IN THE MATTER OF THE ESTATE OF		PROBATE CO	URT OF
BOBBY S. DAVIS,)	JEFFERSON COUNT	Y, ALABAMA
DECEASED)	CASE NO.	187045

PETITION FOR PROBATE OF WILL

(Self-Proved Will)

20050411000167810 1/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT

Come the Petitioners, Wynelle S. Davis and Stanley Byron Davis, and show unto this Court the following facts:

- 1. Bobby S. Davis (the "decedent") died testate at Birmingham, Alabama on or about the 13th day of August, 2004, and at the time of death was an inhabitant of Jefferson County, Alabama.
- 2. Surrendered herewith is the decedent's Last Will and Testament naming the undersigned Petitioners as Personal Representatives thereof, which was duly signed by the decedent when over eighteen (18) years of age, and was attested by the following witnesses:

NAME	ADDRESS
Patricia C. Carver	1431 Leighton Avenue Anniston, AL 36201
Sharon Stuart	1431 Leighton Avenue Anniston, AL 36201

3. The decedent's Last Will and Testament, as identified in paragraph 2 hereof, was self-proved in a manner substantially in accordance with the requirements of **Ala. Code §43-8-132**. The name and present address of the officer authorized to administer oaths before whom said Will was acknowledged are as follows:

NAME
ADDRESS

Jack Wilson
1431 Leighton Avenue
Anniston, AL 36201

4. The following is a true, correct, and complete list of the names, relationships and addresses of the decedent's surviving spouse and next-of-kin, all of whom are adults and of sound mind (as determined by Application of Ala. Code §43-8-42):

NAME AND RELATIONSHIP	ADDRESS
Wynelle Davis - wife	754 Cluster Springs Road Gardendale, AL 35071
Regina Daun Minyard - daughter	615 Cottage Drive Mt. Olive, AL 35117
Bobby S. Davis, Jr son	775 Blackwoods Bend Cleveland, AL 35049
A Stanley Byron Davis - son	350 Flyntvalley Court Winston-Salem, NC 27104

WHEREFORE, the Petitioners pray that this Court will take jurisdiction of this Petition, will cause all such notices or citations to issue to the said surviving spouse, next-of-kin, attesting witnesses, and oath-administering officer, as may be proper in the premises; and will cause such proceedings to occur, and such proof to be taken, and render such orders and decrees as will duly and legally effect the probate and record in this Court of said Will as the Last Will and Testament of said decedent. This Petition is deemed to be verified pursuant to **Ala. Code**, §43-8-22.

Attorney for Petitioners!

Kay O. Will urn, Esq.

Feld, Hyde, Wertheimer, Bryant & Stone, P. C.

2000 SouthBridge Parkway, Suite 500

Birmingham, Alabama 35209

(205) 802-7575

Petitioners:

Wynelle S. Davis

754 Cluster Springs Road

Gardendale, AL 35071

Stanley Byrøn Davis

350 Flyntvalley Court

Winston-Salem, NC 27104

BENCH NOTE

Filed in the Proba	te Court of Jeffe	erson County, Alabama, the prayer granted, and petition
ordered recorded this	day of	, 2004, and set for hearing the day of
, 2004, at	. M.	
		Judge of Probate

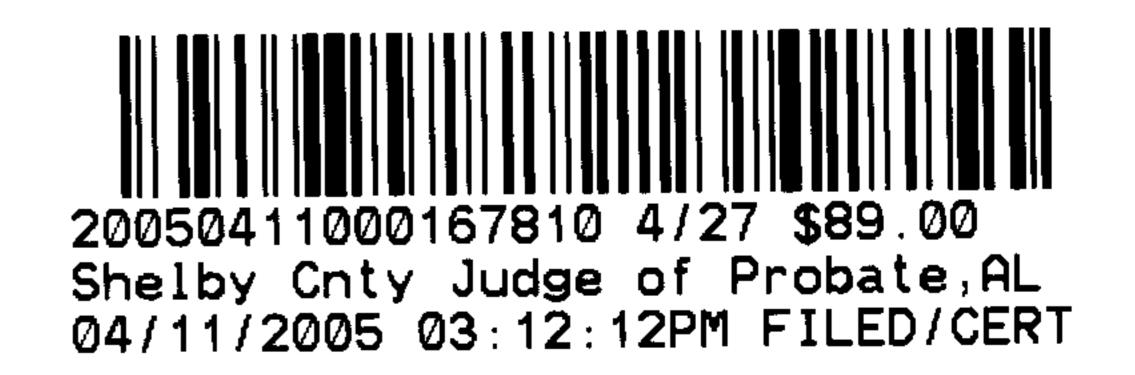
FILED IN OFFICE THIS BAY OF

OCTOBER 20 04 PRAYER

GRANTED AND PETITION ORDERED RECORDED.

JUDGE OF PROBATE

20050411000167810 3/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT



Tast Will and Testament of

BOBBY S. DAVIS

STATE OF ALABAMA
CALHOUN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That I, BOBBY S. DAVIS, a resident of the City of Anniston, Calhoun County, State of Alabama, being over the age of nineteen years, do make and declare this instrument as and for my Last Will and Testament, hereby revoking any and all former wills and codicils or any other testamentary disposition heretofore made by me.

ARTICLE ONE.

I declare that I am married to WYNELLE S. DAVIS, and that we have three children, REGINA DAUN MINYARD, BOBBY S. DAVIS, JR., and STANLEY BYRON DAVIS. We have no deceased children.

ARTICLE TWO.

