

STATE OF ALABAMA)
JEFFERSON COUNTY)

Last Will and Testament

OF

110533

JOHN ANTHONY MOLAY

I, John Anthony Molay, a resident of Jefferson County, State of Alabama, being of sound mind and disposing memory, do make, publish and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other wills and codicils thereto heretofore made by me.

ITEM I

FAMILY

At the time of execution of this Will, my immediate family consists of my wife, IDA MAE MOLAY, and my children.

ITEM II

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 Executrix to pay such indebtedness either in full or according to the terms and tenor of any instrument evidencing such indebtedness as my Executrix may deem best advisable under the then existing circumstances.

ITEM III

PERSONAL PROPERTY

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

Filed in office this 19th day of Aug 1983 for Probate and Record.

Inst. # 1994-32003
10/25/1994-32003
09:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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09:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
71.00

this ITEM. All of the household furniture, furnishings, china, silverware and other articles of household use located in our home are the property of my wife and I confirm her title thereto.

(b) If my wife, IDA MAE MOLAY, does not survive me, then I give and bequeath all of the property hereinabove described in ITEM III(a) to my descendants who survive me in equal shares, per stirpes. In the absence of agreement of my descendants as to a division of said property, the Executors shall make such division in their absolute discretion, having due regard for the personal preferences of such beneficiaries, and such division shall be conclusive and binding. If any descendant 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 Executors, in their absolute discretion, and, in any case, without requiring bond, either to:

- (1) Retain for such descendant all or any part of such descendant's share of said property until such descendant attains the age of twenty-one (21) years; or
- (2) Deliver all or any part of any such descendant's share of such property directly to such descendant, or to any person deemed suitable by my Executors for the benefit of such descendant; or
- (3) Sell all or any part of such descendant's share of such property, publicly or privately without the necessity of any order from any court, and add the net proceeds thereof to the principal of the trust hereinafter referred to or directed to be set apart for such descendant.

Upon making any payment or transfer hereunder, my Executors shall be discharged as to such payment or transfer without liability for the subsequent application thereof. Storage, insurance and

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other carrying charges incurred in retaining any such property for any descendant shall be paid out of funds held for the benefit of such descendant under this Will.

ITEM IV

DIVISION OF RESIDUARY ESTATE INTO
MARITAL SHARE AND FAMILY SHARE

(a) If my wife, IDA MAE MOLAY, shall survive me, I direct that my Executrix apportion and divide all the rest, residue and remainder of the property, both real and personal and wherever situated, which I may own or be entitled to at the time of my death (all such property being herein sometimes referred to as my "residuary estate") into two (2) parts, hereinafter designated as the "Marital Share" and the "Family Share", each ascertained as follows:

- (1) Marital Share: The Marital Share shall consist of the minimum amount which, after taking into account all property passing to my wife outside of this Will, by operation of law, through life insurance policies or otherwise, but only to the extent that such interests are included in determining my gross taxable estate and are allowable as a marital deduction for Federal Estate Tax purposes, and all property passing effectively to my wife pursuant to the prior provisions of this Will, shall be necessary to eliminate (or to minimize to the lowest possible amount) any Federal Estate Tax payable by reason of my death after taking into account (i) all credits against such tax (including, without limitation, the unified credit and any credit for State death taxes to the extent that use of such credit for State death taxes is not the cause of

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the imposition or increase of such death tax); and (ii) all deductions (other than with respect to the disposition of any part of my residuary estate) allowable to my estate. In making the computations necessary to determine the amount of this pecuniary bequest, the final determination for Federal Estate Tax purposes shall control whether my Executrix chooses the date of death or alternate valuation date. In the sole power and discretion of my Executrix acting in a fiduciary capacity, the payment of this amount may be made wholly or partly in cash or property as selected by my Executrix; provided, however, that all such property so selected shall be valued at fair market value at the date or dates of distribution; provided further, that in exercising this power and discretion, my Executrix shall first allot to this pecuniary bequest the more liquid and salable assets of my estate, taking into account the necessity, however, of having sufficient liquid funds for the payment of my debts, administrative expenses and taxes; and provided further, that so far as is possible, there shall not be included in this pecuniary bequest any assets or the proceeds of any assets (i) which do not qualify for the marital deduction for Federal Estate Tax purposes, or (ii) with respect to which any estate or death taxes are paid to any foreign country or any of its possessions or subdivisions, or (iii) with respect to which any tax credit or deduction shall be available because it shall be subject to both Federal Estate and Federal Income Tax.

