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Shelby Cnty Judge of Probate, AL
12/02/1980 12:00:00 AM FILED/CERT

Last Will and Testament

OF

MASON CLIFTON CROW

79-155

373 IN 803

I, MASON CLIFTON CROW, generally known as M. C. CROW, of Jefferson County, Alabama, do hereby revoke my former wills and declare this to be my last will.

ITEM ONE: I hereby give and bequeath unto my wife, HELEN J. CROW, should she survive me, my personal effects such as wearing apparel, jewelry, and any automobile or office furnishings which I may own at the time of my death. I make no disposition of the household furniture and furnishings and other contents of my home (except my personal effects hereinabove described) inasmuch as all of the contents located in said residence are the property of my wife, most of same having been purchased and paid for by her and the remainder having been given to her by me from time to time when and as purchased.

ITEM TWO: I hereby give, devise and bequeath unto my wife, HELEN J. CROW, to be hers absolutely without restriction should she survive me, property or interests in property having a value equal to one-half of the value of my "adjusted gross estate" as presently defined in the United States Internal Revenue Code of 1954 reduced, however, by the value of all other items of my gross estate qualifying for marital deduction under said Revenue Code which pass or have passed to my said wife outright under Item One of this will or outside this will by operation of law or otherwise. All values shall be those finally determined for estate tax purposes. It is my purpose and intent

Filed in office this the 16th
day of November, 1973
for Probate and Record: J. Paul Meier
Judge of Probate

Jack A.

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Mason Clifton Crow

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to give and bequeath to my said wife such amount as will entitle my estate to the maximum marital deduction provided by said Revenue Code of 1954 or as will entitle my estate to any similar benefit which may be available under the Federal Estate Tax laws in effect at the time of my death. Only such assets as will qualify for said marital deduction (or similar benefit) shall be distributed to my wife under this Item Two of my will, and I direct that such assets shall not be diminished or reduced by the amount necessary to pay any estate, inheritance or other special taxes imposed or levied against my estate by virtue of my death. All such estate, inheritance or other special taxes shall be paid entirely out of the residue of my estate, that is, out of that part of my estate not passing under the provisions of Items One and Two of this will. My Executrices shall be governed by the wishes of my said wife in selecting assets to be distributed to her under the provisions of this Item Two of my will, subject to the foregoing provision that such assets qualify for the marital deduction.

ITEM THREE: In the event that my said wife survives me, I hereby give, devise and bequeath unto my wife, HELEN J. CROW, and my daughter, HELEN CLIFTON CROW, as joint Trustees, and unto the survivor of them as sole Trustee (provided, however, that if my daughter, HELEN CLIFTON CROW, has not attained twenty-one years of age at the time of my death, then my said wife, HELEN J. CROW, shall serve as sole Trustee until my said daughter becomes twenty-one years of age, at which time said daughter shall become a Co-Trustee with my said wife) all property not passing under Items One and Two of this will, real, personal

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Helen Clifton Crow

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or mixed, which I may own at the time of my death or to which my estate may become entitled after my death or over which I may have any power of disposition, in trust, nevertheless, for the following uses and purposes, viz:

Should my wife, HELEN J. CROW, and my daughter, HELEN CLIFTON CROW, both survive me, the Trustees shall hold the trust estate for the equal use and benefit of my said wife and my said daughter for and during their joint lives and during said period shall pay over one-half of the net income therefrom to my said wife and the other one-half of said net income to my said daughter to be used by them respectively as they may desire.

In the event that my said daughter does not survive me or in the event that she survives me but dies prior to the death of my wife, and in either of said events leaves a lineal descendant or lineal descendants, then my said wife, as surviving Trustee, shall thereafter pay to or expend for the benefit of such lineal descendant or lineal descendants of my said deceased daughter, the share of said net income which my said daughter would have received if living and shall pay the remaining share of said income to herself individually.

In the event that my said daughter does not survive me or in the event that she survives me but dies prior to the death of my said wife leaving no lineal descendant surviving her, then my said wife, as surviving Trustee, shall thereafter during her lifetime pay the entire net income from said trust estate to herself individually to be used by her as she may desire.



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In the event that my wife survives me, then upon her death, said trust shall terminate, and my said daughter, HELEN CLIFTON CROW, as surviving Trustee, shall pay, convey and deliver over to herself individually, free from trust, said trust estate. In the event that my said daughter does not survive my wife and leaves a lineal descendant or descendants surviving her, then said trust shall terminate upon the death of my wife and the trust estate shall be paid, conveyed and delivered over to such lineal descendant or to such lineal descendants of my said daughter, in equal shares, free from trust; provided, however, that should any such lineal descendant be then a minor under the age of twenty-one years, then I hereby designate The First National Bank of Birmingham as testamentary guardian for such minor and direct that said minor's share of the trust estate shall be paid, conveyed and delivered over to said testamentary guardian.

