

IN THE MATTER OF:

THE ESTATE OF:

ARCHIE HANNA WITT, III
DECEASED

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA

CASE NUMBER 168140

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Camille Rose Witt and filed a petition in writing, under oath, therewith producing and filing in this Court an instrument of writing purporting to be the Last Will and Testament of Archie Hanna Witt, III, deceased, said will bearing date the 10th day of July, 1971, and attested by Angie S. Webb and E. Ray Large; and praying that the same be probated as provided by law; that petitioner is the daughter of said deceased, and that the next of kin of said deceased are as follows, to-wit: Mary Susan Witt Hosier, daughter, Birmingham, Alabama; Camille Rose Witt, daughter, Birmingham, Alabama and Archie H. Witt, IV, son, Birmingham, Alabama, each of whom is over nineteen years of age and of sound mind.

And thereupon comes each of the above named next of kin expressly waiving all notice of the petition to probate said will and consenting that the same be probated at once, and the court having ascertained by sufficient evidence that the signatures affixed to said waivers of notice and acceptances of service are the genuine signatures of said next of kin; now on motion of said petitioner, the Court proceeds to hear said petition; and, after due proof and hearing had according to the laws of this state, the court is satisfied and is of the opinion that said instrument is

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SHELBY COUNTY JUDGE OF PROBATE

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the genuine Last Will and Testament of said deceased, and that such instrument should be probated as the Last Will and Testament of said deceased. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said instrument be duly admitted to probate as the Last Will and Testament of Archie Hanna Witt, III, deceased, and ORDERED to be recorded together with the proof thereof and all other papers on file relating to this proceeding. It is further ORDERED that petitioner pay the costs of this proceeding.

DONE this date, August 19, 1999.

George P. Reynolds
Judge of Probate

FILED IN COURT THE 19 DAY
OF August 1959
JAMES L. HANNA
CLERK OF PROBATE

Last Will and Testament

OF

JR 1711 PG 541

ARCHIE HANNA WITT, III

168140

STATE OF ALABAMA)

JEFFERSON COUNTY)

ARTICLE I

I, Archie Hanna Witt, III, a resident of Birmingham, Jefferson County, Alabama, do declare this to be my LAST WILL and TESTAMENT, hereby revoking any and all wills and codicils heretofore made by me.

ARTICLE II

I direct that all of my just debts, my funeral expenses and the costs of administration of my estate be paid as soon as practicable after my death. My Executrix, may in her sole discretion pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions. I further direct that any obligations of mine secured by mortgage on any real estate whether owned by me jointly or individually, or secured by pledge of or lien against any of my personal property or life insurance, be paid out of my residuary estate; and that no part of such debts be charged to or paid by any devisee, legatee, joint owner taking by survivorship or beneficiary.

ARTICLE III

I bequeath to my wife, Charlene G. Witt, if she shall survive me, all clothing, jewelry, household goods, personal effects, automobiles and all other tangible personal property not otherwise specifically bequeathed owned by me at the time of my death, but excluding cash on hand or on deposit, securities, choses in action or other intangibles.

If my said wife, Charlene G. Witt, shall not survive me, I bequeath all of the aforesaid property in equal shares to my daughters, Mary Susan Witt and Camille Rose Witt, but if either shall predecease me, then to the survivor or survivors of them; provided that the then living issues of any deceased beneficiary shall take, per stirpes and in fee, the share of their deceased

ancestor. In the event that my said wife, Charlene G. Witt and my

James L. Hanna
HW III

daughters, Mary Susan Witt and Camille Rose Witt shall predecease me leaving no issue who survive me, then this bequest shall lapse and the aforesaid property shall become a part of the residue of my estate.

ARTICLE IV

All the rest, residue and remainder of this property which I may own at the time of my death, real, personal or 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, I bequeath and devise in fee to my wife, Charlene G. Witt.

If my said wife, Charlene G. Witt, shall not survive me, then I bequeath and devise the said property in fee and in equal shares to my daughters, Mary Susan Witt and Camille Rose Witt. If either of said beneficiaries shall predecease her share thereof shall pass to her then living issue, per stirpes, if any, and if none, then the whole thereof shall pass to the other named beneficiary, if living, and if not, to her then living issue, per stirpes.

ARTICLE V

If my wife, Charlene G. Witt, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths or if she shall die within a period of six months after the date of my death, then all bequests, devises and provisions made herein to or for her benefit shall be void; and my estate shall be administered and distributed in all respects, as though my said wife, Charlene G. Witt, had not survived me.

ARTICLE VI

If any beneficiary shall not have reached her 21st birthday at the time any legacy or devise is required to be distributed to her under the above provisions, the share of such beneficiary shall be retained in trust by the Trustee until she reaches such birthday. During such time, the Trustee shall pay to such beneficiary or expend on her behalf so much of the net income derived from that particular fund as the Trustee may deem advisable to provide properly

~~Refer to~~
SHW III

for the maintenance, education and support of such issue and may incorporate any income not so disbursed into the principal of the fund. When each such beneficiary shall reach her 21st birthday, the trust shall terminate as to such beneficiary and the Trustee shall distribute her fund to such beneficiary in fee.