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(2) Family Share: The Family Share shall consist of the balance of my residuary estate after deducting the share allocated to the Marital Share, plus any portion of my estate with respect to which my wife shall make a "qualified disclaimer" pursuant to Section 2518 of the Internal Revenue Code of 1954, as amended.

(b) If my wife, IDA MAE MOLAY, does not survive me, all of my residuary estate shall constitute the Family Share and shall be held and disposed of in accordance with the provisions of ITEM VIII hereof.

ITEM V

MARITAL DEDUCTION INTENTION

(a) It is my intention that, if my wife survives me, my estate shall become entitled to the marital deduction provided for by the United States Internal Revenue Code, as amended to the date of my death, with respect to the amount included in the Marital Share pursuant to the division of my residuary estate under ITEM IV. The Marital Share shall not include, and my Executrix shall not allocate to it, if avoidable, any property with respect to which no marital deduction would be allowed under the terms of said Internal Revenue Code as so amended. The Marital Share shall vest in my wife immediately upon my death.

(b) My Executrix, regardless of any adverse interest, shall construe all provisions of my Will which may require construction in order that my estate may become and remain entitled to said marital deduction, and she is hereby authorized to adopt, agree to or acquiesce in, such construction thereof as she may from time to time deem necessary or advisable in order that such deduction may be obtained for my estate.

(c) If my Executrix elects to claim as a deduction for income tax purposes any payments made out of the principal of my

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estate, (i) no adjustment shall be made between principal and income, (ii) the value of my estate for the purposes of computing the Marital Share shall not be reduced by the amount of such payments, and (iii) no part of such payments shall be chargeable against the Marital Share.

ITEM VI

PAYMENT OF ESTATE TAXES

All estate and inheritance taxes which may be assessed or imposed with respect to my estate, or any part thereof, wherever situated, whether or not passing under my Will, including the taxable value of all policies of insurance on my life of which I am owner, and of all transfers, powers, rights or interests in my estate for the purposes of estate taxes, shall, if my said wife survives me, be paid out of the Family Share of my residuary estate, or, if my said wife does not survive me, be paid out of my residuary estate, and in either event such payment shall be made without apportionment.

ITEM VII

DISTRIBUTION OF MARITAL SHARE

If my wife, IDA MAE MOLAY, survives me, I give, bequeath and devise that portion of my residuary estate hereinabove designated as the marital Share to her, absolutely, irrespectively of whether or not there are any children born of our marriage or adopted by my wife and me after the execution of this Will.

ITEM VIII

DISTRIBUTION OF FAMILY SHARE

I give, bequeath and devise that portion of my residuary estate hereinabove designated as the Family Share to my Trustees hereinafter named, in trust, to be held, administered and distributed as hereinafter provided:

(a) Distributions to Spouse: If my wife, IDA MAE MOLAY, shall survive me, the Trustees shall pay to or apply for the benefit and use of my said wife all of the net income of the trust estate in quarterly or more frequent installments during her lifetime. During the lifetime of my said wife, the Trustees may also appoint and pay to her or apply for her benefit so much of the principal of the Trust as the Trustees, in the exercise of their discretion, shall reasonably deem necessary for her support and maintenance, including medical, surgical, hospital or other institutional care having in mind both the standard of living to which she has been accustomed and the income and principal that may be available to or for her from other sources. The Trustees shall also pay to my said wife so much of the principal of the Trust as she may from time to time request in writing, not exceeding, however, in any calendar year the greater of Five Thousand Dollars (\$5,000.00) or five percent (5%) of the aggregate value of the principal of the Trust on December 31 of such year; provided, however, that if such request is not made during any calendar year for such calendar year, no payment of principal shall be made in any subsequent calendar year on account of the amount not so requested.