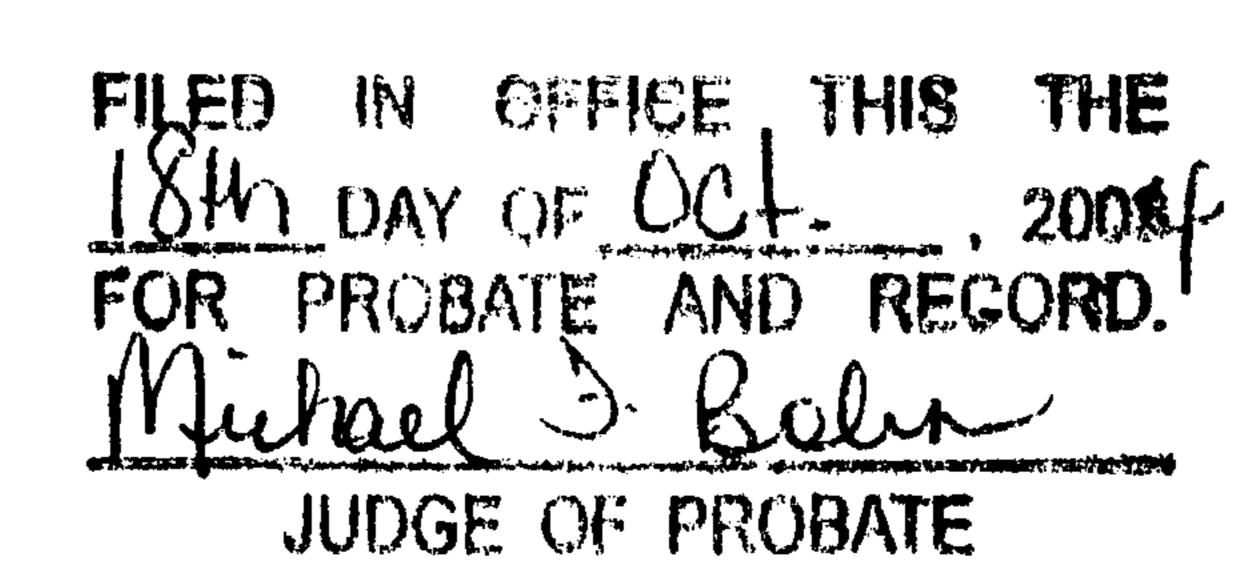
It is my intention to hereby dispose of any and all real and personal property which I have the right to dispose of by will, including any property as to which I may have a testamentary power of appointment.

ARTICLE THREE.

I direct my Co-Executors, hereinafter named, to pay all of my debts, the costs of administration of my estate, funeral and funeral related expenses, such as, but not limited to, acknowledgments, flowers, and a suitable monument for my grave, without benefit of my creditors having filed claims in Probate Court.

ARTICLE FOUR.

If my wife survives me, I hereby will, devise and bequeath all of my personal and household effects such as clothing, jewelry, and bric-a-brac to her. In addition, I hereby will, devise and bequeath to her all of my interest in automobiles and the home which is being used as our principal place of abode at the time of my death.



In the event my wife predeceases me, I hereby will, devise and bequeath all that I own, whether real, personal or mixed, equally to my children, REGINA DAUN MINYARD, BOBBY S. DAVIS, JR., and STANLEY BYRON DAVIS, per stirpes and not per capita, and in the event one of my said children be deceased, and leave surviving children, then such surviving children shall take equally by representation the part that the parent would have taken. However, in the event my wife and I are killed in a common disaster or under circumstances which make it impossible to ascertain which of us survived the other, then it shall be presumed that my wife survived me. I do not bequeath any household goods including furniture, equipment, furnishings, crystal, silver, china, books, paintings, and pictures located in and about my principal place of abode to my wife, as she already owns those.

ARTICLE FIVE.

If my wife survives me, my Executors shall, as soon as practicable after my death, divide said property constituting my Residuary Estate into two parts, as follows:

- or property having a value of Six Hundred Thousand Dollars, or the maximum amount of property or cash which will pass through my gross estate for Federal Estate Tax purposes, free of Federal Estate Taxes by reason of the Unified Credit as provided in Section 2010 of the Internal Revenue Code of 1954, as amended, whichever is greater, shall be conveyed to the Trustee of a Trust described variously herein as the "family share" or "family trust". Said "family share" shall be held or disposed of in accordance with the provisions of Article Seven hereof, after deducting therefrom any estate or other tax levied against my estate by reason of my death.
- (2) The other portion (hereinafter termed "marital share") shall consist of the remainder and residue of my estate and I hereby will, devise and bequeath the residue out right to my wife.

ARTICLE SIX.

The marital share, hereinafter referred to as the "Marital Share" shall be transferred and paid over to my said wife free and clear of trust.

All Federal and State estate taxes shall be paid from the Family Share of my estate and said Marital Share shall not bear any portion thereof. No portion of any Federal Estate Taxes or State Inheritance Taxes shall be paid from the portion of my estate due to be transferred to the Marital Share. I understand that there should be no estate taxes at my death.

ARTICLE SEVEN.

The family share, hereinafter referred to as the "Family Share Trust" shall be transferred and paid over to my Trustees and they shall hold the same in trust for the uses and purposes and upon the terms and conditions and with the rights, powers and duties as are hereinafter provided.

(A) The Trustees may pay the income from said trust to my wife in payments not less often than annually. Further, the Trustees, not including my wife, may from time to time make distributions of corpus to my wife as said Trustee believes necessary for the support, maintenance and welfare of my wife. No distribution from the principal shall be made to my wife until her separate estate shall be exhausted.

The Family Share Trust shall continue until the time of my wife's death, at which time it shall terminate unless extended by some other term of this Will and upon termination, the principal and any undistributed income shall be paid over as follows:

(1) Equally to my children, REGINA DAUN MINYARD, BOBBY S. DAVIS, JR., and STANLEY BYRON DAVIS, per stirpes and not per capita, and in the event one or more of my said children be deceased and leave surviving children, then any such surviving children shall take the part that the parent would have taken, equally, by representation.

