


STATE OF ALABAMA)
)
SHELBY COUNTY)


20020911000437070 Pg 1/4 20.00
Shelby Cnty Judge of Probate, AL
09/11/2002 14:41:00 FILED/CERTIFIED

LAST WILL AND TESTAMENT

OF

RAY J. STIVERS

KNOW ALL MEN BY THESE PRESENTS:

That I, Ray J. Stivers, a resident citizen of Shelby County, Alabama, being over the age of twenty-one (21) years, of sound and disposing mind and memory and mindful of the uncertainty of human life, and intending to dispose of all my property and estate upon my death, do hereby make, publish and declare this my Last Will and Testament, hereby expressly revoking any and all other wills, codicils or testaments by me at any time heretofore made.

ITEM ONE

I hereby nominate and appoint my sons, Thomas Kendall Stivers and William Ray Stivers to act as Co-Executors of this my Last Will and Testament, and they shall not be required to give or file any bond for the faithful discharge of their duties and shall not be required to provide an inventory nor accounting of the estate. I confer upon them, acting only jointly and in concert, full power to sell, mortgage, lease or in any manner dispose of the whole or any part of my estate, real and personal; to make, execute and deliver any deeds, mortgages, leases or any other documents necessary or desirable in the administration of my estate; to continue to operate any business owned by me, as partner, individual or otherwise; to transfer and assign any stocks, bonds or other securities that may be registered in my name and to do things that I might or could do if living and acting in my own behalf, all without the order of any court whatsoever.

In the event that one of my sons, as identified above, cannot or will not function as described above as a result of death, mental or physical infirmity or for any other reason, either before or during the administration of my estate, I hereby nominate and appoint the other as sole successor Executor and he shall have all of the rights, power, duties and discretion herein vested in the original Executors.

James Wooten

ITEM TWO

I direct that all my just debts, the expenses of my last illness, my funeral expenses and the expense of the administration of my estate be paid by my Executrix out of my estate.

Further, it is my desire that the final disposition of my earthly remains be within the sole discretion of my executors.

ITEM THREE

It is my desire that as soon as practical after my death that my home/residence be sold for fair market value. Any and all fees, costs and commissions that are reasonable and necessary for the sale of my home shall be deducted from the proceeds of the sale. The proceeds remaining, I hereby give, devise and bequeath to my sons, Thomas Kendall Stivers and William Ray Stivers, equally, to share and share alike.

ITEM FOUR

I hereby give, devise and bequeath to my sons, Thomas Kendall Stivers and William Ray Stivers, any and all of my assets, of any nature whatsoever, wherever situated or located, to be divided equally among them, to share and share alike, forever, WITH THE EXCEPTION OF ANY AND ALL OF MY MONETARY INVESTMENTS, the disposition of which is described below in Item Five.

ITEM FIVE

Any and all monetary investments that I owned at the time of my death shall be maintained after my death as they were before my death. Any interest, earnings or dividends from these investments I hereby give, devise and bequeath to my sons, Thomas Kendall Stivers and William Ray Stivers. In calculating any amount of interest, earnings or dividends from these investments, the following **shall not** be calculated or considered to be interest or dividends: any stocks splits; increases in the value of investments due to increase in value of stocks; or portfolio changes. Any taxes, costs or expenses for maintaining said investments shall be paid from the earnings, dividends and interest of said investments. It shall be the responsibility of my Executors to maintain said investments in a proper and prudent financial manner. In order to maintain and increase the value of the investments, my Executors are allowed to buy and sell stock or make any reasonable and necessary changes to the investments.

Upon my son, William Ray Stivers, reaching the age of Sixty-Five (65) years, I hereby give, devise and bequeath to him One-Half (1/2) of any and all of my investments described above. My executors shall be in agreement and concert as to how this division should take place. The remaining One-Half (1/2) of my investments as described above, shall continue to be maintained as described above, with the exceptions that it shall be the sole responsibility of my son, Thomas Kendall Stivers to maintain said investments in a proper and prudent financial manner and he is allowed to buy and sell stock or make any reasonable and necessary changes to the investments in order to maintain and increase their value. Further, any interest, earnings or dividends from these remaining investments I hereby give, devise and bequeath to my son, Thomas Kendall Stivers. In calculating any amount of interest, earnings or dividends from these investments, the following **shall not** be calculated or considered to be interest or dividends: any stocks splits; increases in the value of investments due to increase in value of stocks; or portfolio changes. Any taxes, costs or expenses for maintaining said investments shall be paid from the earnings, dividends and interest of said investments.

Upon my son, Thomas Kendall Stivers, reaching the age of Sixty-Five (65) years, I hereby give, devise and bequeath to him any and all remaining investments.

***** LAST ITEM *****

I, Ray J. Stivers, the testator, sign my name to this instrument this the 30 day of August 2002, 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 (18) years of age, or older, of sound mind, and under no constraint or undue influence.


RAY J. STIVERS, Testator

We, GARY V. WEST, and SHERY CLOUDUS witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is eighteen (18) of age or older, of sound mind, and under no constraint or undue influence.

GARY V. WEST
WITNESS

Residing at: 5800 MOCKINGBIRD LN

PINSON AL 35126

SHERY CLOUDUS
WITNESS

Residing at: 208 HERSCHEL DR.

GARDENDALE, AL. - 35071

The foregoing instrument consisting of 4 typewritten pages was at the date hereof by the said Ray J. Stivers, signed, sealed and published as and declared to be his Last Will and Testament, in the presence of the above signed witnesses, who at his request, in his presence, and in the presence of each other, have signed their names as witnesses hereto.

Subscribed, sworn to and acknowledged before me by Ray J. Stivers, and subscribed and sworn to before me by, GARY V. WEST, and SHERY CLOUDUS, the witnesses, this 30 day of August, 2002.

W. A. C. Schwandt
Notary Public
My Commission Expires: 12-01-05

THIS DOCUMENT PREPARED BY:

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