(b) Power to Invade Principal for Children: Anything in this ITEM to the contrary notwithstanding, the Trustees are authorized to pay to or apply for the benefit of any of my children during the lifetime of my said wife such sums out of the principal of the Trust as the Trustees, in their discretion, may determine to be reasonably necessary for such child's support, maintenance and education, and for the meeting of essential emergency expenses, including medical, surgical, hospital or other institutional care. Such payments may be made disproportionately among my children, and any such advancements of principal shall not be deducted from any child's ultimate

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share upon my wife's death. The following is a statement of my general intention as a guide to the Trustees in implementing the provisions of Paragraphs (a) and (b) of this ITEM: First, it is my desire that my wife shall have sufficient funds, taking into consideration her income and principal from other sources, for her reasonable support, maintenance and a full education.

(c) Allocation and Distribution of Trust Estate: Upon my death or upon the death of my wife, if she shall survive me, the trust estate as it shall then exist shall be divided into as many shares as I shall then have children living and children dead with descendants surviving, and such shares shall be paid over to such children or descendants or to the trusts hereinafter established for such children or descendants, per stirpes, and not per capita. The share allocated to any descendant of any of my children shall be transferred and paid over to such descendant, absolutely, subject, however, to the provisions hereinafter set forth with respect to any beneficiary hereunder who is under the age of twenty-one (21) years. Except as hereinafter provided, the shares allocated to any of my children shall be held in trust upon the terms and conditions and subject to the powers and limitations herein set forth:

(1) Distribution to Children: If any child shall have then attained the age of thirty-five (35) years, the Trustees shall pay over, deliver, assign, transfer to, or convey to such child his or her share of the trust estate, discharged of trust, or if any child shall have then attained the age of thirty (30) but not thirty-five (35) years, the Trustees shall pay over, deliver, assign, transfer or convey to such child one-half (1/2) of his or her share, discharged of trust.

(2) Income Distribution Prior to age Twenty-One (21):

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With respect to any of my children under twenty-one (21) years of age, the Trustees shall from time to time use, apply and pay to or for the benefit of such child so much of the income of his or her share as the Trustees, in their sole discretion, deem reasonably necessary to provide for the health, support, education and maintenance of such child. The term "education" as used herein shall be broadly construed and shall include travel (domestic or international), private or public schools and colleges, post-graduate colleges and professional education, either full or part-time. Any part of the net income not so used shall be accumulated and added to, invested and thereafter treated as part of the principal of said child's share.

(3) Income Distributions After Age Twenty-One (21):

The Trustees shall use, apply, pay over, distribute or expend for the benefit of any child of mine, while he or she is under the age of thirty-five (35) years but over twenty-one (21) years of age, the entire net income from his or her share, in convenient installments, but at least annually, and if practicable, in monthly or quarterly installments.

(4) Invasion of Principal: If at any time the Trustees, after taking into account income and principal readily available for my children from other sources, determine that the income of any child is not sufficient for his or her reasonable support, education and maintenance or to provide for his or her medical care, then the Trustees may

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from time to time pay to him or her or use for his or her benefit, so much of the principal of his or her share as the Trustees, in their sole discretion, determine to be adequate, reasonable and appropriate for such purposes, to the complete exhaustion of the principal, if the Trustees deem that necessary and appropriate.

- (5) Distribution of Principal: As each child shall attain the age of thirty (30) years, the Trustees shall pay over, deliver, assign, transfer or convey to such child, discharged of trust, one-half (1/2) of the principal of the trust for his or her benefit; and as each such child shall attain the age of thirty-five (35) years, the Trustees shall pay over, deliver, assign, transfer or convey to such child, discharged of trust, the entire remaining balance of the principal and accrued income of the trust for his or her benefit. In the event that any child shall die before attaining the age of thirty-five (35) years, then the Trustees shall transfer and pay over the property then constituting such deceased child's trust, including any accrued and unpaid income thereof, to his or her descendants then living, in equal shares, per stirpes, or if there be none, then to those persons who would have taken, and in such shares as they would have taken, under the laws of the State of Alabama as if I had then died intestate and as if my entire estate had consisted of the assets of such share; provided, however, if any such person shall then have other property held in trust under this Will,

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then his or her share in such deceased child's trust shall be added to, merged in and administered and disposed of like such other property so held in trust for him or her.

