

POLLY CONRADI
CLERK OF THE CIRCUIT COURT
TENTH JUDICIAL CIRCUIT OF ALABAMA
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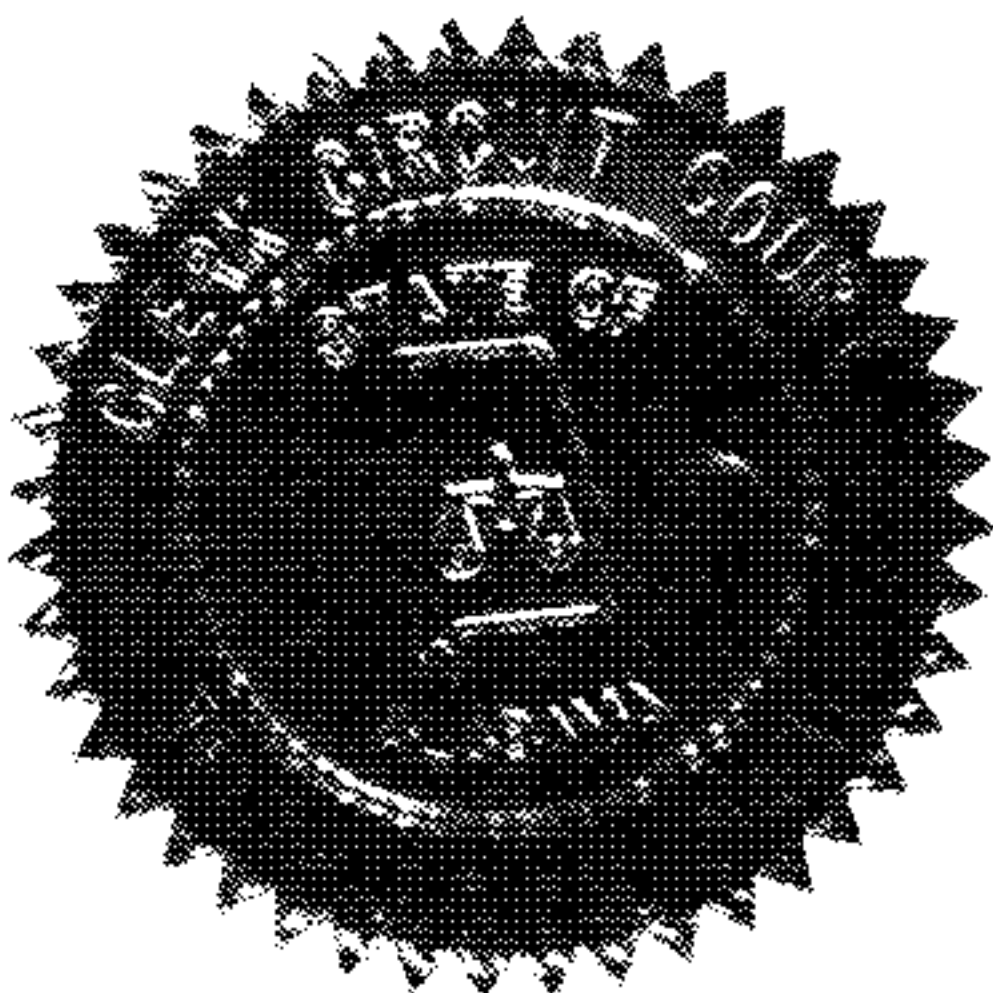
JUDY MORING, Deputy Clerk

I, Polly Conradi, Circuit Clerk of the Tenth
Judicial Circuit of Alabama, hereby certify that
the foregoing pages, numbered one (1) to eight
(8), both inclusive, contain a full, true and
correct copy of CASE NUMBER 48573

WILL OF RAYMOND R. ROCHELL PLAINTIFF
VS. _____ DEFENDANT,
as appears of record in this Court.

Witness my hand and seal of said Court, this
the 4th day of MAY, 19 94.

Polly Conradi
Circuit Clerk



Cahala

Inst # 1994-14938

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SHELBY COUNTY JUDGE OF PROBATE
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STATE OF ALABAMA |
JEFFERSON COUNTY |

LAST WILL AND TESTAMENT
OF RAYMOND R. ROCHELL.

WILL
RECORD

63 PAGE 83

I, Raymond R. Rochell of the City of Birmingham, County of Jefferson, State of Alabama, being of sound mind and disposing memory, do hereby make, publish, and declare this to be my last will and testament, hereby revoking all former wills and codicils, if any made by me, it is my will and desire:

1. I direct the executors of this my last will and testament to pay or cause to be paid out of the monies or properties which I die seized and possessed of all of my just debts and the expense of my last illness and funeral, as soon after my death as is convenient and proper.

