

SECOND AMENDMENT TO DECLARATION OF
THE WHISENANT 1990 FAMILY TRUST
DATED OCTOBER 22, 1990

In accordance with the powers reserved to the Settlers in Article Eleven, subparagraph B of the said Declaration of Trust, the Settlers desire to amend said Trust.

1. The first paragraph of Article Twelve, subparagraph B, shall be amended to read as follows:

B. Any trustee in office may resign at any time. If both Settlers for any reason fail to qualify or cease to act as trustee, DONALD R. WHISENANT shall act as trustee. If DONALD R. WHISENANT shall for any reason fail to qualify or cease to act as trustee, SANDY J. STRICKLAND WHISENANT shall act as trustee.

2. That certain subparagraph of Article Seven, Section C, being subparagraph C(3) regarding the distribution of the balance of the trust estate after the Surviving Spouse's death shall be amended to read as follows:

(3) one-half of said balance of the trust estate shall be paid to DONALD R. WHISENANT, per stirpes. I direct my trustee to hold the remaining half of the rest, residue and remainder of my property in trust for the uses and purposes as hereinafter provided for the benefit of my other son, ROBERT BRYAN WHISENANT.

During the continuance of the trust for the life of my son, the Trustee shall pay to or for the benefit of such son, such part of the income and principal of such trust as the Trustee deems necessary or desirable to provide for the support, education, maintenance and medical care of such son, taking into consideration all other income of said son. Any part of the ~~rest~~ income not so

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used shall be accumulated and added to the principal of said share, being thereafter invested and treated in all respects as a part thereof. It is my request that if possible, at least Three Thousand Dollars (\$3,000) per month is provided for my said son. Upon the death of my said son, then the residue of said trust shall be transferred to my son, DONALD R. WHISENANT, per stirpes.

The Settlers hereby ratify all the terms and provisions of the said trust as herein modified.

EXECUTED at Birmingham, Alabama, on the 12 day of September, 1994.

Robert N. Whisenant
ROBERT N. WHISENANT, Settlor and
Trustee

Grace L. Whisenant
GRACE L. WHISENANT, Settlor and
Trustee

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Robert N. Whisenant and Grace L. Whisenant, whose names as Settlers and Trustees of THE WHISENANT 1990 FAMILY TRUST are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such Settlers and Trustees, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 12 day of September, 1994.

W. W. Canwell
Notary Public

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