

Last Will and Testament

OF

DAVID MILLARD LYNCH

I, DAVID MILLARD LYNCH, a resident of the State of Alabama, Shelby County, being of sound mind and disposing memory, do hereby make, publish and declare this instrument as and for my Last Will and Testament and hereby expressly revoke any and all Wills, Codicils and other testamentary dispositions heretofore made by me.

ITEM I DEBTS

I direct that all my debts and funeral expenses be paid as soon after my death as may be practicable. In the event there is any indebtedness owing by me, whether secured or unsecured, which has not matured at the time of my death, I authorize my Executor to pay such indebtedness either in full or according to the terms and tenor of any instrument evidencing such indebtedness as my Executor may deem best advisable under the then existing circumstances. I further direct that all estate and inheritance taxes which may be asserted or levied with respect to my estate, or any part paid out of my residuary estate as an expense of administration and without apportionment.

ITEM II PERSONAL PROPERTY

(a) I give and bequeath to my wife, SANDRA S. LYNCH, if she survives me, all of my jewelry, wearing apparel, automobile or automobiles, books, and all other articles of personal and household use together with any insurance thereon. I hereby vest in my Executor full power and authority to determine what objects of property are included in the foregoing description contained in this ITEM.

(b) If my wife, SANDRA S. LYNCH, does not survive me, I give, devise and bequeath all of my property hereinabove described in ITEM II (a) to my children, in equal share, per stirpes. In the absence of agreement of my descendants as to the division of said property, the Executor shall make such division in his absolute discretion, having due regard for the personal preference of such beneficiaries, and such division shall be conclusive and binding. If any descendants entitled to a share of the property disposed of by this said paragraph shall be under the age of twenty-one (21) years at the time of my death, I authorize the Executor, in his discretion and, in any case, without requiring bond, either to:

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James Kramer

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directed to pay to or for the benefit of such beneficiary in any one or more of the following ways:

- (1) Directly to such beneficiary;
- (2) To the legal guardian, conservator, or custodian of such beneficiary for the use and benefit of such beneficiary;
- (3) To a relative of such beneficiary to be expended by such relative for the benefit of such beneficiary;
- (4) By the trustee or Executor expending any such income or principal for the benefit of such beneficiary;

(b) Upon making any payment or transfer hereunder, the executor and 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 any trust, such trust shall terminate and the Trustee shall be fully discharged as to such trust.

(c) Throughout this Will, the masculine gender shall be deemed to include the feminine and the singular the plural, and vice-versa, whenever the context admits such construction.

(d) In the Will, references to my "children" mean **TRACY NICOLE LYNCH AND MICHAEL DAVID LYNCH** and any other children born to or adopted by me after the date of this Will. References to "descendants" mean legitimate descendants of the ancestor designated, provided always, however, that an adopted child, whether of myself or of any other person, shall, for all purposes under this Will, whether for the determination of relationships or otherwise, be considered to have and shall be given exactly the same status as a legitimately born child.

(e) All headings and captions contained in this Will have been included for convenience of reference only, shall not be construed as part of this Will and shall in no way be construed as defining, limiting or affecting the scope or intent of the provisions of this Will.

I, **DAVID MILLARD LYNCH**, the testator, sign my name to this instrument, (containing in all eight (8) pages, including the attestation clause) this the 31st day of MARCH, 1993, 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 (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes herein expressed, and that I am 19 years of age or older, of sound mind, and under no constraint or undue influence.


DAVID MILLARD LYNCH

We, the witnesses, sign our names to this instrument, being first duly sworn, and 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 (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby signs this Will as witness to the testator signing, and that to the best of our knowledge the testator is 19 years of age or older, of sound mind, and under no constraint or undue influence.

James R. Kram
Witness

ALABASTER, AL 35007
Address

Lynna Lord
Witness

Alabaster, AL 35007
Address

STATE OF ALABAMA)
SHELBY COUNTY)

Subscribed, sworn to and acknowledged before me by DAVID MILLARD LYNCH, the testator, and subscribed and sworn to before me by James R. Kram and Lynna Lord, witnesses, this the 31 day of March, 1993.

Given under my hand and official seal this the 31 day of March, 1993.

Gina J. Shandell
NOTARY PUBLIC
MY COMMISSION EXPIRES: 6-19-93

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