

Last Will and Testament

OF

ISHMAEL S. O'DELL

96265

NO. 601 PAGE 605
RECORD

I, Ishmael S. O'Dell, a resident of Jefferson County, Alabama, do declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

ITEM ONE

I direct that all of my debts, including my funeral expenses and the cost of administration of my estate be paid as soon as practicable after my death.

ITEM TWO

I direct that my Executrix pay out of my estate all estate, inheritance and other death taxes, assessed by reason of my death, whether the property passes under this will or otherwise.

ITEM THREE

I bequeath and devise all the residue and remainder of my property and estate of every nature and wherever situated, hereinafter referred to as my residuary estate, unto my Executrix and I direct that she shall dispose of my said estate in accordance with the terms and provisions set forth and contained in the succeeding item of this will.

ITEM FOUR

If my wife, Mary B. O'Dell survive me, I give, devise and bequeath to Carol O. Leonard and Mary B. O'Dell, as Trustees, an amount equal in value to one-half of my adjusted gross estate as finally determined for Federal Estate tax purposes, diminished by the value for such purposes of all other items in my gross estate for Federal estate tax purposes which pass under this will. In making the computations to determine said amount, the final determinations in the Federal estate tax proceedings shall control.

Only assets which qualify for the marital deduction shall be allotted to such bequest.

If my wife shall fail to survive me, then the bequest under this Item shall lapse and shall pass as a part of my residuary estate under Item Five.

A. During the lifetime of my wife, the Trustees shall pay to my wife or apply for her benefit the entire net income of the trust in monthly or

quarterly installments.

Witness my hand and seal this 27th day of April, 1981.



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Shelby Cnty Judge of Probate, AL
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B. If the income distributable to my wife in accordance with the provisions of Paragraph A above, supplemented by income available from other sources to her, shall not be sufficient to enable her to maintain substantially the standard of living to which she was accustomed at the time of my death - then, and in that event, I authorize my Trustees to pay to or apply for the benefit of my wife so much of the principal of this trust as my Trustees in their sole discretion shall from time to time deem requisite or desirable to meet the reasonable needs of my wife, even to the full extent of the entire principal of this trust.

C. Upon the death of my said wife, the principal remaining in this trust shall be paid, transferred or distributed by the Trustee surviving free of the trust, to or for the benefit of such one or more persons, in such manner and in such proportions, whether outright, in trust or otherwise, as my said wife may by her Last Will and Testament direct and appoint, including the right in my wife to appoint said property to her estate. Such power of appointment shall be exercisable by my said wife exclusively and in all events, but shall be exercisable only by specific reference to said power in her Last Will and Testament.

If my said wife fails to exercise effectively the general power of appointment herein conferred upon her, then upon her death that portion of the trust property not effectively appointed shall be distributed as provided for in Item Five of this will hereinafter set forth.

D. It is my intention and purpose that the trust shall qualify for the marital deduction. I direct that in the establishment and administration of such trust, my Executors and Trustees shall be vested with all the discretionary powers herein conferred, but that neither shall exercise any of such discretionary powers in any manner which would disqualify such trust for the marital deduction and that all other provisions of this will or of any codicil hereafter made shall be subordinate to such intent and purpose.

ITEM FIVE

I direct that, after satisfying all the bequests and devises hereinabove and after the payment of all administration expenses and death taxes as hereinabove provided, my Executrix shall deliver and convey all the remainder of my residuary estate wheresoever situated to Mary B. O'Dell and Carol O. Leonard as Trustees, with all of the rights and powers and subject to the limitations hereinafter enumerated for the following uses and purposes:

A. The Trustees shall collect the income from the property comprising the trust estate, pay all incidental expenses of the trust, and shall remit the net income derived therefrom in monthly or other convenient installments to my wife, Mary B. O'Dell or apply the same for her benefit, so long as she shall live.

B. I hereby authorize and empower the Trustees in their sole and absolute discretion, at any time and from time to time, to disburse from the principal of the trust estate created under this Item, such amounts as they may deem advisable to provide adequately and properly for the care, support and maintenance of my wife Mary B. O'Dell.

C. Upon the death of my wife (or upon my death if she shall not survive me), the surviving Trustee shall pay over the entire remaining residue of my entire estate to my daughter Carol O. Leonard, if she be living and if she be dead then to the living issue of my said daughter per stirpes, share and share alike. Upon such payment my Trustee shall stand discharged.

ITEM SIX

I hereby grant to my Executrix and to the Trustees of each trust established hereunder or to the survivor Trustee, the continuing, absolute, discretionary power to deal with any property, real or personal or any other assets of my estate or held in any trust as freely as I might in the handling of my affairs. Such power may be exercised independently and without prior or subsequent approval of any court or judicial authority, and no person dealing with the Executrix or Trustees shall be required to inquire into the propriety of any of their actions. Without in any way limiting the foregoing I hereby grant to my Executrix and also to the Trustees hereunder, the following specific powers and authority in addition to and not in substitution of powers conferred by law:

A. To retain any security or other property owned by me at the time of my death so long as such retention appears advisable.

B. To, sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate or in any trust fund, at public or private sale, at such time and price and upon such terms and conditions (including credit) as they may determine.

C. To invest and reinvest in such stocks, bonds and other securities and properties as they may deem advisable.

D. To lease any real estate for such term or terms and upon such conditions and rentals and in such manner as they may deem advisable, and any

lease so made shall be valid and binding for the full term thereof, even though the same shall extend beyond the duration of the trust.

E. To compromise, settle or adjust any claim or demand by or against the estate or any trust and to agree to any modification of any contract or agreement.

ITEM SEVEN

If my wife Mary B. O'Dell, and I shall die under circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, in accordance with such presumptions.

ITEM EIGHT

I appoint my daughter Carol O. Leonard to be the Executrix of this my Last Will and Testament, and I direct that my Executrix shall be exempt from posting bond, filing any inventory of the property coming into her hands as such Executrix, and making any report or final settlement to any court of her proceedings thereunder.

IN WITNESS WHEREOF, I have hereunto set my name to this my Last Will and Testament in the presence of the persons witnessing it on this the 19th day of October, 1973.

Ishmael S. O'Dell
ISHMAEL S. O'DELL

The foregoing instrument was signed and declared by Ishmael S. O'Dell, 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 subscribed our names as witnesses on the day and date above setforth.

Elaine J. Eversley
Nathan Eversley

157-A Old Montgomery Highway
Bham, Ala 35216
157a old Montgomery Highway
Bham. 35209 Ala

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Shelby Cnty Judge of Probate, AL
04/27/1981 12:00:00 AM FILED/CERT

Filed in office this the 2nd
day of May, 1979
for Probate and Record.

W. H. Florence
Judge of Probate

BOOK 40 PAGE 457

JUD. RECORD 601 PAGE 609

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 has ^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 Ishmael S. O'Dell Deceased and that said Will

together with the proof thereof have been recorded in my office in Judicial Record, Volume 601, Page 604-608

In witness of all which I have hereto set my hand, and the seal of the said Court, this date May 3, 1979

PROBATE - 98

O. H. Florence, Judge of Probate.

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 22nd day of April, 1981,
O. H. Florence Judge of Probate

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

1981 APR 27 PM 1:20 Rec. 7.50
Exp. 1.00
8.50

Thomas A. Snowden, Jr.
JUDGE OF PROBATE



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