

218

Last Will and Testament

OF

132012

WILLIAM HAROLD MANDY, SR.

I, WILLIAM HAROLD MANDY, SR., a resident of and domiciled in Jefferson County, Alabama, declare this to be my last will and testament, hereby revoking all wills and codicils at any time heretofore made by me.

ITEM ONE

PAYMENT OF DEBTS

I hereby direct that all of my debts, my funeral expenses (including the cost of a suitable monument at my grave), and the cost of administration of my estate be paid by my executor. My executor may, in my executor's sole discretion, pay from my domiciliary estate all or any portion of the cost of ancillary administration and similar proceedings in other jurisdictions.

I also direct my executor to pay all unpaid subscriptions made by me for religious, charitable, or educational purposes, whether or not the same shall constitute debts, and I empower my executor, in his sole discretion, to determine what constitutes a subscription as that term is used herein.

ITEM TWO

DISPOSITION OF TANGIBLE PERSONAL PROPERTY

I give and bequeath all household furniture, furnishings and effects (including, without limitation, appliances, rugs, pictures, paintings, books, silver, linen, china, glassware, antiques and objects of art), personal effects (including, without limitation, wearing apparel, jewelry, watches and all other articles of personal use or ornament), automobiles and their accessories, and other tangible personal property not

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Filed in office this the 15th

day of Dec, 1987
Probate and Record.

A. Gray Tree, Jr.

George L. Reynolds
Attorney at Law

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otherwise specifically bequeathed (except cash on hand or on deposit, securities, choses of action, or other intangibles) owned by me at the time of my death, together with all policies of insurance relating thereto, to my son, WILLIAM HAROLD MANDY, JR. If my said son shall predecease me, I give and bequeath such property to BARBARA BELL MANDY. If both my said son and his wife shall predecease me, I give such property to the children of WILLIAM HAROLD MANDY, JR. and BARBARA BELL MANDY in equal shares, per stirpes. If I am not survived by any beneficiary named in this Item, the gift provided by this Item shall lapse, and the property herein described shall become a part of my residuary estate.

I direct that any expenses incurred in safeguarding or delivering the property here bequeathed be paid from my estate as an administration expense thereof.

I hereby vest in my executor full power and authority to determine what items of property pass under the provisions of this ITEM TWO.

ITEM THREE

DISPOSITION OF REAL PROPERTY

I give and devise any interest I own in the property at 2109 Ridgeview Drive, Vestavia Hills, Alabama, to my son, WILLIAM HAROLD MANDY, JR., absolutely and in fee simple. If my said son shall not survive me, I give and devise such property to BARBARA BELL MANDY, absolutely and in fee simple. If neither WILLIAM HAROLD MANDY, JR. nor BARBARA BELL MANDY shall survive me, I give and devise such property to the children of WILLIAM HAROLD MANDY, JR. and BARBARA BELL MANDY, in equal shares, per stirpes, as tenants in common. If none of the beneficiaries described in this Item shall survive me, this devise shall lapse and the property described shall become a part of my residuary estate.

ITEM FOURDISPOSITION OF RESIDUARY ESTATE

All the rest, residue, and remainder of the property which I own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this will, including all lapsed legacies and devises (but excluding any property over or concerning which I may have any power of appointment), I give, devise, and bequeath to my sons, WILLIAM HAROLD MANDY, JR. and ROBERT WARD MANDY, in equal shares; provided, however, if either of my said sons fails to survive me, then I give, devise, and bequeath such deceased son's share to his then living descendants, per stirpes, if any, and, if none, to my other son, per stirpes. If any descendant of mine who is to receive a share of my residuary estate has not reached the legal age under the law of the jurisdiction in which that descendant is domiciled at the time of distribution under this Item, then distribution of his or her share shall be made instead to a qualified person or trust company designated by my executor as custodian for that descendant under the Alabama Uniform Transfers to Minors Act.

If I am not survived by either of my children or by any descendants of either child, then I leave whatever property that would otherwise pass intestate to those persons who would be entitled to share in my estate under the laws of intestacy of the State of Alabama in effect on the date of my death had I died intestate.

