

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMAMARGUERITE EVANS BRYAN BARTLETT

Deceased

CASE NO. 175890**LETTERS TESTAMENTARY****TO ALL WHOM IT MAY CONCERN:**The Will of the above-named deceased having been duly admitted to record in said county. **Letters Testamentary** are

hereby granted to JOHN EVANS BRYAN
the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the 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, SEPTEMBER 7, 2001

(SEAL)

MICHAEL F. BOLIN

Judge of Probate

I, Carol K. Johnson, 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 Testamentary** 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, NOVEMBER 29, 2001

Carol K. Johnson
Chief Clerk

2001-52349
12/03/2001-52349
03:31 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
009 MEL 35.00

LAST WILL AND TESTAMENT

OF

MARGUERITE EVANS BRYAN BARTLETT

STATE OF ALABAMA)

JR 1871 PG 541

JEFFERSON COUNTY)

175890

I, Marguerite Evans Bryan Bartlett, a resident of Jefferson County, Alabama, and over the age of eighteen (18) years, being of sound mind and disposing memory, do hereby make, publish and declare this instrument as and for my Last Will and Testament, in manner and form as follows:

ITEM ONE: I hereby revoke all wills and codicils heretofore made by me if there be any.

ITEM TWO: I hereby direct my Executor or Executrix, as the case may be, hereinafter named, to pay all of my just debts, funeral expenses and the expenses of administering my estate, out of my estate, as soon after my death as may be practicable.

ITEM THREE: I hereby give and bequeath my Grandfather Clock to my son, John Evans Bryan.

ITEM FOUR: I hereby give and bequeath to my daughter, Linda Carolyn Bryan Read, her paternal grandmother's china closet/cabinet without its contents.

ITEM FIVE: I hereby give and bequeath my antique loveseat set, consisting of a loveseat and two chairs, my antique table and my secretary to my daughter, Julie Ann Bryan White.

ITEM SIX: I hereby give, bequeath and devise my real property located at 1828 Glendmere Drive, Vestavia Hills, Alabama, 35216, more particularly described as:

Lot 10, in Block 2, according to the survey of Mountain Wood Estates, as recorded in Map Book 42, Page 22, in the Probate Office of Jefferson County, Alabama.

Page One of Six Pages

FILED IN OFFICE THIS THE 7th DAY
OF September 2001
FOR PROBATE AND RECORD.

Michael F. Bolin
JUDGE OF PROBATE

Marguerite Evans Bryan Bartlett

and my real property located in Wilsonville, Shelby County, Alabama, to my children, John Evans Bryan, Linda Carolyn Bryan Read and Julie Ann Bryan White, share and share alike, in equal shares, one-third (1/3) to each, per stirpes and not per capita, absolutely and in fee simple.

ITEM SEVEN: All of the rest, residue and remainder of any property, real, personal and mixed, wheresoever situated that I may own or have an interest in at my death and as to which I may have the power of testamentary disposition over, I give, bequeath and devise as follows: one-third (1/3) to my daughter, Linda Carolyn Bryan Read, one-third (1/3) to my daughter, Julie Ann Bryan White, one-sixth (1/6) to my granddaughter, Caroline Elizabeth Bryan and one-sixth (1/6) to my grandson, John Chase Bryan, per stirpes and not per capita, absolutely and in fee simple.

In the event either one or both of my said grandchildren has not reached the age of twenty-five (25) years at the time of my death, I direct that her or his said property be held in trust by my son, their father, John Evans Bryan, as trustee hereunder, in trust, to invest, reinvest, and keep invested, as a prudent investor, handling the affairs of other people would invest the same and that the net income from the trust be applied by said trustee for the care, maintenance, support and education of my said grandchild or grandchildren until she or he arrives at the age of twenty-five (25) years, at which time the principal of said trust estate, together with any accumulated and undistributed income, shall be transferred to her or him absolutely and in fee simple, and the said trust shall thereupon terminate; said trustee may in his discretion supplement the net income of the trust by applying such part or parts of the principal, from time to time, and in such manner as he may determine.

ITEM EIGHT: In addition to the powers hereinabove conferred, said trustee shall have the following powers:

- a) To generously pay over pin money to the beneficiary.
- b) To hold and manage the funds of said trust estate and invest and reinvest said trust

Marguerite Evans Bryan Bartlett

estate in such loans, bonds, stocks, mortgages, common trust funds, securities or other property, real or personal, as to him may seem suitable, and he may change investments and make new investments, from time-to-time, as to him may seem necessary or desirable.

c) To determine whether any property coming into his hands shall be treated as part of the principal of such trust estate or a part of the income therefrom and to apportion between such principal and income any loss or expenditure in connection with said trust estate as to him may seem just and equitable.

d) Whenever, and as often as, in his opinion, the income from the trust estate is insufficient for the purposes herein defined, including the reasonable and comfortable support and maintenance of the beneficiary entitled to income hereunder, taking into consideration additional expenses arising from extraordinary or unusual circumstances and taking into consideration any other income said beneficiary may at that time be receiving from all other sources the trustee shall advance or utilize so much of the corpus or principal of the trust estate, to such beneficiary, as the trustee may deem necessary or proper. Any such advances, or the money so utilized shall be deemed to be a partial distribution from said trust estate and not a debt of the beneficiary.

e) John Evans Bryan, as trustee hereunder, shall be entitled to receive reasonable compensation for his services hereunder, to be paid out of the income from said trust estate.

f) Said trustee shall pay from and out of the income of the trust estate any and all expenses reasonably necessary for the administration of the trust, including interest, taxes, insurance, and compensation to the trustee, as well as any other expense incurred for the benefit of the trust estate, and in the event the income of the trust estate is insufficient for the payment of such expenses, the same may be paid from the principal of the trust estate.