Should one of my children be deceased at the time of the termination of said Trust and leave surviving no lineal descendants, then all of the principal and undistributed income shall be paid over to my surviving child or children, equally, or their lineal descendants, by representation.

- shall become entitled to a distribution of corpus under this Article or otherwise prior to the time such lineal descendant has attained the age of twenty-one years, although such share or shares shall be deemed to have vested in him or her, the same shall, nevertheless continue to be held in Trust by the Trustees for such beneficiary's use and benefit until such beneficiary attains the age of twenty-one years, and until such beneficiary attains that age, the Trustees shall supply for such issue's support, maintenance and education or benefit, all or whatever portion of the net income of the beneficiary's said Trust the Trustees in their sole judgment and discretion consider necessary or desirable for the aforesaid purposes.
- (3) If the Trustees, in their sole judgment and discretion, shall consider the net income of any share or shares of my estate apportioned to and held in Trust hereunder for the benefit of any lineal descendant of mine is insufficient to provide such person's reasonable support, maintenance, education, after considering all other financial resources which are available to any such beneficiary, the Trustees may from time to time and in advance of the specific distribution ages herein specified, distribute to or apply for the benefit of such beneficiary so much of the principal of such beneficiary's said Trust as the Trustees may consider necessary or desirable for the aforesaid purposes.
- (4) In the event that upon the termination of the Family Share Trust there is no lineal descendant of mine surviving, or in the event that upon my death I am not survived by my wife nor by any lineal descendant of mine, the Family Share Trust, as then

constituted, or my Residuary Estate, as the case may be, shall be distributed as follows: one-half to that person or those persons who would be my wife's heir or heirs at law had she died at the time I die, according to the law of the State of Alabama in effect at the time of my death, and one-half to that person or those persons who would be my heir or heirs at law at the time of my death according to the law of the State of Alabama in effect at the time of my death.

(5) The whole or any portion of the income or principal payable pursuant hereto to any minor or to any beneficiary who, in the sole opinion of the Trustees is incapacitated through illness, age, or other cause, may during the continuance of such minority or incapacity be paid to the beneficiary, or to the guardian of the beneficiary, or to a trustee under Alabama UTMA, or applied by the Trustees for the support, maintenance, education, or benefit of such beneficiary in such manner as the Trustees, in their sole judgment and discretion, determine; provided, however, that if the Trustees exercise this power with respect to the net income from the Family Share Trust payable to my wife, the Trustees shall apply only that portion of the net income from the Family Share Trust the Trustees, not including my wife, consider to be necessary or desirable for her benefit and such income as is not so applied shall be added to and become a part of the principal of the Family Share Trust. The Trustees may rely upon the opinion of a licensed physician selected by them for the purpose of determining such incapacity.

ARTICLE EIGHT.

(A) I hereby appoint my wife, WYNELLE S. DAVIS, and my son, STANLEY BYRON DAVIS, as Co-Trustees of any trust created under this Will. In the event of the death of either or in the event either fails to qualify for any cause or reason whatsoever, or having qualified shall thereafter fail or cease to act or qualify as Trustee, I hereby appoint my daughter, REGINA DAUN MINYARD, or my son, BOBBY S. DAVIS, JR., as successor trustee, in that order, with the same powers,

exemptions, duties and responsibilities that would have been available had the individuals served. I hereby exempt all Trustees from the requirement of making bond and from filing any reports or accounting with any court. It is my intention that there should be two Trustees, if available, to serve. I have made my wife a Co-Trustee of this Trust, but I do not mean for the assets in the Family Trust to be taxed in her estate. For this reason the other serving Trustee has the sole authority to make any and all decisions that might cause the Trust assets to be taxed in my wife's estate if she made the decision. She, as Trustee, shall not take part in any Trust decision that might or could cause either her estate or mine to incur any increase in taxes.

(B) With respect to my estate and to any Trust created hereunder, the Trustees and Executors (including any substitute or successor Trustee or Trustees) shall hold and manage this said Trust or Trusts and shares thereof and shall have and possess the below listed rights, powers and duties, which shall be an extension of and not in limitation to those given by law or by any other provisions of this Will. Said powers in each case shall be exercisable from time to time in the Trustees' discretion and without order of license of any court.

Said specific powers are as follows:

- (1) To collect the income therefrom.
- (2) To compromise, adjust and settle, in their discretion any claim in favor of or against the trust.
- (3) To hold and retain 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 in charter or name, including any stock or interest in any family corporation, partnership or enterprise, or any stock, obligation, or other security of any Corporate Trustee or its affiliates, so long as they shall consider the retention for the best interest of the trust.
- (4) To sell, auction, convey, exchange, lease, or rent for a period beyond the possible termination of the trust (or a less period) for improvement or otherwise, or to grant options for or in connection with such purpose, or sell or transfer, by loan or otherwise, to any Corporate Trustee or its affiliates, or

otherwise dispose of all or any portion of the Trust, or make loans to another trust from the funds belonging to the trust, in such manner and upon such terms and conditions as the Trustee may approve.