When final disposition of the trust property shall have been made in accordance with the provisions hereof, the trust shall terminate and the Trustees shall forthwith stand discharged.

ITEM FOUR: I hereby confer upon my Trustees hereunder the following powers and duties, viz:

(a) The Trustees shall hold and manage the property constituting the trust estate or estates herein created, and such other property as they may subsequently acquire for said trust estate or estates, pursuant to the power and authority herein given to them, with full power to compromise, adjust and settle in their discretion any claim in favor of or against said



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Helen Clifton Crow

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trust estate or estates and with full power to collect the income therefrom and from time to time to sell, exchange, lease, improve, encumber, borrow on the security of, or otherwise dispose of, all or any portion of said trust estate or estates, in such manner and upon such terms and conditions as said Trustees may approve, and with full power to invest and reinvest said trust estate or estates and the proceeds of sale or disposal of any portion thereof in such loans, bonds, stocks, securities, or other property, real or personal, as to said Trustees may seem suitable, and to change investments and to make new investments from time to time as to said Trustees may seem necessary or desirable; provided, however, that under no circumstances shall the Trustees invest any portion of the trust assets in so-called participations or a participation in loans secured by a mortgage on real estate, or in any common fund or trust fund, but this shall in no way limit the right of the Trustees to invest in bonds listed on a recognized bond market, although said bonds may be secured by a mortgage on real estate. I suggest that my Trustees consult with my brother, W. B. CROW, with reference to any business decisions which they may be required to make.

(b) The Trustees may continue to hold any property or securities originally received by them as a part of said trust estate or estates so long as they shall consider the retention thereof to be for the best interests of my said estate or estates, regardless of whether such property or securities are in law a proper investment of trust funds, and may from time to time invest any and all funds coming into their hands

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Mason Clifton Brown

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hereunder in such securities, investments and other property as they in their sole discretion may deem advisable even though the same do not fall within the category of investments legitimate for trust funds. The Trustees 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 estates 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 or estates as to them may seem just and equitable.

(c) The Trustees may in their sole discretion cause the securities which from time to time constitute said trust estate or estates or any part thereof to be registered in the name of their nominee, or to take and keep the same unregistered and retain such securities or any part thereof in such form as to permit them to pass by delivery.

(d) At any time and from time to time the Trustees may advance money to the trust estate or estates for any trust purpose or purposes and may reimburse themselves for the money advanced and interest thereon from the trust properties or from any funds belonging to the trust property thereafter coming into their custody for any source.

(e) The Trustees shall pay from and out of the income of the trust properties any and all expenses reasonably necessary for the administration of the trust or trusts hereunder, including interest, taxes, insurance, as well as any other expense incurred for the benefit of said trust estate or estates, and in the event the income from the trust properties

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Mason Clifton Evans

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is insufficient for the purpose of paying such expenses, the same may be paid from corpus.

(f) The Trustees shall not be required to pay any interest on any money in their custody while awaiting distribution and investment under the terms hereof.

(g) The Trustees shall not be required to give bond as Trustees under this instrument, unless ordered to do so for cause shown by a court having jurisdiction, in which event the cost and expense of the bond shall be paid from the trust estate.

ITEM FIVE: In the event that my wife predeceases me, then I give, devise and bequeath all property, real, personal or mixed, which I may own at the time of my death or to which my estate may become entitled after my death or over which I may have any power of disposition to my daughter, HELEN CLIFTON CROW, to be hers absolutely without restriction or qualification should she survive me. In the event that neither my said wife or said daughter survives me, then I give, devise and bequeath all of my said property in equal shares to the lineal descendants of my said daughter; provided, however, that should any such lineal descendant be then a minor under the age of twenty-one years, I hereby designate The First National Bank of Birmingham as testamentary guardian of any such minor child and direct that the share to which such minor child is entitled shall be paid to such guardian.

Should neither my wife nor daughter survive me, and should my said daughter leave no lineal descendants surviving me, then I give, devise and bequeath all of my said

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Mason Clifton Crow

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property to such persons as would be entitled to inherit such property, and in the proportions in which they would be entitled to inherit the same, from me under the laws of Alabama then in force had I died intestate at said time, a resident of Alabama and owning said property.

ITEM SIX: The trust or trusts created under Item Three hereof shall be treated as operating from the date of my decease whether the trust property shall then be actually paid over to the Trustees and set aside or not. During the period of administration of my estate my Executrices herein named shall have and may exercise all of the rights, powers and duties herein granted to or conferred upon the Trustees.