(6) Trust for Beneficiary Under Age Twenty-One (21):

If any beneficiary to whom the Trustees are directed to distribute any share of the trust principal is under the age of twenty-one (21) years when the distribution is to be made, and if no other trust shall then be held for such beneficiary's primary benefit, then though his or her share shall be fully vested in him or her, the Trustees shall continue to hold the same as a separate fund, with all of the powers and discretions given the Trustees with respect to other trust property hereunder, until he or she shall attain the age of twenty-one (21) years, in the meantime using and applying for his or her health, maintenance, support and education so much of the income and principal as the Trustees deem necessary or desirable for said purposes, and adding any excess income to principal at the discretion of the Trustees. When such beneficiary shall attain the age of twenty-one (21) years, or sooner die, then the Trustees shall transfer and pay over the principal and any undistributed income, free of trust, to such beneficiary, or his or her estate as the case may be.

(7) Advance Distributions of Principal to Children:

Notwithstanding the foregoing provisions as to principal distributions to my children, in the event the Trustees shall be of the opinion that

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any such child, at any time after he or she shall attain the age of twenty-one (21) years, is capable of wisely managing and investing the principal of his or her separate share, or any part thereof, then I direct that the Trustees, after conferring with such child as to the manner in which he or she proposes to invest or expend the same and satisfying themselves as to the soundness and propriety of his or her plan, may transfer or pay to such child, discharged of trust, all or such part of the principal of his or her trust as the Trustees may deem such child capable of wisely managing and investing. Upon making any transfer or payment hereunder, the Trustees shall be discharged with respect thereto without liability for the subsequent application thereof.

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APPOINTMENT OF EXECUTRIX AND TRUSTEES

(a) I hereby nominate and appoint my wife, IDA MAE MOLAY, as Executrix of this my Last Will and Testament. In the event IDA MAE MOLAY shall fail to qualify, die, resign, become incompetent or otherwise fail or cease to serve as Executrix, then and in any of such events, I hereby nominate and appoint my brothers, PAUL ALFRED MOLAY and CHARLIE D. MOLAY, or the survivor of them, as successor Executors hereunder.

(b) I hereby nominate and appoint my brothers, PAUL ALFRED MOLAY and CHARLIE D. MOLAY, or the survivor of them, as Trustees of any trust which may become operative hereunder.

(c) The Executrix and Trustees named herein shall not be required to give bond or to file an inventory or accounting in any court upon final settlement of their acts as Executrix or

Trustees, although they shall make out and keep an inventory and maintain records of all transactions relating hereto and shall exhibit the same to any party in interest at any reasonable time. The individuals named herein as Executrix or Trustees shall serve in such capacities without compensation, except that he or she, as the case may be, shall be entitled to reasonable compensation for extraordinary services.

(d) During the administration of my estate, I hereby authorize and empower my Executrix to exercise all powers conferred upon my Trustees in ITEM X of this Will, regardless of whether or not any trust authorized by this Will shall become effective.

(e) To the extent permitted by law, each of my Executors and Trustees is hereby authorized to delegate at any time or from time to time any or all of the rights, powers, duties and authority granted to Executors and Trustees herein, whether discretionary or ministerial, to any other Executor or Trustee, by an instrument in writing signed by the delegating party; provided, however, that any such delegating instrument shall be revocable at any time.

