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Last Will and Testament

OF

JAMES MELVIN WITT

STATE OF ALABAMA
JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That I, James Melvin Witt, being over the age of twenty one years and a resident citizen of Jefferson County, Alabama, and of sound mind and disposing memory, do hereby make, publish and declare this to be my last will and testament, hereby expressly revoking any and all wills and codicils heretofore made by me.

ITEM I

It is my will and desire and I do hereby direct that my executor hereinafter named, pay out of my estate, all of my just debts and funeral expenses as soon after my death as may be practicable and convenient.

ITEM II

I do hereby nominate, constitute and appoint my son, James Richard Witt, executor of this my last will and testament. He shall be exempt from the necessity of making bond, and shall further be exempt from the necessity of making any inventory, report or accounting to any court not made mandatory by law. He is hereby authorized to retain, sell, exchange or otherwise dispose of any and all property coming into his hands as executor, and also to buy any property, real and personal, intangible and mixed, all to be accomplished upon such terms and conditions as he, in his sole discretion, deems proper and without the necessity of supervision by any court.

ITEM III

In the event that my son, James Richard Witt, predeceases me or for any reason is unable to serve hereunder as executor, I do hereby nominate, constitute and appoint my daughter, Melvis Ruth Witt, as alternate or successor executrix. Melvin Ruth Witt shall have the same full powers, privileges, immunities and duties as are hereinabove specifically granted

I, Tom Emerson, Judge of Probate in and for the State of Alabama, hereby certify that the within and foregoing is a true and correct copy as the same appears from the records of this office.

Witness my hand and seal of office this 10th day of August 1987.
Tom Emerson
Judge of Probate

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to my said son, James Richard Witt, as executor.

ITEM IV

I do hereby will, give, bequeath, devise and transfer all of my property of every kind, character and description, real and personal, tangible and intangible, which I own, or to which I may be or become entitled, or in which I have an interest at the time of my death, wheresoever the same may be situated, as follows: all my property shall be divided in four (4) equal shares with one share to my son James Richard Witt, one share to Melvis Ruth Witt, one share to Rebecca Witt. In the event any of my said children shall predecease me, then in such event I direct that such share shall be divided equally amongst my remaining children as named herein. The remaining one (1) share to my son, James Richard Witt as Trustee, who shall hold the same IN TRUST for the use and benefit of my grandchildren, namely: Douglas Wayne Witt, Leonard Witt and Jimmy Witt.

ITEM V

The trust contained herein shall be revocable, and the grantor shall have the right at any time to amend, modify or revoke any of the provisions herein contained by way of execution of another will therein revoking this will, or by the simple destruction of the will by the grantor with the intent that this will and included trust be revoked.

ITEM VI

The trustee shall, at his sole discretion, apply and pay to or for the benefit of the named beneficiaries so much of the income of the trust as the trustee deems reasonably necessary to provide for the health, education and maintenance of such children.

ITEM VII

If at any time the trustee, after taking into account income and principal readily available for the beneficiaries from other sources, determines that the income of any one or more of the beneficiaries is not sufficient for his or her reasonable health, education and maintenance or to provide for their medical care, then the trustee may from time to time pay to or use for the benefit of such beneficiary, so much of the principal

of the trust as the trustee, in his sole discretion, determines to be adequate, reasonable and appropriate. A3

ITEM VIII

Each of my children shall be entitled to an equal share of the trust estate. To provide for the equal distribution of the trust estate, I hereby direct my trustee to distribute the assets of the trust estate in the following manner.

When the first of my grandchildren reaches his or her 21st birthday the trustee is hereby authorized to pay, free of trust, to that grandchild such grandchild's share of the value of the trust assets. In the event that all grandchildren are then living the trust estate shall be divided one third to Douglas Wayne Witt, one third to Leonard Witt and one third to Jimmy Witt. In the event any one or more of my said beneficiaries shall die prior to the division of the trust estate, then that beneficiary's share shall inure to the benefit of those beneficiaries then living.

Upon the occurrence of the division of the trust estate assets, the trust shall terminate only as to that beneficiary who has reached the age of 21 years. The shares of those beneficiaries who remain under the age of 21 years shall be determined at the date of the first distribution. Those shares shall remain in the possession of the trustee imposed with this trust but shall be segregated into separate shares and designated for the benefit of one particular beneficiary or the other. It shall be the duty of the trustee to see that all property of the estate shall be equally divided between the beneficiaries, taking into consideration not only fair market value but also income potential.

ITEM IX

James Richard Witt, as trustee, shall hold and manage all of my said property and such other property as he may subsequently acquire pursuant to the power and authority herein given to him, with full power to collect the income therefrom and from time to time to sell, convey, exchange, lease, improve, encumber, borrow on the security of or otherwise dispose of all or any part or 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. The trustee shall be authorized to invest and reinvest in such' stocks, bonds, securities, certificates, mortgages or common trust funds in property which is outside my domicile, with or without diversification as to kind or amounts, without being restricted in any way by the Constitution of Alabama, any statute or court decision, now or hereafter existing, regulating or limiting investments by fiduciaries. The trustee may continue to hold any property or securities originally received by him as a part of said trust estate so long as he shall consider the retention thereof for the best interest of said trust estate, regardless of whether such property or securities are a so-called "legal" investment of the trust estate.