- (5) To invest and reinvest the Trust and the proceeds of sale or disposal of any portion thereof, 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.
- (6) To hold, retain, or acquire property or securities which in their opinion is for the best interest of the Trust, without regard to any statutory or constitutional limitation applicable to the investment of trust funds.
- (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.
- (8) To continue or dispose of any business enterprise, whether such enterprise be in the form of a sole proprietorship, partnership, corporation, or otherwise, and to develop, add capital to, expend, or alter the business of such enterprise to liquidate, incorporate, reorganize, manage or consolidate the same, or change its charter or name, to appoint directors and employ officers, managers, employees, or agents (including any trustee or directors, officers, or 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 this power 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.
- (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 plat part or all of such real estate, to employ or enter into any practices or programs to conserve, improve, or regulate the efficiency, fertility, and production thereof, to improve or sell timber or other products, to lease to enter into other management, cutting, production, 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 or animal husbandry, which are in use in the vicinity of any such real estate or which the Trustees deem otherwise appropriate, to make loans or advances at interest for the 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 operations 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 pipelines or other transportation facilities to engage in any of the above activities directly 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 Trustee deems necessary or desirable.
- (12) To borrow money for such time and upon such terms as the Trustees see fit, without security or upon 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 appoint, employ, remove, and reasonably compensate such attorneys, agents, and representatives, individual or corporate, as the Trustees deem necessary or desirable for the administration of the Trust, to treat as an expense of the Trust any compensation so paid, and to charge such compensation to principal.
- (14) 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.
- (15) 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 thereafter resting upon said property, and to create reserves for depreciation, depletion, or such other purposes as the Trustees deem necessary or desirable.
- (16) 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, to charge to principal any loss or expenditure in connection with the Trust. However, no authority to allocate funds to principal or interest shall be executed by wife while acting as Executrix or Trustee. Such discretion shall rest solely in any other trustee serving at such time.
- (17) To pay from corpus or interest any expenses reasonably necessary for the administration of the Trust.
- (18) To exercise any power hereunder, either acting alone or jointly with others.
- (19) 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.
- (20) To hold two or more Trusts or other funds in one or more consolidated funds, in which the separate Trusts or funds shall have undivided interests.
- (21) To distribute any property, in kind to any beneficiaries.

In general, the Trustees shall have the full power to own, manage, and dispose of any property held in Trust hereunder, as I would enjoy were I living and the owner of said property. It being understood that trustees shall take no action or exercise any discretion that would cause the trust property to become a part of my wife's taxable estate.

- (C) I hereby direct that in the exercise of the foregoing powers, the Trustees shall be free from the control and supervision of the Probate Court or any other Court. The Trustees shall not be required to file an inventory or appraisal of my estate in any court.
- (D) I hereby expressly exempt the Trustees from the requirement of making any bond to secure the performance of their duties hereunder as such Trustees, or, if bond is required by law, no surety on such bond shall be required.

The individual Trustees may receive reimbursement for out of pocket expenses incurred in the administration of said Trust.

(E) I direct that the Trustees must keep available for inspection at reasonable times by any beneficiary, or possible future beneficiary, the financial records of the Trust.

ARTICLE NINE.

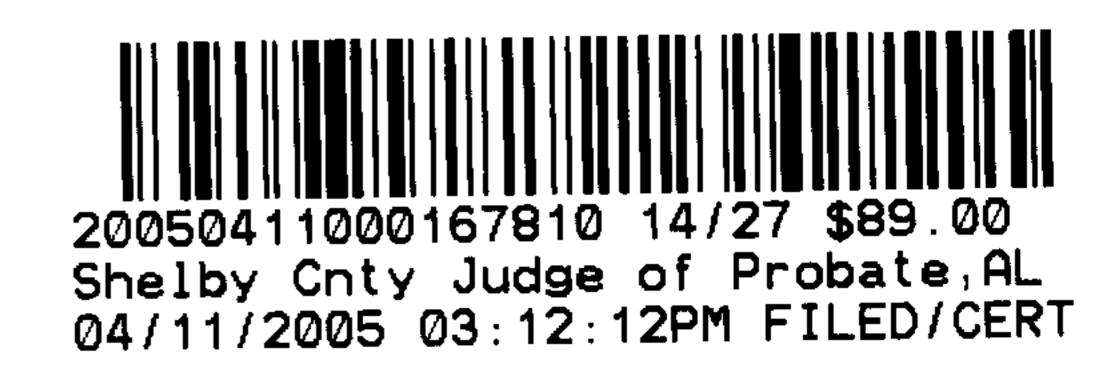
I direct that all legatees and devisees and all shares and interest in my estate, whether principal or income, while in the hands of my Executors or Trustees, shall not be anticipated, alienated, or in any other manner assigned or transferred by the legatee, devisee, or beneficiary, and such interest shall be for the sole and separate use of the legatees, devisees, and beneficiaries and shall be free and exempt from anticipation, execution, assignment, pledge, attachment, distress for rent, and other legal or equitable process which may be instituted by or on behalf of any creditor or assignee of such legatee, devisee, or beneficiary, or his or her spouse.

ARTICLE TEN.

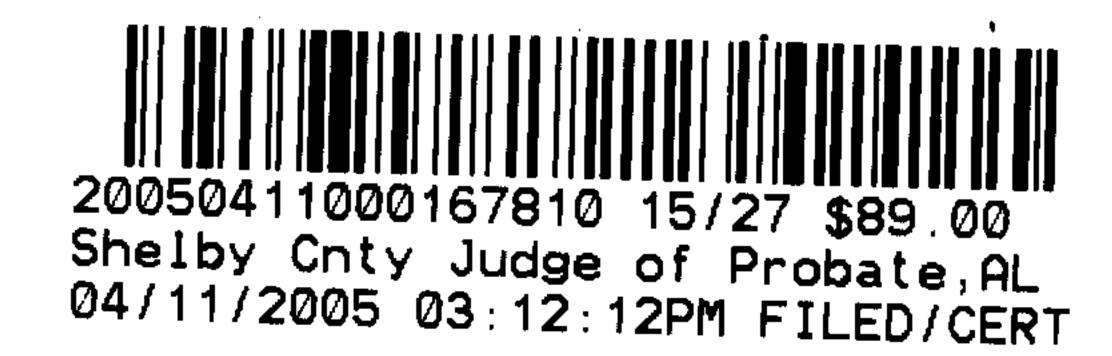
No Trustee or executor shall be liable for failure to contest the accounts of any Trustee or Executor, unless requested to contest said accounts in writing by a legatee, devisee, beneficiary, or guardian or guardian ad litem thereof.

ARTICLE ELEVEN.