(f) All checks or withdrawals from any bank account maintained by my estate or any trust established under this Will may be signed or made by any one or more of the Executors or Trustees as they may mutually agree,

ITEM X

TRUSTEE POWERS

(a) Without limitation of the powers conferred by statute or general rules of law, my Trustees shall have the following powers and authorities in addition to others now or hereafter conferred by law with respect to any property contained in my estate:

1. To collect the income therefrom.

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2. To compromise, adjust and settle in their discretion any claim in favor of or against the trust.
3. To hold any property or securities originally received by them as a part of the trust or to which they become entitled by virtue of incorporation, liquidation, reorganization, merger, consolidation or change of charter or name, including any stock or interest in any family corporation, partnership or enterprise, so long as they shall consider the retention for the best interests of the trust.
4. To sell, auction, convey, exchange, lease or rent for a period beyond the possible termination of the trust, (or for less period) for improvement or otherwise, or to grant options for or in connection with such purposes, or otherwise dispose of, all or any portion of the trust, in such manner and upon such terms and conditions as the Trustees may approve.
5. To invest and reinvest the trust and the proceeds of sale or disposal of any portion thereof, in such loans, bonds, stocks, mortgages, common trust funds, securities, or other property, real or personal, or to purchase options for such purposes, or to exercise options, rights, or warrants, to purchase securities or other property, as to the Trustees may seem suitable.
6. To hold, retain or acquire property or securities which in their opinion is for the best interests of the trust, without regard to any statutory or constitutional limitation applicable to the investment of trust funds.

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7. To vote any corporate stock held hereunder in person, or by special, limited or general proxy, with or without power of substitution, or to refrain from voting the same, and to waive notice of any meeting and to give any consent for or with respect thereto.
8. To continue or dispose of any business enterprise without liability therefor, whether such enterprise be in the form of a sole proprietorship, partnership, corporation or otherwise, and to develop, add capital to, expand or alter the business of such enterprise, to liquidate, incorporate, reorganize, manage or consolidate the same, or change its charter or name, to enter into, continue or extend any voting trust for the duration of or beyond the term of the trust, to appoint directors and employ officers, managers, employees or agents, (including any trustee or directors, officers or employees thereof) and to compensate and offer stock options and other employee or fringe benefits to them, and in exercising the powers in relation to such business enterprise, to receive extra or extraordinary compensation therefor.
9. To subdivide or otherwise develop, and to change the use or purpose of, any real estate constituting a part of the trust into residential, recreational, commercial, cemetery, or other usage, to construct, alter, remodel, repair or raze any building or other improvement located thereon, to release, partition, vacate, abandon, dedicate or adjust the boundaries as to any such property.

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10. To operate farms and woodlands with hired labor, tenants or sharecroppers, to acquire real estate, crop allotments, livestock, poultry, machinery, equipment, materials, and any other items of production in connection therewith, to clear, drain, ditch, make roads, fence and plant part or all of such real estate, and to employ or enter into any practices or programs, to conserve, improve or regulate the efficiency, fertility and production thereof, to improve, sell, auction or exchange crops, timber or other product thereof, to lease or enter into other management, cutting, production or sales contracts for a term beyond the possible termination of the trust or for a less period, to employ the methods of carrying on agriculture, animal husbandry and silviculture which are in use in the vicinity of any of such real estate or which the Trustees deem otherwise appropriate, to make loans or advances at interest for production, harvesting, marketing or any other purpose hereunder, in such manner and upon such terms and conditions as the Trustees may approve, and in general to take any action which the Trustees deem necessary or desirable in such operation of farms and woodlands.

11. To drill, explore, test, mine or otherwise exploit oil, gas, or other mineral or natural resources, to engage in absorption, repressuring, and other production, processing or secondary recovery operations, to install, operate and maintain storage plants and pipe-lines or other transportation facilities, to engage in any of the

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above activities directly or under such business form as the Trustees may select or to contract with others for the performance of them, and to enter into and execute oil, gas and mineral leases, division and transfer orders, grants, farm-out, pooling or unitization agreements, and such other instruments or agreements in connection therewith as the Trustees deem necessary or desirable.

12. To borrow money for such time and upon such terms as the Trustees see fit, without security or on mortgage of any real estate or upon pledge of any personal property held hereunder, and to execute mortgages or collateral agreements therefor as necessary.

13. To advance money to any trust for any purpose of the trust, and the Trustees shall reimburse themselves for the money so advanced with reasonable interest thereon from the trust or from any funds belonging thereto.