ITEM X

The trustee may, in his sole discretion, pay to the estate of the grantor from the principal of the trust fund such amounts as may be needed to pay all or any part of the grantor's debts, funeral expenses, administration expenses of his estate.

The trustee shall pay to grantor's estate of the appropriate tax authorities all estate and inheritance taxes that may become payable by reason of the grantor's death in respect of all property comprising the grantor's gross estate for death tax purposes.

No assets of the trust estate or the proceeds thereof not included in the grantor's estate for purposes of estate or inheritance taxes, shall be used for any of the purposes set forth in this Item.

ITEM XI

Upon making any payment or transfer hereunder, the trustee shall be discharged as to such payment or transfer without liability for the subsequent application thereof, and when the final payment or transfer is made from the principal of the trust, this trust shall terminate and the trustee shall be fully discharged.

The trustee shall not be responsible or liable for any mistake or error of judgment in the administration of the trust estate resulting in loss to the trust by reason of investment or otherwise, except for the willful misconduct of the trustee.

ITEM XII

To the extent permitted by law, the interest of the beneficiary in principal or income of the trust hereunder shall not be subject to assignment, alienation, pledge, attachment, or to the claims of creditors of such beneficiary and shall not otherwise be voluntarily or involuntarily alienated or encumbered by such beneficiary.

ITEM XIII

The trustee may resign upon ninety (90) days written notice to the beneficiaries.

If the trustee shall resign or otherwise cease to serve as trustee hereunder, or if he shall desire to appoint a co-trustee, the trustee is hereby empowered to make whatever appointment as he deems in the best interest of the beneficiaries and the trust estate. In the event James Richard Witt is unable to serve as trustee hereunder, I nominate and appoint Melvis Ruth Witt as alternate trustee hereunder.

ITEM XIV

If any question or any doubt should arise as to the construction, interpretation, operation or meaning of this will and testament, or any clause herein or any term herein, in the administration, settlement and distribution of my estate, I hereby authorize and empower my said executor on his own judgment or acting under and in accordance with professional advice and on such evidence as is reasonably available to him to decide and determine the meaning and my intent manifested herein; and I declare that such determination shall be binding on all persons interested in or under this will and testament or any codicil to it, regardless of domicile or any rule of construction.

ITEM XV

I hereby declare that I do not intend in this will to exercise any power of appointment I may have at my death.

ITEM XVI

It is my intent that Alabama law shall govern the validity and operative effect of this will insofar as said law is pertinent.

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ITEM XVII

I hereby declare this will and testament is not made as the result of a contract or understanding with any other person.

ITEM XVIII

I have specifically excluded Mary Maxine Witt, who is currently my wife, from the provisions of the Will intentionally.

IN WITNESS WHEREOF, I, the said James Melvin Witt, have hereunto set my hand and seal to this my last will and testament this the 6th day of May, 1984, in the presence of the witnesses who have hereinafter subscribed their names, and they, at my request, and in my presence, and in the presence of each other, have hereunto set their signatures as attesting witnesses.

James Melvin Witt
JAMES MELVIN WITT

The above and foregoing instrument was on the date hereof signed, sealed, published and declared by the above named Testator, James Melvin Witt, to be his Last Will and Testament, in the presence of all of us, the undersigned, at one time and we, at his request and in his presence, and in the presence of each other have hereunto subscribed our names as attesting witnesses, each of us believing the said James Melvin Witt, to be of sound mind and disposing memory and that he signed this instrument as his free and voluntary act and deed. This clause was read over to us before we subscribed our names.

NAME:

ADDRESS:

Frances Rebecca Witt

255 Morris Street

James Richard Witt

1444 Freda Drive

STATE OF ALABAMA
JEFFERSON COUNTY

We, James Melvin Witt, and Frances Rebecca Witt and James Richard Witt the Testator and the witnesses respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that he has signed willingly and that he executed it as his free and voluntary act for the purposes herein expressed, and that each of the witnesses, in the presence and hearing of the Testator, signed the Will as witness and that to the best of our knowledge the Testator was at that time nineteen (19) years of age or

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older, of sound mind and under no constraint or undue influence.

James Melvin Witt
James Melvin Witt
Frances Rebecca Witt
Witness
James Richard Witt
Witness

Subscribed, sworn to and acknowledged before me by James Melvin Witt, the Testator, and subscribed and sworn to before me by Frances Rebecca Witt and James Richard Witt, witnesses, this the 6th day of May, 1984.

Thomas E. Burleson
NOTARY PUBLIC
STATE OF ALABAMA
JEFFERSON COUNTY

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

1987 AUG 14 PM 2:22

Thomas E. Burleson, Jr.
JUDGE OF PROBATE

1. Deed Tax	\$	<u> </u>
2. Mtg. Tax		<u> </u>
3. Recording Fee		<u>17.50</u>
4. Indexing Fee		<u>1.00</u>
TOTAL		<u>18.50</u>

STATE OF ALABAMA
Cullman County

I, Tom Burleson, Judge of Probate, in and for said County, and State, hereby certify that the foregoing instrument of will was duly admitted to record and before me been duly proved to be the Will and Testament

James Melvin Witt
Deceased, and the will was duly admitted to record and probate, and together with the proof thereof has been duly recorded in Book of Wills

No. on page
In witness whereof I have hereunto set my hand

And seal this 9th

Day of January, 1987

Tom Burleson
Judge of Probate