- (A) I hereby appoint my wife, WYNELLE S. DAVIS, and my son, STANLEY BYRON DAVIS, as Co-Executors, or if either of them does not serve or ceases to serve, then I appoint my daughter, REGINA DAUN MINYARD, or my son, BOBBY S. DAVIS, JR., in that order, as Co-Executor of this my Last Will and Testament.
- (B) I direct that no Executor or Executrix shall be required to give bond to secure the performance of the duties. I further direct that the Executor shall not be required to file any inventory or appraisal of my estate in any Court, though said Executor shall make out and keep an inventory and shall exhibit the same to any party in interest at any reasonable time or times, and I direct that they shall be free from the control and supervision of any Court. I hereby vest in my Executor the same full powers of management, control, and disposition of my estate as given to the Trustees hereunder with respect to the Trust or Trusts hereunder.
- (C) I give to my Executors the following additional powers and discretions, the exercise of which shall not be subject to question by any person, firm or corporation.
- (1) If my Executors in good faith decide that there is uncertainty as to the inclusion of particular property in my gross estate for federal estate tax purposes, said Executors shall exclude such property from my gross estate in the estate tax return. My Executors shall not be liable for any loss to my estate or to any beneficiary resulting from any decision made in good faith that there is uncertainty as to the inclusion of particular property in my gross estate.



- (2) The decision of my Executors as to the date which should be selected for the valuation of property in my gross estate for federal estate tax purposes shall be conclusive on all concerned.
- (3) When a choice is available as to whether certain deductible expenditures of my estate shall be taken as income tax deductions, the decision of my Executors in this regard shall be conclusive on all concerned.
- (4) I authorize and empower my Executors to join with my wife, or her Executor or Administrator in filing a joint federal income tax return of the income of my wife and myself for any period or periods for which such filing may be permitted. I further authorize and empower my Executors to agree with my wife, or her Executor or Administrator:
- (a) As to how the burden of liability for federal income tax, or interest thereon, arising out of the filing of a joint return by my Executors and my wife, or her Executor or Administrator, shall be borne as between my estate and my wife or her estate; and,
- (b) As to whom, as between my wife or her estate and my estate, shall be entitled:
- (i) To any refund or credit of any federal income tax, or interest thereon, based on the filing of a joint return by my wife and myself, or by my Executors and my wife or her Executor or Administrator,
- (ii) To any refund or credit on any amount paid on account of any joint declaration of estimated federal income tax filed by my wife and myself, and of the interest on any such refund, and
- (iii) To the benefit of any payments made by my wife or myself on account of any joint or separate declaration of estimated federal income tax.



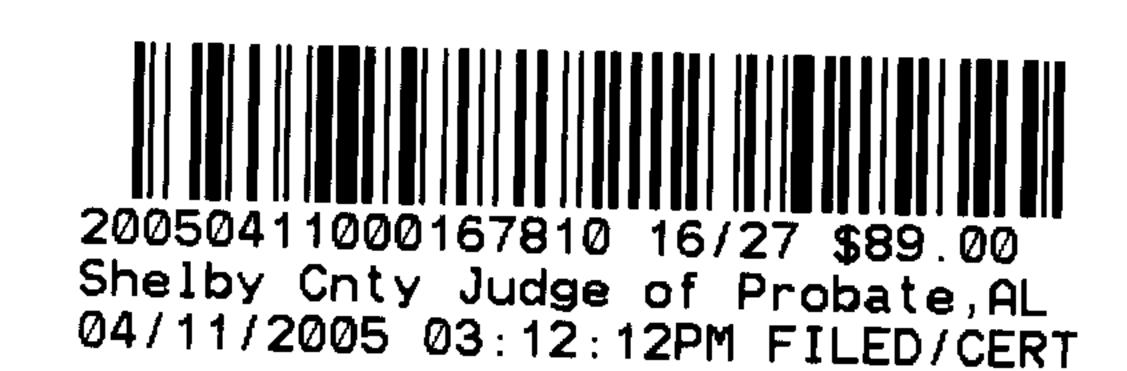
(5) I authorize and empower my Executors to consent for federal gift tax purposes that gifts made by my wife shall be treated as having been made one-half by me and one-half by her.

ARTICLE TWELVE.

In making the computations necessary to determine the amount of any bequest in this instrument, the final determinations for Federal Estate Tax purposes shall control. However, for purpose of funding any bequest hereunder, each item of property allocated in kind shall be valued by the Executors as the lesser of (1) the value of such item of property as finally determined for Federal Estate Tax purposes of my estate, or if such item is an investment or reinvestment of property included in my gross estate for federal estate tax purposes, or the proceeds of any sale or other disposition of property so included or of any such investment or reinvestment, at the Federal Income Tax basis of such item at the actual date of allocation or distribution, or (2) at the value of such item at the actual day of allocation or distribution. The provisions of the Code of Alabama Section 19-3-9 (1975), as amended, and in addition, the provisions of any other statute regarding the satisfaction of a pecuniary bequest or a transfer to or for the benefit of a surviving spouse by the distribution of assets in kind, in either the State of Alabama or any other jurisdiction, are hereby expressly waived and shall not apply to any bequest made within this document.

ARTICLE THIRTEEN.

In the sole discretion of the Executors, the payment of the amount of the marital bequest made herein may be made wholly or partly in cash or property as elected by the Executors; provided, however, that in no event shall there be included in this marital bequest any asset or the proceeds of any asset which does not qualify for the marital deduction for federal estate tax purposes, or with respect to which any estate or death taxes are paid to any foreign country or any of its possessions or subdivisions, or 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 (except to the extent that assets in my estate other than those herein described are not sufficient, in which event assets which do not qualify for such marital deduction shall be the last to be used to satisfy this gift).

ARTICLE FOURTEEN.