14. To hold money in their custody while awaiting distribution or investment under the terms hereof, even though such money be commingled with their funds (in which case the Trustees shall keep a separate account of the same on their books), and the Trustees shall not be required to pay interest thereon.

15. To appoint, employ, remove and compensate such attorneys, agents and representatives, individual or corporate, as the Trustees deem necessary or desirable for the administration of the trust, and to treat as an expense of the trust any compensation so paid.

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16. To hold property or securities in bearer form, in the name of the Trustees, or in the name of their nominee, without disclosing any fiduciary relation.
17. To keep any property constituting a part of said trust properly insured against hazards, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon said property, and to create reserves for depreciation, depletion or such other purposes as the Trustees deem necessary or desirable.
18. To determine whether any money or property coming into their hands shall be treated as a part of the principal of the trust or a part of the income therefrom, and to apportion between principal and income any loss or expenditure in connection with the trust as the Trustees may deem just and equitable; provided, however, that such power shall be exercised in accordance with the provisions of the Alabama Principal and Income Act.
19. To pay from income any expenses reasonably necessary for the administration of the trust, and in the event the income is insufficient for such payments, the same shall be paid from the principal thereof.
20. To exercise any power hereunder, either acting alone or jointly with others.
21. To pay the funeral and burial expenses of any beneficiary from the principal of the trust from which income has been payable to such beneficiary.

(b) No person or corporation dealing with the Trustees shall be required to inquire into the terms of this instrument or

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any trust hereunder, nor shall any purchaser therefrom be required to see to the application of the purchase money.

(c) A majority in interest of the adult and otherwise legally competent beneficiaries then entitled to receive income of any trust established hereunder, or if there shall be no such beneficiaries, then a majority of the guardians or conservators of such beneficiaries of any such share, may, without liability to any present or future beneficiary of any such trust, approve the annual or other current account of the Trustees hereunder.

(d) The powers herein granted to the Trustees may be exercised in whole or in part, from time to time, and shall be deemed to be supplementary to and not exclusive of the general powers of trustees pursuant to law, and shall include all powers necessary to carry the same into effect.

ITEM XI

MISCELLANEOUS TAX PROVISIONS

(a) I authorize my Executrix to join with my wife in making a joint income tax or gift tax return or to execute a consent to any gift made by my wife for any taxable year that includes the date of my death or for any periods prior thereto, and in connection therewith, to pay such amounts of tax, interest and penalties as she may deem advisable, even though not attributable entirely to my own income or gifts.

(b) Furthermore, my Executrix is hereby authorized, to the extent permitted by law, to deduct administration expenses and commissions whether against the gross estate in computing the estate tax or against estate income in computing estate income tax, as my Executrix, in her sole discretion, shall elect, and my Executrix shall not be required to make any adjustment on account thereof in setting up any of the trusts herein provided for.

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ITEM XII
SIMULTANEOUS DEATH

If my wife and I should die simultaneously or in circumstances which make it difficult to determine which of us died first, I direct that my wife shall be deemed to have survived me for the purposes of this Will, and I direct further that the provisions of this Will shall be construed upon that assumption, irrespective of any provisions of law establishing a contrary presumption or requiring survivorship for a fixed period as a condition of taking property by inheritance. If any other legatee or devisee under this Will and I should die simultaneously or in circumstances which make it difficult to determine which of us died first, I direct that such devisee or legatee shall be deemed to have predeceased me for the purpose of this Will, and I direct further that the provisions of this Will shall be construed upon that assumption.

ITEM XIII
OPERATIONAL DATE OF TRUST

Any trust created under this Will shall be treated as operating from the date of my death, whether the trust property shall then be actually paid over to the Trustees and set aside or not, and I hereby authorize and empower my Executrix to make any payment which the Trustees are herein authorized to make.

ITEM XIV
SPENDTHRIFT PROVISION

To the extent permitted by law, the interest of any beneficiary in principal or income of any trust under this Will shall not be subject to assignment, alienation, pledge, attachment, or to the claims of creditors of such beneficiary.