ITEM FIVEAPPOINTMENT OF EXECUTOR

I nominate and appoint my son, WILLIAM HAROLD MANDY, JR., as executor of this my last will and testament.

If my said son shall predecease me or is unwilling or unable to serve as executor, then I nominate and appoint my son, ROBERT WARD MANDY, as executor. If both of my said sons shall predecease me or be unwilling or unable to serve, I appoint BARBARA BELL MANDY as my executrix.

The executor acting at any time hereunder shall not be required to give bond or to file an inventory or appraisal or accounting or final settlement of my estate in any court, although the executor shall make and keep an inventory and books of account and shall exhibit the same to any party in interest at any reasonable time.

ITEM SIX

POWERS OF EXECUTOR

I hereby grant to my executor (including any successor executor or executrix) the continuing, absolute, discretionary power to deal with any property, real or personal, held in my estate as freely as I might in the handling of my own affairs. Such power shall be exercised independently and without the prior or subsequent approval of any court or judicial authority, and no person dealing with my executor shall be required to inquire into the propriety of any of my executor's actions.

By way of illustration and not of limitation, and in addition to any inherent, implied, or statutory powers granted to executors generally, my executor is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release,

repair, sell, sue for, to make distributions in cash or in kind, or partly in each, without regard to the income tax basis of such asset, and, in general, to exercise all of the powers in the management of my estate which any individual could exercise in the management of similar property owned in his own right, upon such terms and conditions that my executor may deem best, and to execute and deliver any and all instruments, and to do all acts which my executor may deem proper or necessary to carry out the purposes of this my will, without being limited in any way by the specific grants of power made, and without the necessity of a court order.

I hereby further authorize and empower my executor to sell and convey any property which I may own at the time of my death, and which is not otherwise specifically disposed of in my will, at public or private sale, without order of any court, and upon such terms and conditions, and for such amounts as my executor shall deem advantageous to my estate.

IN WITNESS WHEREOF, I, WILLIAM HAROLD MANDY, SR., the testator, sign my name to this instrument this 30th day of December, 1986, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

William H. Mandy, Sr. (L.S.)
WILLIAM HAROLD MANDY, SR.

We, the undersigned witnesses, sign our names to this instrument and, being first duly sworn, do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and testament and that he signs it willingly, and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is testator is eighteen (18) years of age, or older, of sound mind, and under no constraint or undue influence.

Francis P. Cooley
WITNESS

Kathy S. Crew
WITNESS

Ray Till, Jr.
WITNESS

STATE OF ALABAMA)
JEFFERSON COUNTY)

Subscribed, sworn to, and acknowledged before me by WILLIAM HAROLD MANDY, SR., the testator, and subscribed and sworn to before me by Francis P. Cooley, Kathy S. Crew, and Ray Till, Jr., witnesses, this the 30th day of December, 1986.

Alan J. Dane
NOTARY PUBLIC
My Commission Expires: 11-7-87

CERTIFICATE TO THE PROBATE OF WILL 132012

The State of Alabama
JEFFERSON COUNTY

George R. Reynolds
I, ~~Ex Hx F~~ 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 William Harold Mandy, Sr., Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume 2084 1-6
2087, Page 227-233

In witness of all which I have hereto set my hand, and the seal of the said Court, this date December 15, 1989

PROBATE-98
George R. Reynolds, Judge of Probate.

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The State of Alabama
JEFFERSON COUNTY

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 William Harold Mandy, Sr., deceased,
together with the Certificate to the Probate thereof

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in the matter of The Estate Of: William Harold Mandy, Sr.

JUDGE OF PROBATE

STATE OF ALA. PROBATE CL.
I CERTIFY THIS
INSTRUMENT WAS FILED
90 JAN 30 AM 8:23

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

Given under my hand and seal of said Court, this

the 24 day of January, 19 90

1. Deed Tax	-----	\$	-----
2. Mtg. Tax	-----	\$	-----
3. Recording Fee	-----	\$	<u>20.00</u>
4. Indexing Fee	-----	\$	<u>3.00</u>
5. No Tax Fee	-----	\$	-----
6. Certified Fee	-----	\$	<u>1.00</u>
Total	-----	\$	<u>24.00</u>

Peggy A. Proctor

Chief Clerk