2. That upon the termination of the administration of my estate and the executorship herein created, the executors hereinafter named and appointed by me as executors of this my last will and testament, or their successors in office, shall be vested as trustees of the property herein devised, with the exception of my homestead and its furnishings, and my said trustees shall have full authority and such powers as are incidental and necessary to the proper handling, management and control of the estate and properties herein devised to them as such executors-trustees, viz: all and singular the business, its rights and equipments, which are now under my personal management and control, known as the Orange Crush Bottling Company, and should I die seized and possessed of either the whole or part of the controlling interest in the said Orange Crush Bottling Company, as a going concern, my said executors-trustees, in and about said business are hereby directed and instructed to continue the operation of said business above referred to and named and to make monthly distributions of the benefits and profits accumulated by reason of said operation to the beneficiaries named in this paragraph, as from time to time such profits and benefits may accrue, having in mind, however, the retention of such necessary reserves as would be necessarily incidental to the intelligent and businesslike management and operation of said business, and I hereby direct and request that when, in the sound

judgment of a majority of said executors-trustees, an opportune time has arrived, and a bona fide purchaser of said business is available, to dispose of said business at an advantageous price and for the best interest of the beneficiaries herein named, to sell said business and execute all needful and necessary paper writings which are incidental and necessary to complete said sale, and the proceeds thereof, that is to say, the net purchase price received by them from the sale of said business, they are hereby directed and instructed to distribute the same to the following named persons as beneficiaries, viz: my widow, Mrs. Marie Rochell, and my children, Ramona Rochell, Waneta Rochell, Lois Rochell, Raymond R. Rochell, Jr., and Clarence W. Rochell, share and share alike, provided, however, that should my niece and assistant, Mary Lee Osborn, allow herself to be and to remain actually connected and employed in said business at a salary commensurate with the value of her services, during the period of time of the operation of said business by my said executors-trustees, then in such an event she is to receive from the proceeds of said sale, along with the above named other beneficiaries, the sum of Ten Thousand(\$10,000.00)Dollars in cash, which distribution of the proceeds of said sale shall be made by my said executors-trustees as soon after said sale as is practicable and reasonable.

3. It is my will and desire that my widow, Mrs. Marie Rochell, shall have and be vested with a life estate in my home and its furnishings, with the remainder to my children and the beneficiaries named in this paragraph, and all the residue of my estate, which I die seized and possessed of, both real, personal or mixed, is hereby devised and given to my widow, Mrs. Marie Rochell, and to my children, Ramona Rochell, Waneta Rochell, Lois Rochell, Raymond R. Rochell, Jr., Clarence W. Rochell and Viola Rochell, share and share alike, subject nevertheless to the following restrictions and conditions: that the management and control of the real property which I die seized and possessed of or to which I may be entitled to at the time of my deceased is hereby vested in my executors-trustees until the youngest of my said children has reached the age of twenty-one years, during the time of the minority of any of my said children, my said executors-trustees are charged with the duty of collecting the rents and benefits

from said business, and out of which they are to first pay all legal charges and expenses, including taxes and repairs, and all net profits as may accrue therefrom they are directed and required to distribute the same to the beneficiaries named in this paragraph, from time to time, share and share alike, as the needs and requirements of the said beneficiaries may demand, such needs and requirements, however, shall be solely decided by the will of a majority of the executors-trustees herein named, and no other.

4. I hereby nominate, constitute, and appoint my widow, Mrs. Marie Rochell, Clarence W. Rochell, Raymond R. Rochell, Jr., Lois Rochell, and Mary Lee Osborn, as executors-trustees of this my last will and testament, and I do hereby relieve said executors-trustees from the duty and obligation of making bond or giving security as such executors-trustees, but request that full and complete reports be made by them to the Court or Courts having jurisdiction of this matter, of their actions as such executors-trustees. Should any of the above named executors-trustees be disqualified by death or otherwise from accepting the duties and responsibilities of this office, or should he or she resign after appointment, then in such event I request that the Court having the proper and full jurisdiction of this matter appoint such a person or persons as such executors-trustees as it deems best qualified to the end that the beneficiaries of this my last will and testament and my estate be properly cared for and protected as herein directed.

