

2355

PROBATE-87

CERTIFICATE TO COPIES

The State of Alabama
JEFFERSON COUNTY

1210

PROBATE COURT

I, Peggy A. Proctor, Chief Clerk 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
Last Will and Testament of Homer C. Panter, along with the
Certificate to the Probate thereof, and the Order on Filing and
Probating his Last Will and Testament; also the Letters Testamentary
which are no longer in full force and effect

in the matter of Estate of Homer C. Panter, deceased

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

Given under my hand and seal of said Court, this
the 11th day of June, 19 87
Peggy A. Proctor
Chief Clerk

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V-2603

HOMER C. PANTER, DECEASED, ESTATE OF,
ORDER ON FILING AND PROBATING HIS
LAST WILL AND TESTAMENT.

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Case No. 41050
PROBATE COURT
June 30, 1959.

This day came William Homer Panter and filed his petition in writing, under oath, there-with producing and filing in this court an instrument of writing purporting to be the last will and testament of Homer C. Panter, deceased, bearing date the 16th day of June, 1959, and attested by John O. Gilmore and Lewis K. Cato, and praying that the same be probated as pro-vided by law; that petitioner is a son of said decedent and is named in said will as executor thereof; and that Edna Mae Panter is the widow of said decedent; and that the next of kin of said decedent are as follows, to-wit:

William Homer Panter, son, Westpoint, Mississippi
Willa Mae Panter Whatley, daughter, Birmingham, Alabama
Mary Louise Panter Browne, daughter, Birmingham, Alabama

each of whom is over twenty-one years of age.

And thereupon comes each of the above named next of kin expressly waiving all notice of the petition to probate said will and consenting that the same be probated at once, and the court having ascertained by sufficient evidence that the signatures affixed to said waiver of notice and/or acceptance of service are the genuine signatures of said next of kin; now, on motion of said petitioner, the court proceeds to hear said petition, and, after due proof and hearing had according to the laws of this state, the court is satisfied and is of the opinion that said instrument is the genuine last will and testament of the said Homer C. Panter, deceased, and that such instrument should be probated as the last will and testament of Homer C. Panter, deceased. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the court that said instrument be duly admitted to probate as the last will and testament of Homer C. Panter, deceased, and ordered to be re-corded together with the proof thereof and all other papers on file relating to this proceed-ing. It is further ordered that petitioner pay the costs of this proceeding.

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BOOK 141 PAGE 282

Lack A.
V-7603

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

Probate Court _____ June _____ Term, 19 59
June 30 _____, 19 59

The Will of Homer C. Panter, Deceased,

of the said County, having been duly admitted to record, in said County, LETTERS TESTAMENTARY are hereby granted to _____

William Homer Panter _____, the execut OR _____ named in said Will, who ha A _____

complied with the requisitions of the law and is _____ authorized to take upon him sel f _____ the execution of such Will.

Dated, this 30th day of June _____ 19 59

Form No. 97-2-48-5M

(SEAL)

J. Paul Meeks _____, Judge of Probate.

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STATE OF ALABAMA
JEFFERSON COUNTY

41050

LAST WILL AND TESTAMENT
OF
HOMER C. PANTER

WILL
NONE 144 PAGE 92

I, Homer C. Panter, a resident of Jefferson County, State of Alabama, being of sound mind and disposing memory, do hereby make and publish this, my Last Will and Testament, hereby revoking any and all former wills made by me.

ITEM ONE

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 executor hereinafter named, as soon as possible after my death.

ITEM TWO

I give and bequeath all of my wearing apparel, jewelry, books, pictures, household furniture and furnishings, both useful and ornamental, and any automobile I may own, and all other objects of my personal use, to my wife, Edna Mae Panter, absolutely, if she be living at the time of my death. I hereby vest in my said executor full power and authority to determine what objects of property are included in the foregoing description contained in this section of my will.

ITEM THREE

All of the rest, residue and remainder of my property, of whatsoever kind and character and wheresoever situated, I give, bequeath and devise unto William Homer Panter, as trustee, and his successor trustee, in trust nevertheless, for the uses and purposes, upon the terms and conditions and with the powers and duties hereinafter stated.

1. Upon my death my trustee shall thereupon and thereafter pay to my wife, Edna Mae Panter, such sums as she may require for her living, maintenance and medical expenses out of

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Homer C. Panter

the net income of my trust estate.

2. From the remaining net income of my estate my trustee shall make payments of interest and principal on any obligations of which I am a maker whether the payments are secured by property which I own or property which is in the name of my wife, Edna Mae Panter. My trustee, in addition to making the interest and principal payments shall also pay such taxes, hazard insurance premiums and maintain the property in reasonable good condition.

3. My trustee shall grant to my wife the right to the use of the home occupied by me at the time of my death to be hers absolutely without any restrictions whatsoever. In the event that my wife should determine that the present home is not the property she desires to occupy as a residence, my trustee may, at her written request, sell the home and the funds be reinvested in any home which my wife shall desire to occupy as her home.