In the event that my wife or other beneficiaries do not desire, for any reason whatsoever, to take all or any portion of any bequest or devise that is made to her under the provisions of this will, then she may disclaim in whole or in part the bequest or devise described herein after filing with my Executor a "qualified disclaimer" as described in Sections 2045 and 2518 of the Internal Revenue Code of 1954, as amended. In the event of such disclaimer, such property, or portion thereof to which the disclaimer applies, shall be added to my residuary estate and disposed of according to the provisions of this will relating to the disposition of my residuary estate.

ARTICLE FIFTEEN.

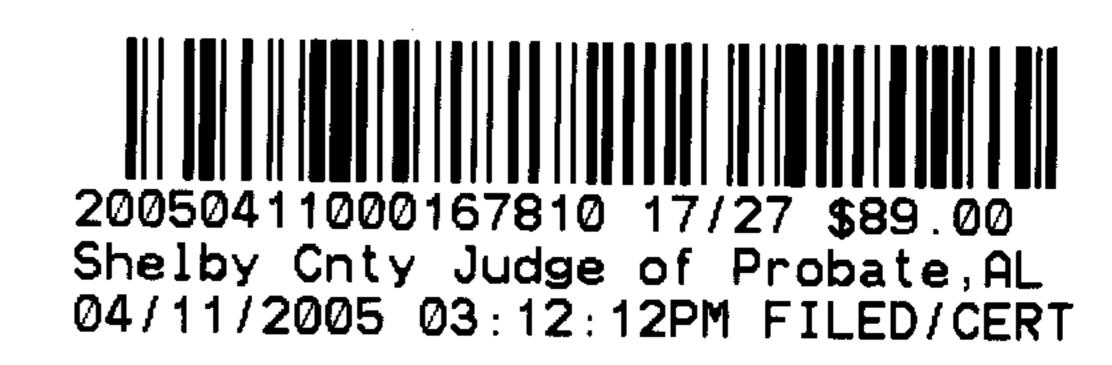
My Executors and/or Trustees may make divisions and distributions hereunder provided for either in cash or in kind, or partly in cash or partly in kind, and for that purpose to determine the values thereof, and to determine the identity of persons entitled to take hereunder.

ARTICLE SIXTEEN.

If my wife and I shall die in a common disaster or accident, or under such circumstances creating a doubt as to which of us survived, I hereby direct that my wife shall be deemed to have survived me.

ARTICLE SEVENTEEN.

Should it be necessary for a representative of my estate to qualify in any jurisdiction where my Executors herein named cannot or may not desire to qualify, then I appoint as Executor in such jurisdiction such person or corporation as may be designated by my Executors herein named. Such substituted Executor shall, without giving any security, have in such other jurisdiction all the rights,



powers, privileges, discretions, and duties conferred or imposed upon my Executors herein named by the provisions of this Will.

ARTICLE EIGHTEEN.

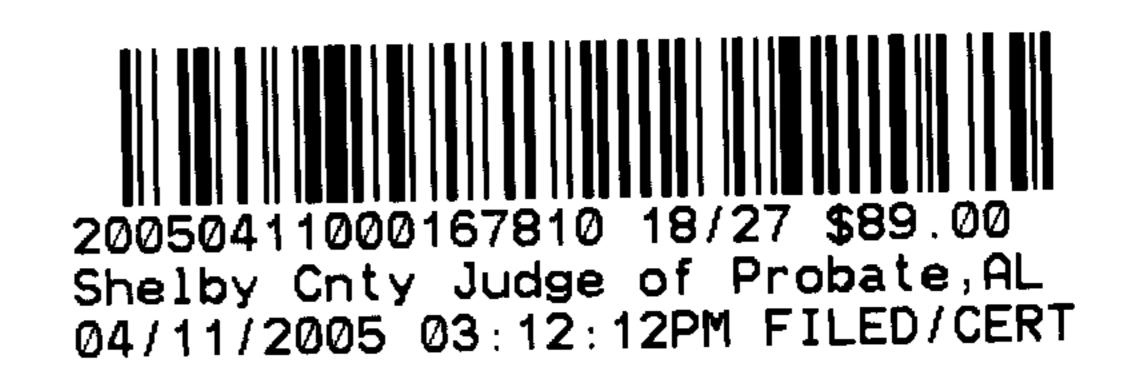
If the happening of any future event may cause the ultimate vesting of any trust or of any share therein to be extended under the provisions hereof to a time beyond that within which the same is required by law to become vested, then and in such event the Trust or share therein shall continue only for as long a period of time as is allowed by law, at the end of which period the said Trust or share therein shall terminate. In such case, said Trust or share therein shall be vested in and distributed to those persons enjoying the use and benefit of said Trust or share therein at the expiration of such period, in the proportion in which they are so enjoying the same irrespective of their attained ages.

ARTICLE NINETEEN.

If it becomes necessary to have the services of an attorney or certified public accountant in connection with the probate of my will, the administration of my estate or the funding or administration of any Trust created herein, I direct that my wife, WYNELLE S. DAVIS, or if she not be living, then my son, STANLEY BYRON DAVIS, or my daughter, REGINA DAUN MINYARD, in that order, shall have the power and right to choose such attorney and/or certified public accountant.

ARTICLE TWENTY.

Throughout this Will the masculine gender shall be deemed to include the include the feminine and the singular shall be deemed to include the plural and the word "Executor" shall be deemed to include the word "Executrix" and the word "Trustee" shall be deemed to include the word "Trustees" and said words shall be interpreted in the context and meaning of the provision where they appear.