5. It is my desire and intention that the executors-trustees herein named to carry on and administer my estate, business, and property shall act as a directing head in and about the carrying on of my business and the handling of my property after my death, and that should a dispute arise between them, or matters of policy be before them for decision then in such an event the will of any three shall constitute the will of the whole, and that this decision shall control in all matters of operation, management, and distribution of my estate.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal in Jefferson County, Alabama, on this the 17 day of September, 1938, in the presence of the undersigned witnesses, whom I have requested to become attesting witnesses hereto.

Raymond R. Rochell (SEAL)

The foregoing last will and testament was subscribed, signed, published, declared and sealed by Raymond R. Rochell, as and for his last will and testament, in our presence, and in the presence of each of us, and we at the same time, at his request, in his presence, and in the presence of each other, hereunto subscribe our names as attesting witnesses.

This 17 day of September, 1938.

~~Raymond R. Rochell~~
J. B. Foster

Mrs. Ruby Robbins

CERTIFICATE TO THE PROBATE OF WILL

THE STATE OF ALABAMA,
JEFFERSON COUNTY.

I, EUGENE H. HAWKINS, Judge of the Court of Probate, in and for said State

and County, do hereby certify that the foregoing instrument of writing has 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 Raymond R. Rochell

Deceased and that said Will

together with the proof thereof have been recorded in my office in Book of Wills, Vol. 39 Page 86-89

In witness of which I have hereto set my hand, and the seal of the said Court, this the 30th day of Jan. 1940. xxx

Eugene H. Hawkins Judge of Probate.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
ALABAMA. IN EQUITY.

IN THE MATTER OF THE ESTATE AND)
TRUST UNDER THE WILL OF RAYMOND) No. 48573
R. ROCHELL, deceased.)

DECREE ON FINAL SETTLEMENT

This cause coming on to be heard on the sworn petition of Mary Lee Osborne, the sole remaining Executor-Trustee of the estate and trust under the will of Raymond R. Rochell, deceased, which petition seeks final settlement and discharge; and it appearing to the Court that said Mary Lee Osborne heretofore acquired the undivided interests of each and all of the beneficiaries of said trust, and that each and all of the Executors-Trustees have resigned as such, thus leaving the said Mary Lee Osborne as the sole Executor-Trustee and the sole owner of the property and assets of said trust estate; and it further appearing that all claims filed against said Rochell estate have been paid, the Court is of the opinion that the prayer of the petition should be granted.

IT IS, THEREFORE, ADJUDGED, ORDERED and DECREED by the Court that there is no necessity for an accounting of any of the Executors-Trustees herein, in view of the fact that the said Mary Lee Osborne is the sole party at interest, and she has waived such accounting.

It is further ADJUDGED, ORDERED and DECREED, in view of the resignations of all Executors-Trustees except Mary Lee Osborne, and further, in view of the consents to the relief herein granted filed in this cause on behalf of Mae Bess Rochell and Marie Stapleton, and the disclaimer of interest and resignation of

Juanita Blackwell filed herein in support of said petition for final settlement and discharge, that each and all of said Executors-Trustees, viz: Juanita Blackwell, Mae Bess Rochell, Marie Stapleton and Mary Lee Osborne, be and they are hereby discharged of any and all liability arising out of the administration of said estate and trust, and that they shall stand discharged, and the administration of said estate and trust closed.

It is ordered that all remaining costs herein be paid by the said Mary Lee Osborne.

Dated this ^{October 6th} ~~September~~, 1953.

Lawrence H. Lawless
Circuit Judge, sitting in Equity.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
ALABAMA. IN EQUITY.

IN THE MATTER OF THE ESTATE)
OF RAYMOND R. ROCHELL,)
deceased.

No. 48573

ORDER

This cause coming on to be heard on the petition of Mary Lee Osborne and Marie Stapleton, trustees of the trust estate under the will of Raymond R. Rochell, deceased, seeking acceptance by the Court of the resignations of certain trustees, and appointment of successor trustees to fill the vacancies thus created.

It appearing to the Court that all of the beneficiaries of the trust estate, except Viola Reynolds have accepted notice of said petition and consented to the relief sought thereby, and that said beneficiaries are personally before the Court on the hearing hereof; and it appearing further that the interest of the other beneficiary, namely, Viola Reynolds, is similar to that of the beneficiaries actually before the Court, and that no prejudice could result to her by the action of the Court herein; and it further appearing to the Court that the averments of the petition are true in all respects, and that all of the interested parties before the Court desire the appointment of the hereinafter named persons as successor trustees, and that such persons are qualified to act as trustees:

IT IS, THEREFORE, ADJUDGED, ORDERED and DECREED by the Court that the written resignations of William F. Spencer, Raymond R. Rochell, Jr., and George E. Bradford filed in this cause, be and they are hereby accepted, effective as of this date, and that Mrs. C. W. Rochell, Mrs. Juanita Blackwell ~~and Mrs. C. W. Rochell~~ be and they are hereby appointed as successor trustees of said trust estate, without bond as authorized under the provisions of said will. This leaves one vacancy unfilled for the time being.