ITEM SEVEN: In any distribution of my estate or of the separate trusts herein created, made in accordance with the terms of this will, my Executrices or the Trustees in their uncontrolled discretion may pay over the bequests or the shares to be distributed either in cash or in property, or partly in cash or partly in property, and at such valuation as shall to them seem proper, and the determination of the Executrices or of the Trustees of the value of any property for any purpose of distributing any bequest or share hereunder shall be final, conclusive and binding upon all persons.

ITEM EIGHT: In the event my wife and I die in a common accident or disaster, or under circumstances creating any doubt as to which of us survived the other, my wife shall be presumed to have survived me and the property bequeathed to her under the provisions of Items One and Two hereof shall be considered to have passed to her.



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Mason Clayton Brown

ITEM NINE: Whenever in this instrument the word "Executrix" or "Executrices" or "Trustee" or "Trustees" is used, it is my intention that such word shall be construed either as singular or plural, whichever is proper in accordance with the context and the circumstances involved.

ITEM TEN: I hereby constitute and appoint as joint Executrices of this my last will and testament my wife, HELEN J. CROW, and my daughter, HELEN CLIFTON CROW, or the survivor of them as sole Executrix hereof, hereby directing that such Executrix or Executrices shall not be required to make any bond or file any inventory or any accounting or settlement of my estate in any court.

IN WITNESS WHEREOF, I, the said MASON CLIFTON CROW, have hereunto set my signature and seal on this 16 day of January, 1958, hereby declaring the instrument contained on this and the eight preceding pages to be my last will and testament.

Mason Clifton Crow (SEAL)

The foregoing was signed, sealed, published and declared by MASON CLIFTON CROW to be 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 the day the said instrument bears date.

Oliver H. H. H. H. of Birmingham, Ala.

Ray H. H. H. of Birmingham, Ala.

Samuel H. H. H. of " "



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FIRST CODICIL
TO
LAST WILL AND TESTAMENT
OF
MASON CLIFTON CROW

LC 373 PAGE 812

79455

I, MASON CLIFTON CROW, generally known as M. C. Crow, a resident of Jefferson County, Alabama, do make, publish and declare this to be the First Codicil to the Last Will and Testament executed by me on or about June 6, 1958 in the presence of

(1) I hereby modify and amend my said Last Will and Testament hereinabove described by adding thereto as Item One (a) the following:

I give and bequeath to the Baptist Foundation of Alabama, a corporation, organized not for profit under the laws of the State of Alabama, with its offices in the City of Montgomery, County of Montgomery, State of Alabama, property of my estate having a fair market value of Twenty-five Thousand Dollars (\$25,000.00), in trust nevertheless, for the uses and purposes and upon the following terms and conditions:

The Trustee shall collect the income from the trust estate, pay all necessary expenses of said trust and shall pay once a year to the Mountain Brook Baptist Church located in Mountain Brook, Alabama, the net income from said trust funds to be used by said Church to help educate some young man or woman or for some other benevolent purpose, but not to be used for the general

Filed in office this the
day of _____ 1973
for Probate and Record.

16th
Judge of Probate

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operational expenses of said Church.

(2) In all other respects, I hereby ratify and confirm my said Last Will and Testament hereinabove described and do republish the same as herein and hereby amended as of this date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this, the First Codicil to my Last Will and Testament, on this the 13 day of September, 1969.

Mason Clifton Crow (SEAL)
Mason Clifton Crow

The foregoing was signed, sealed, published and declared by Mason Clifton Crow 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 the day the said instrument bears date.

Linda Lee Robertson
Ray Daniel Johnson, Jr.

of Birmingham, Alabama



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CERTIFICATE TO THE PROBATE OF WILL / AND CODICIL

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

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

and County, do hereby certify that the foregoing instrument 3 of writing 79 this day, in said Court, and before AND CODICIL

me as the Judge thereof, been duly proven by the proper testimony to be the genuine last Will and Testament 1

Mason Clifton Crow, Deceased and that said will AND CODICIL

together with the proof thereof have been recorded in my office in Judicial Record, Vol. 373 Page 812-814

In witness of all which I have hereto set my hand, and the seal of the said Court, this date November 16, 1973

J. Paul Weeks Judge of Probate

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CLERK OF PROBATE
JEFFERSON COUNTY, ALABAMA

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1980 DEC -2 AM 9:37

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Thomas A. Snowden, Jr.
JUDGE OF PROBATE

CERTIFIED COPY

I, O. H. Florence, Judge of the Court of Probate for
Jefferson County, Alabama, hereby certify that the
foregoing is a true, correct and full copy of the
Instrument _____ herewith set out as appears of record
in said Court. Witness my hand and seal of said Court,
this 26th day of Nov, 1980
Judge of Probate

O H Florence