IN WITNESS WHEREOF, I, BOBBY S. DAVIS, have hereunto set my hand
and seal this the $\frac{74h}{}$ day of ${}$ day of ${}$ are ${}$, 1991, in the
presence of the witnesses who have hereinafter subscribed their names,
and they, at my request, and in my presence, and in the presence of
each other, have hereunto set their signatures as attesting witnesses.
BOBBY S. DAVIS (SEAL)
We, HATRICIA CARVER and SHARIN STUART, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator, Bobby S. Davis, 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 nineteen years of age or older, of sound mind, and under no constraint or undue influence.
WITNESS: Patricia C. Carner (L.S.) ADDRESS: 1431 Leighten Cine. Carneston, HL 36201 TELEPHONE: 305/236-4232
Mann Atuant (L.S.) ADDRESS: 1431 Leight ave
TELEPHONE: 205-236 4222
STATE OF ALABAMA CALHOUN COUNTY
Subscribed, sworn to and acknowledged before me by Bobby S. Davis, the Testator, and subscribed and sworn to before me by ATRICIA CHRVER and SHARON STUART, witnesses, this 140 day of the part of the
NOTARY PUBLIC

THIS INSTRUMENT WAS PREPARED BY:
WILSON, PUMROY & TURNER
1431 LEIGHTON AVENUE / P. O. BOX 2333
ANNISTON, ALABAMA 36202
(205) 236-4222

20050411000167810 19/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT

187045

CERTIFICATE T	'O'	THE	PROBATE	OF	WILL
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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 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 BOBBY S. DAVIS Deceased and that said Will	
together with the proof thereof have been recorded in my office in Judicial Record, Volume 1234	6. Page 523-607.
In witness of all which I have hereto set my hand, and the seal of the said Court, this date _oc	TOBER 18, 2004.
PROBATE - 98	Judge of Probate.

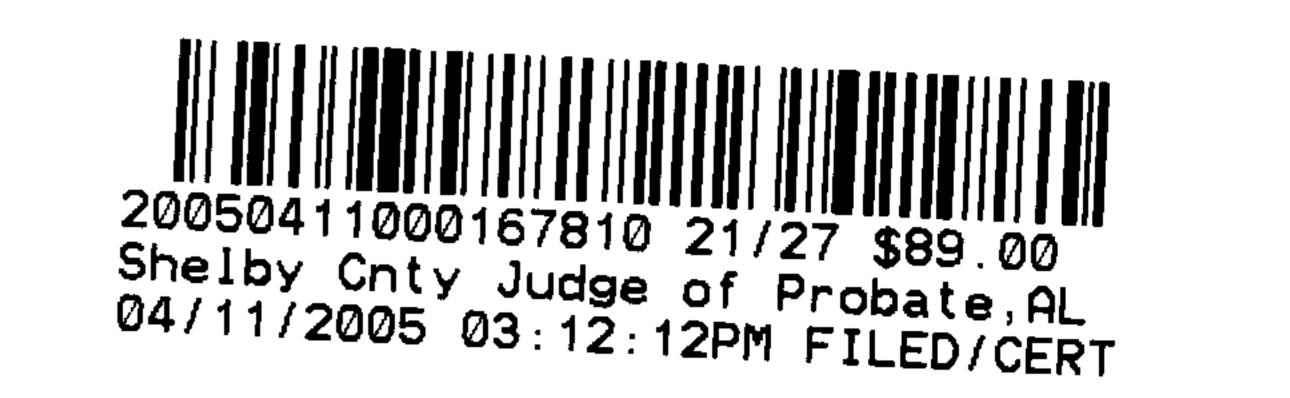
IN THE MATTER OF:	IN THE PROBATE COURT OF
THE ESTATE OF:	JEFFERSON COUNTY, ALABAMA
BOBBY S. DAVIS DECEASED	CASE NUMBER 187045
	20050411000167810 20/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT

ORDER ON FILING AND PROBATING LAST WILL AND TESTAMENT

This day came Wynelle S. Davis and Stanley Byron Davis 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 Bobby S. Davis, deceased, said will bearing date, June 7, 1991, and attested by Patricia C. Carver and Sharon Stuart; and praying that the same be probated as provided by law; that the petitioners are the widow and son of said deceased, and are named in said Will as executors thereof; and that the next of kin of said deceased are as follows, to-wit: Regina Daun Minyard, daughter, Mt. Olive, Alabama; Bobby S. Davis, Jr., son, Cleveland, Alabama and Stanley Byron Davis, son, Winston-Salem, North Carolina, 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 petitioners, 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

PAGE 2 CASE NUMBER 187045



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 Bobby S. Davis, 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 petitioners pay the costs of this proceeding.

DONE this date, October 18, 2004.

Judge of Probate

IN THE MATTER OF THE ESTATE OF) PROBATE COURT OF
BOBBY S. DAVIS,)) JEFFERSON COUNTY, ALABAMA
Deceased) CASE NO. 187045

PETITION FOR LETTERS TESTAMENTARY WITHOUT BOND

Come the Petitioners, Wynelle S. Davis and Stanley Byron Davis, and show this Court the following facts:

- 1. In the Last Will and Testament of Bobby S. Davis, deceased (the "decedent"), which Will has been or shall be duly probated and admitted to record in this Court, the Petitioners are named as Personal Representatives thereof.
- 2. The Petitioners are above the age of nineteen (19) years and are not disqualified under the law from serving as such Personal Representatives. Under the terms of the decedent's Will, his Personal Representatives are exempt from giving bond or filing inventory as such Personal Representatives.
- 3. The decedent died seized and possessed of certain real and personal property, the value of which is estimated to be in excess of \$100,000.00.

WHEREFORE, to the end that the properties constituting said estate may be collected and preserved for those who appear to have a legal interest therein, and that said Will may be executed according to the requests and directions of the decedent, the Petitioners pray that the Probate Judge of this Court will grant Letters Testamentary to the Petitioners without entering into bond, as is provided by the terms of said Will and authorized by Ala. Code §43-2-81. This Petition does not require verification undenthe applicable statutes.

Attorney for Petitioners:/

Kay O. Wilbum, Esq.