If all of my descendants shall die prior to the complete distribution of all the trusts herein created, then upon the happening of such event all assets held by the Trustee shall be distributed to my collateral heirs-at-law in accordance with the laws of descent and distribution then in effect in the State of Alabama, the identity of such heirs to be determined as though I had died upon the happening of such event.

ARTICLE VII

I appoint Charlene G. Witt to be Executrix of this my LAST WILL and TESTAMENT. In the event that the said Charlene G. Witt shall for any reason be unable or unwilling to qualify as Executrix, then I appoint my father, Archie Hanna Witt, Jr., to be alternate Executor. I direct that neither shall be required to furnish any bond, file any inventory of the property coming into his or her hands, or make any report or final settlement to any court of his or her proceedings hereunder. I vest my Executrix with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death at such time and price, and upon such terms and conditions (including credit) as she may determine and to do every other act and thing necessary or appropriate for the complete administration of my estate.

ARTICLE VIII

I appoint Archie Hanna Witt, Jr. to be Trustee of this my LAST WILL and TESTAMENT. In the event that the said Archie Hanna Witt, Jr. shall for any reason be unable or unwilling to qualify as Trustee, then I appoint Susan Wood Witt to be the Alternate Trustee. Said trustee shall have full power to compromise, adjust and settle in his discretion any claim in favor of or against the said trust estates, with full power to collect the income there-

[Signature]
HW III

from and from time to time to sell, convey, exchange, lease for a period beyond the possible termination of these trusts, or for a less period, to improve, encumber, borrow on the security of, or otherwise dispose of, all or any portion of said trust estates, in such manner and upon such terms and conditions as said Trustee may approve, with full power to invest and reinvest said trust estates and the proceeds of sale or disposal of any portion thereof, in such loans, bonds, stocks, or other mortgages, common trust funds securities, or other property, real or personal, as to said Trustee may deem suitable, and to change investments and to make new investments from time to time as to said Trustee may seem necessary or desirable.

ARTICLE IX

Should my wife, Charlene G. Witt and I die as a result of a common disaster during the minority of our children or should my said wife die at any time during their minority, then I request that my wife's sister, Olga G. Fuselier of Alexandria, Louisiana be appointed their guardian to care for them during the term of their minority. In the event that Olga G. Fuselier shall for any reason be unable or unwilling to qualify as guardian, then I appoint my sister, Susan Witt Dodson of Ocala, Florida as Alternate Guardian. I direct that no bond or other security be required of either of my guardians as such.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10 day of July, 1971.

 (SEAL)
ARCHIE HANNA WITT, III

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.

NAME

ADDRESS

Alvin L. Webb

312 Commissioner St., Birmingham, Ala.
31732

E. Ray Lutz

929 Beech Lane, Mt. Brook

HW III

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JR 1711 PG 546

CASE # 168140

CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, George R. Reynolds, 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 ARCHIE HANNA WITT, III Deceased and that said Will _____ together with the proof thereof have been recorded in my office in Judicial Record, Volume JR1711, Page 541-545

In witness of all which I have hereto set my hand, and the seal of the said Court, this date AUG. 19, 1999

PROBATE - 99

George R. Reynolds, Judge of Probate.

LETTERS OF ADMINISTRATION

PROBATE -- 51

IN THE MATTER OF THE ESTATE OF

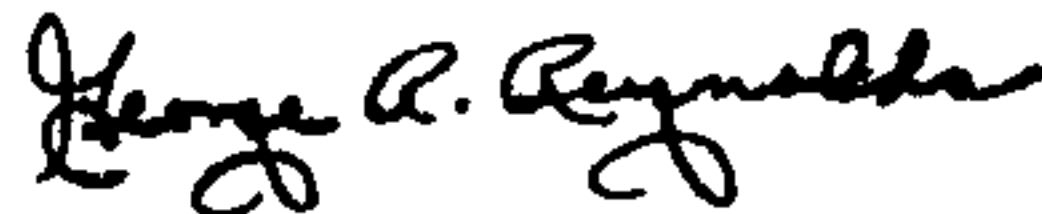
IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMAARCHIE HANNA WITT, III

Deceased

CASE NO. 168140**LETTERS OF ADMINISTRATION
WITH WILL ANNEXED**

TO ALL WHOM IT MAY CONCERN:

Letters of Administration on the above-named deceased are hereby granted to CAMILLE ROSE WITT who has duly qualified and given bond in the amount of \$ 25,000.00 as such Personal Representative, and is authorized to administer such estate. Subject to the priorities stated in §43-8-76, Code of Alabama (1975, as amended), the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions under §43-2-843, Code of Alabama (1975, as amended).

WITNESS my hand this date, August 19, 1999.Judge of Probate

I, Peggy A. Proctor, Chief Clerk of the Court of Probate of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the Letters of Administration issued in the above-styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

WITNESS my hand and seal of said Court this date, _____.

Chief Clerk

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 _____

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT, LAST WILL AND TESTAMENT
OF ARCHIE HANNA WITT III, CERTIFICATE TO THE PROBATE OF WILL & LETTERS
ADMINISTRATION WITH THE WILL ANNEXED

in the matter of THE ESTATE OF ARCHIE HANNA WITT III

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

Given under my hand and seal of said Court, this
the 30 day of JUNE, 2000

Peggy A. Proctor

Chief Clerk

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CLERK OF PROBATE
\$18.00