4. Upon the death of my wife, this trust shall continue for the benefit of my three children, William Homer Panter, Willa Mae Panter Whatley and Mary Louise Panter Browne. It is my intention that my trustee shall in his discretion retain all of my estate intact for a period of ten (10) years from the time of my death.

5. In the event my wife shall live for a term of ten (10) years after my death, then upon her death, my trustee shall divide the remaining assets of the trust estate into three equal parts, one part to be delivered to each of my three children, namely, William Homer Panter, Willa Mae Panter Whatley and Mary Louise Panter Browne. In the event that any child shall die prior to the termination of this trust agreement, then the part of said trust designated for said child shall then descend in equal parts to the children of said deceased child, that is, to said lineal descendant in equal shares per stirpes. My trustee, may in his discretion, expend the funds for the benefit of such descendant as in the trustee's discretion appears to be to the best interest of the descendant in the event the des-

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Homer E. Panter

endant is under twenty-one years of age. In the event the descendant is over twenty-one years of age the shares shall be delivered to said descendant over twenty-one years of age.

6. In the event that my wife shall die prior to the time that this trust agreement shall have been in force for a term of ten (10) years my trustee only shall have the power of determining whether the assets of the estate shall be sold and distributed or if the estate shall be held intact for the term of ten (10) years.

7. During the period of time between the time of my wife's death and the end of the ten year period my trustee, after making payments on any obligations and the payment of taxes and insurance premiums, shall then pay to each of the devisees under the terms of this trust agreement one-third of the net income of the estate on the last day of each year, at which time he shall also make a written report and accounting to my son and two daughters.

8. When the final payment has been made from the corpus or principal of the trust estate, in accordance with the provisions of this will, this trust shall terminate and the trustee shall forthwith stand discharged.

ITEM FOUR

POWERS OF TRUSTEE

1. The trustee shall hold and manage the property constituting the trust estate and such other property as he may subsequently acquire for said trust estate pursuant to the power and authority herein given to said trustee, 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 to time to sell, convey, exchange, lease for a period beyond the possible termination of this trust estate, or for a less period, to 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 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, bonds, stocks, or other mortgages, common trust funds, securities, 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.

6. The trustee shall not be required to pay any interest on any money in his custody while awaiting distribution and

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John W. Johnson is threatened by James C. [unclear]

-5-

investment under the terms hereof, even though the money be commingled with his own funds, provided he shall keep a separate account of the same on his books.

7. As to the net income which by any of the provisions of this will may be payable to any of my devisees or to any descendants of my devisees 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 any such devisee, before or after my death.

8. In addition to all other powers granted to my trustee my trustee is further granted the authority in the trustee's sole discretion on and after the death of my wife to terminate this trust estate at any time prior to the ten year period. The trustee shall then convert all of the assets of the estate into cash or the trustee may, in the trustee's discretion, ascertain the market value of any real estate or stock in the trustee's hands and make distribution of said real property, stock or other assets as though it were cash. The trustee, on making distribution to the beneficiaries at the time of the distribution then being living shall be discharged from any further responsibility, no rights of contingency or remainderment to in any way limit the exercise of the discretion on the part of the trustee.

ITEM FIVE

I hereby nominate and appoint William Homer Panter, my son, as Executor of this my Last Will and Testament and I direct that my said executor shall not be required to give bond or to file an inventory or appraisal of my estate in any court but he 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 executor the same full powers of management, control and disposition of my estate herein given to the trustee under Item Three hereof, and I direct that in the exercise of such powers he shall be free from the control and supervision of the Probate Court or any other Court.

In the event of the inability or the unwillingness of my son, William Homer Panter to serve as the executor and trustee of this my Last Will and Testament I then nominate and appoint

William E. Panter

Willa Mae Panter Whatley, my daughter, as the executrix of this my Last Will and Testament and I further designate Willa Mae Panter Whatley as the trustee of this my Last Will and Testament with all the rights, powers and waivers herein previously enumerated in designating my son, William Homer Panter as my executor and trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16 day of June, 1959.

W. Homer A. Panter (SEAL)

We, the undersigned, hereby certify that the above named Homer C. Panter, 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, in his presence and in the presence of each other, have hereunto signed our names as subscribing witnesses.

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

1959 JUL 20 PM 3 10

Rec. 22 50
Sub 1 00
2350

Address:

Thomas A. Shouder, Jr.
JUDGE OF PROBATE

Address:

Elena Mae Panter
Mary Louise Panter Browne Laine
Harbert Ward Browne
Willa Mae Panter Whatley (Mrs George B.)
William H. Panter
Marie Elsie Starnes Panter

CERTIFICATE TO THE PROBATE OF WILL WILL RECORD 144 PAGE 97

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 has been duly proven by the proper testimony to be the genuine last Will and Testament

of Homer C. Panter deceased and that said Will

together with the proof thereof have been recorded in my office in Book of Wills, Vol. 144 Page 91-97

In witness of all which I have hereto set my hand, and the seal of the said Court, this the 30th day of June 1959

J. Paul Meeks, Judge of Probate