Feld, Hyde, Wertheimer, Bryant & Stone, P.C.

2000 SouthBridge Parkway, Suite 500

Birmingham, AL 35209

(205) 802-7575

Petitioners:

Wynelle S. Davis

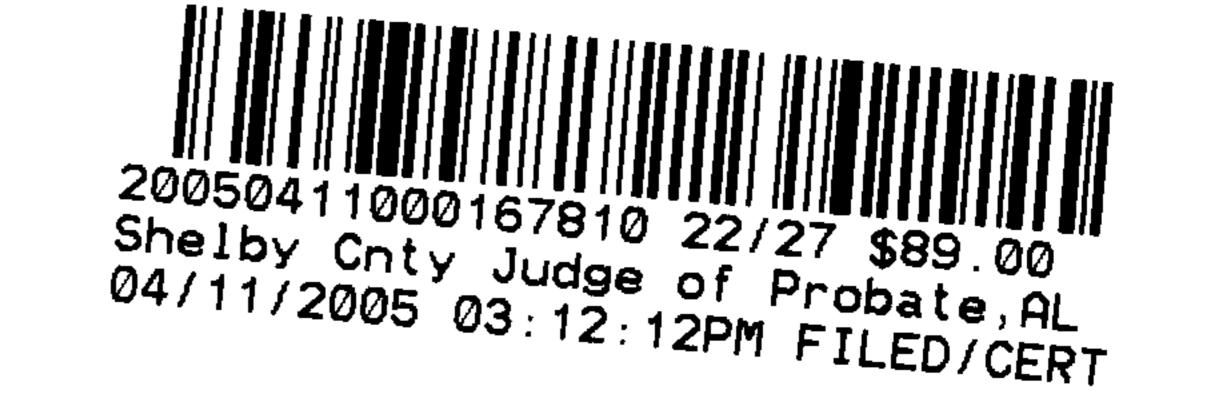
754 Cluster Springs Road

Gardendale, AL 35071

Stanley Byron Davis

350 Flyntvalley Court

Winston-Salem, NC 27104



AUV

20050411000167810 23/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT

BENCH NOTE

Judge of Probate

IN THE MATTER OF:)	IN THE PROBATE COURT OF
)	JEFFERSON COUNTY, ALABAMA
THE ESTATE OF:)	
)	CASE NUMBER 187045
BOBBY S. DAVIS DECEASED		

ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND

Now on this day come Wynelle S. Davis and Stanley Byron Davis and file in this Court their petition in writing, under oath, praying that Letters Testamentary upon the Will of Bobby S. Davis, deceased, be issued to them.

It is therefore ORDERED and DECREED by the Court that Letters Testamentary upon said will be granted to Wynelle S. Davis and Stanley Byron Davis, and that said letters issue without bond or security being required, in accordance with the terms of said will. It is further ORDERED that the petition in this behalf be recorded.

DONE this date, October 18, 2004.

Judge of Probate

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LETTERS T	ESTAMENTAF	Y
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PROBATE - 60

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

187045

BOBBY S. DAVIS

CASE NO.

Deceased

LETTERS TESTAMENTARY

20050411000167810 25/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT

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 WYNELLE S. DAVIS AND STANLEY BYRON DAVIS
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 Persona
Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions unde
§ 43-2-843, Code of Alabama (1975, as amended).
WITNESS my hand this date,OCTOBER 18, 2004

Michael & Bolin				
Judge of Probate				
	Michael Boles 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,	
	Chief Clerk
	Chief Clerk

IN THE MATTER OF THE ESTATE OF)	PROBATE COURT OF
BOBBY S. DAVIS,)	JEFFERSON COUNTY, ALABAMA
Deceased)	CASE NO. 187045
NOTICE OF INTENT TO TAK	E POSSI	ESSION OF REAL PROPERTY
of the Estate of Bobby S. Davis, deceased, Section 43-2-837, of their intent, as said Per	and give isonal Repperty.	, in their capacity as Personal Representatives notice pursuant to Code of Alabama (1975), resentatives, to immediately take possession. The Personal Representatives are taking administration of the estate.
DATED this 13 day of Necum	Lee &	, 2004.
	Wynelle Estate of Stanley E	S. Davis, Co-Personal Representative of the Bobby S. Davis, deceased Byron Davis, Co-Personal Representative of e of Bobby S. Davis, deceased
$\underline{\mathrm{BF}}$	NCH NO	<u>TE</u>
Filed in the Probate Court of Jefferson recorded this the day of	County, A	Alabama, prayer granted, and petition ordered_, 2004.
	Jı	udge of Probate
		and in office this 13 The office this 13 Of Mechanica 2004 Michael F. Balin

20050411000167810 26/27 \$89.00 Shelby Cnty Judge of Probate, AL 04/11/2005 03:12:12PM FILED/CERT

The State of Alabama JEFFERSON COUNTY

PROBATE COURT

187045

I, Carol K. Johnson, Chief Clerk of the Court of Pro	bate, in and for said	County in said State	e hereby certify
that the foregoing contains a full, true and correct copy of	thePetition	for Probate of	Will, Last
Will and Testament, Certificate to the Pro-	obate of Will,	Order on filing	and probating
Last Will and Testament, Petition for Lett	ters Testament	without Bond, Or	der granting
Letters Testamentary without bond, Letters	s Testamentary	and Notice of in	tent to take
Possession of Real Property			
in the matter of the estate of Bobby S. Da	avis Case# 187	045	
		200E0411000167	810 27/27 \$89.00 dge of Probate, AL
as the same appears on file and of record, in this office.		Shelby Chty 30 04/11/2005 03:	12:12PM FILED/CER
	Given under m	y hand and seal of sa	aid Court, this
t de la constant de l	the4th day of _	April	, 20 05
		124 6 Xm	
			Chief Clerk