNOWN TO ALL WHOM IT MAY CONCERN:



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Shelby Cnty Judge of Probate, AL
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19 PAGE 230
BOOK

That the will of the above-named deceased having been duly admitted to record in said County, Letters Testa-

mentary are hereby granted to

Dorothy Holmes Lynch

Execut ~~rix~~ named in said will, who ha ~~s~~ complied with the requisitions of law and who ~~is~~ authorized to

take upon herself the execution of such will.

Witness my hand this date, January 4, 1977

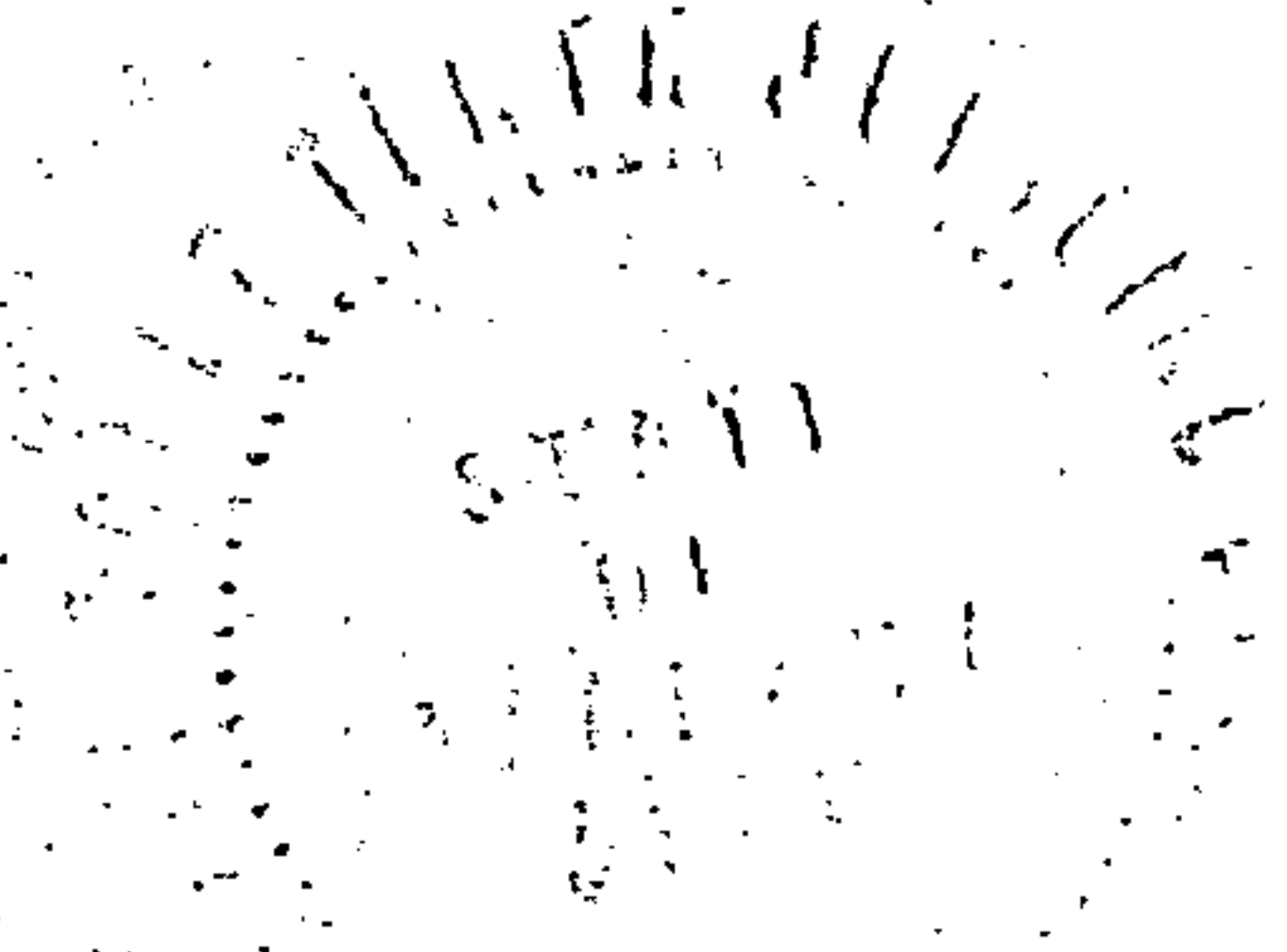
[Signature]
O. H. FLORENCE,
Judge of Probate

I, *[Signature]* ~~Register in Chancery~~ *[Signature]* 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 still
in full force and effect.

Witness my hand and seal of said Court this date, 3/24/77

[Signature]
~~Chief Clerk~~
[Signature]





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BOOK 19 PAGE 231

The State of Alabama
JEFFERSON COUNTY

CIRCUIT COURT,
TENTH JUDICIAL CIRCUIT OF ALABAMA
IN EQUITY

I, the undersigned, as Register of the Circuit Court, Tenth Judicial Circuit of Alabama, do hereby certify that the foregoing contains a full, true and correct copy of the instrument herewith set out as appears of record in said Court.

Witness my hand and seal of said Court, this the 24 day of March, 19 77.

D. L. Cockrell, Register.
By: Opone Knight Deputy Register.

REGISTER-75

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1977 MAR 29 PM 3:44
JUDGE OF PROBATE
Fees \$16.50
Ind 1.00
\$17.50