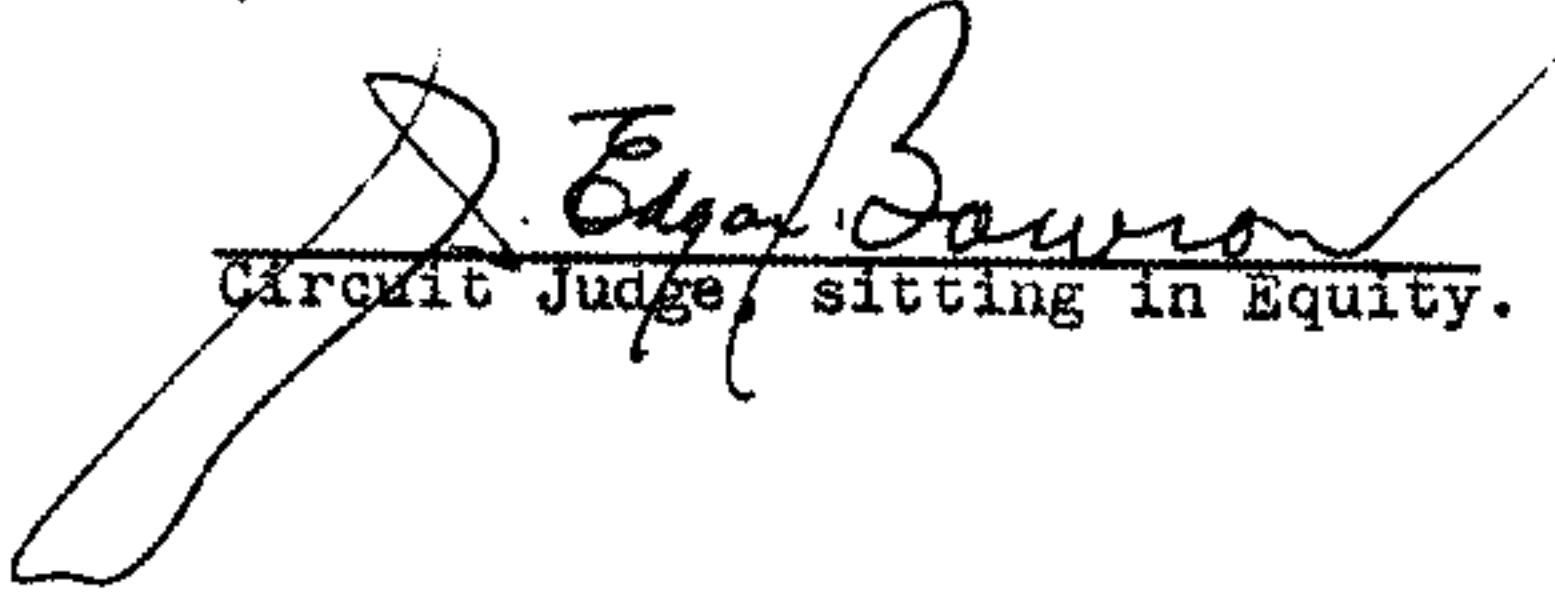
It is further ordered that the trustees or successor trustees of said trust estate be and they are hereby ordered to wind up and settle said trust estate, but may delay the filing of their petition and accounts for final settlement for a reasonable length of time to determine whether or not the

pending litigation cannot be disposed of at an early date, said trustees are ordered to file a partial settlement herein; but if said suit is disposed of at an early date said trustees are ordered to make a final settlement of said trust estate as soon thereafter as practical.

It is further ordered that the questions of fees claimed or other costs and expenses of administration incurred, as well as the question of discharge from liability on their accounts of said resigned trustees, and of the present successor trustees, be deferred for consideration and determination upon partial or final settlement of said trust estate ordered herein.

This cause is reserved.

Dated this 17 day of Feb. 1949.


Circuit Judge, sitting in Equity.

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SHELBY COUNTY JUDGE OF PROBATE
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