ITEM XV

PERPETUITIES - TERMINATION

Each trust under this Will shall in any event terminate twenty-one (21) years after the death of the last survivor of such of the beneficiaries thereunder as shall be living at the time of my death, and thereupon the property held in that trust shall be distributed, discharged of trust, to the persons then entitled to the income and in the proportions to which they are entitled to the income.

ITEM XVI

MISCELLANEOUS

The following provisions shall govern for all purposes of this Will, wherever they may be applicable:

(a) If any beneficiary of my estate or of any trust created hereunder shall be a minor, or under any legal disability, or, in the sole judgment of the Trustees or Executrix, shall otherwise be unable to apply the proceeds of his or her trust or share of my estate to his or her own best interests and advantage, the Trustees or Executrix may, in her sole discretion, pay or apply income or principal which the Trustees or Executrix is authorized or 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; or
- (4) by the Trustees or Executrix expending any such

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income or principal for the benefit of such beneficiary.

(b) Any trust created hereunder may, but need not be, terminated in the sole discretion of the Trustees when the income of such trust shall become too low to cover all fees and expenses of administration and also to yield a reasonable return to the beneficiaries. In such event, the Trustees shall distribute the assets thereof in their possession to the then current beneficiary or beneficiaries of the income and if more than one beneficiary is so entitled, in the proportions in which they are beneficiaries. If any such beneficiary shall be a minor at the date of such distribution, then his or her share of such trust shall be paid to a parent or relative of such beneficiary as custodian under the Alabama Uniform Gifts to Minors Act.

(c) The provisions herein made for my wife, IDA MAE MOLAY, are in lieu of and not in addition to any statutory rights to inherit from me granted to my said wife under the laws of the State of Alabama or any other state in which I may then reside.

(d) Upon making any payment or transfer hereunder, the Executrix and Trustees 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 Trustees shall be fully discharged as to such trust.

(e) 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.

(f) In this Will, reference to "child" or "children" mean lawful blood descendants in the first degree of the parent designated, and references to "descendants" mean lawful blood descendants in the first, second or any other degree of the

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ancestor designated, provided always, however, that an adopted child, whether of myself, my descendants or 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 natural born children.

(g) 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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 10th day of May, 1983.

John Anthony Molay
John Anthony Molay

We, the undersigned, hereby certify that the above named Testator subscribed his name to the foregoing instrument in our presence, and published and declared the same to be his Last Will and Testament, and we, at the same time, at his request, in his presence and in the presence of each other, have hereunto signed our names as subscribing witnesses.

ADDRESSES:

John Thomas

926-4th Terrace W
Phon. Ala 35204

Louis J. Jordan

629 Green Sp Ave
Bham Ala 35205

Det. Oswald

5913 - Southern Bell
Blum, Al 35213

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CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, O. H. Florence, 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 of the Court, by the proper testimony to be the genuine last Will and Testament of John H. Florence deceased and that said Will together with the foregoing instrument have been recorded in my office in Judicial Records Volume 811 Page 819-843

I have hereunto set my hand, and the seal of the said Court, this date August 19, 1983
O. H. Florence Judge of Probate.

I, GEORGE R. REYNOLDS, JUDGE OF THE COURT OF PROBATE FOR JEFFERSON COUNTY, ALABAMA, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, CORRECT AND FULL COPY OF THE INSTRUMENT HEREWITH SET OUT AS APPEARS OF RECORD IN SAID COURT, WITNES MY HAND AND SEAL OF SAID COURT, THIS DAY OF 19
George R. Reynolds
JUDGE OF PROBATE

CERTIFIED COPY

I, GEORGE R. REYNOLDS, JUDGE OF THE COURT
OF PROBATE FOR JEFFERSON COUNTY,
ALABAMA, HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE, CORRECT AND FULL
COPY OF THE INSTRUMENT _____ WITH
SET OUT AS APPEARS OF RECORD IN SAID COURT.
WITNESS MY HAND AND SEAL OF SAID COURT,
THIS 13 DAY OF October,
19 94.



JUDGE OF PROBATE

Inst # 1994-32003

10/25/1994-32003
09:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
026 MCD 71.00