ITEM NINE: If any question or doubt should arise during the administration of this trust, as to the construction, interpretation, operation or meaning of the terms of this trust, or any part of it, I hereby authorize and empower said trustee, on his own judgment or acting under and in

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accordance with professional advice, and on such evidence as is reasonably available to him, to decide and determine the meaning and my intent manifested herein; and I declare that any such determination shall be binding on all persons interested under and in this trust, regardless of any rule of construction or domicile; and I further declare that the provisions of this paragraph shall be a condition precedent to the validity of any interest or estate of any beneficiary of this trust.

Said trustee, Executor or Executrix shall have power to sell, exchange, assign, transfer and convey, without prior court consent or subsequent court approval, for cash or on credit, as he or she may deem wise, expedient or desirable, any property, real, personal or mixed, held in my estate or in any trust estate, at public or private sale, and to execute and deliver contracts, assignments, bills of sale, deeds, notes, powers of attorney, receipts and any other instruments reasonably necessary to carry out the power to sell.

If John Evans Bryan refuses or is unable to perform as trustee, I hereby nominate and appoint my daughter, Linda Carolyn Bryan Read, as trustee and confer upon her in such capacity all of the rights, duties, privileges and responsibilities that I have hereunto granted to John Evans Bryan as trustee.

ITEM TEN: I hereby nominate and appoint my son, John Evans Bryan to be the Executor of this my Last Will and Testament and direct that he be permitted to serve without bond, bond being hereby waived in this and in any jurisdiction wherein bonds may be required; nor shall he be required to make any inventory of the property coming into his hands as such Executor; nor make any report to any court of his proceedings hereunder.

If my said son refuses or is unable to perform as Executor, I hereby nominate and appoint my daughter, Linda Carolyn Bryan Read, as Executrix and confer upon her in such capacity all of the rights, duties, privileges and responsibilities that I have hereunto granted to my said son as Executor.

If Linda Carolyn Bryan Read, refuses or is unable to perform as Executrix, I hereby

Marguerite Evans Bryan Bartlett

nominate and appoint my daughter, Julie Ann Bryan White, as Executrix and confer upon her in such capacity all of the rights, duties, privileges and responsibilities that I have heretofore granted to my said son as Executor.

If Julie Ann Bryan White refuses or is unable to perform as Executrix, I hereby nominate and appoint Calvin M. Howard, Attorney-at-Law, as Executor and confer upon him in such capacity all of the rights, duties, privileges and responsibilities that I have heretofore granted to my said son as Executor.

ITEM ELEVEN: I hereby declare that this Will and Testament is not made as the result of, or in conformity with, a contract or understanding with any other person.

"I, Marguerite Evans Bryan Bartlett, the Testatrix, sign my name to this instrument this 7th day of April, 2000 and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Marguerite Evans Bryan Bartlett
Marguerite Evans Bryan Bartlett, Testatrix

"We, SARA BOST and W. P. BOST

the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us in the presence and hearing of the Testatrix, hereby signs this Last Will and Testament as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen (18) years of age or older, of sound mind, and under no

constraint or undue influence."

Sara Bost

Witness

[Signature]

Witness

STATE OF ALABAMA)

JEFFERSON COUNTY)

"Subscribed, sworn to and acknowledged before me by Marguerite Evans Bryan Bartlett,
the Testatrix, and subscribed and sworn to before me by Sara Bost
and W. P. Bost the witnesses, this 7th day of
April, 2000.

[Signature]

Notary Public

My commission expires: 9-16-01

Marguerite Evans Bryan Bartlett

175890

CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, Michael F. Bolin, 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 thereof, been duly proven by the proper testimony to be the genuine last Will and Testament _____
MARGUERITE EVANS BRYAN BARTLETT
of _____ Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume JR1871, Page 541-546

In witness of all which I have hereto set my hand, and the seal of the said Court, this date SEPTEMBER 7, 2001.

PROBATE - 98

Michael F. Bolin, Judge of Probate.

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

#175890

I, Carol K. Johnson, 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 LAST WILL & TESTAMENT AND THE

CERTIFICATE TO THE PROBATE OF WILL

in the matter of THE ESTATE OF MARGUERITE EVANS BRYAN BARTLETT, DECEASED

Inst # 2001-52349

12/03/2001-52349
 03:31 PM CERTIFIED
 SHELBY COUNTY JUDGE OF PROBATE
 35.00
 003 MEL

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

Given under my hand and seal of said Court, this
 the 29TH day of NOVEMBER, 20 01

Carol K Johnson
 Chief Clerk