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Shelby Cnty Judge of Probate, AL
11/16/2006 01:04:33PM FILED/CERT

LAST WILL AND TESTAMENT

OF

VIOLA W. PEOPLES

JR 2516 PG 521

I, Viola W. Peoples, a resident of Shelby County, Alabama, being over the age of nineteen (19) years, and of sound mind and disposing mind and memory, do hereby make, publish and declare this my Last Will and Testament, hereby expressly revoking all former Wills, Codicils and other writings in the nature thereof, heretofore made by me.

ITEM I

Identity of Testatrix' Family

I hereby declare that I am married to James E. Peoples, and all references in this Will to "my husband" are references to him.

I have three children, namely, Gloria Peoples Randolph, Curtis A. Peoples and Alice K. Peoples and all references in this Will to "my children" are references to them, collectively.

ITEM II

Disposition of Property

It is my intention, by means of this Will to dispose of all real, personal and mixed property which I may own, which is subject to the control of this Will, at the time of my decease, of whatever kind or character, and wheresoever situated. With said objective in mind, I hereby devise and bequeath said property to my husband, to be his absolutely.

In the event that my husband fails to survive me, I then devise and bequeath any and all said property of my estate as follows:

I specifically devise and bequeath unto my daughter, Gloria Peoples Randolph, the following items:

One set of wedding rings (cluster diamonds with band), one rectangular-faced watch, one set of round shaped earrings, one set of chain beads which are green, gold and tiger-eye in color, one nugget set of earrings with matching pendant, one topaz brown ring, and any and all china contained within my estate, per stirpes and not per capita.

I hereby specifically devise unto my daughter, Alice K. Peoples, certain property hereinafter designated as follows:

One set of wedding rings (locked wedding bands), one square-faced watch, one set of oval shaped earrings, one pearl ring, one Gucci Handbag, one Louis Piccard Handbag, my Mazda MX6 automobile, any and all lawn mowers, any and all weed eaters, any and all leaf blowers, and any and all silver place settings, per stirpes and not per capita.

FILED IN OFFICE THIS THE
3rd DAY OF August, 2006
FOR PROBATE AND RECORD.

Mark Harris
JUDGE OF PROBATE

[Handwritten Signature]



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I hereby specifically devise unto my son, Curtis A. Peoples, certain property hereinafter designated as follows:

One Piano, any and all crystal contained within my estate, the remaining yard implements and tools not hereinabove specifically designated, any and all guns, men's jewelry, and men's clothing maintained within my estate.

The rest, residue and remainder of my estate, I hereby devise and bequeath to my children, in equal shares, per stirpes and not per capita.

ITEM III

Executor

I hereby nominate and appoint my husband to serve as Executor of my estate, without the posting of bond and without the requirement of filing a final accounting or settlement with any court. In addition to any powers granted by law, I give my Executor power, exercisable within his sole discretion and without Court order, to retain, sell at public or private sale, exchange, lease for any legal term, mortgage, pledge, or otherwise deal for any purpose with the property, real, personal or mixed, from time to time comprising my estate, for such consideration and on such terms as my Executor shall determine; to borrow money for any purpose, at interest rates then prevailing, from any entity, to invest in any property whatsoever, which comprises my estate; to execute contracts, notes, conveyances, or other instruments; and to conduct all other acts which he deems to be appropriate regarding the management of any and all property of my estate, without any reservations.

If, for any reason, my husband fails to qualify or declines to serve as Executor of my estate, I hereby nominate and appoint Alice K. Peoples to serve as Executrix of my estate, without the posting of bond, and under the identical terms of my Executor first named above.

ITEM IV

Contingent Trust and Guardian Clause

In the event that any of my grandchildren benefit from my estate, I then nominate and appoint as Trustee of the property of my estate, designated as a devise or bequest to each said grandchild, who has not attained the age of twenty-five (25) years or a four-year college degree, Alice K. Peoples. No bond or other security shall be required of said Trustee.

Said Trustee shall be responsible for furnishing funds for the health, education, support, maintenance and general welfare, of my said grandchildren, within her sole discretion. It shall further be the duty of the Trustee designated herein to serve within a fiduciary capacity, and to provide the maximum benefit, to each said grandchild, out of that portion of my estate over which she has control.

My said grandchildren, under the terms of the trust designated herein, shall each be entitled to receive the corpus of said grandchild's portion of

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said trust when they each attain the age of twenty-five (25) years or a four-year college degree, whichever first occurs, and said Trustee shall distribute to each said grandchild that portion of my estate to which each is entitled, upon such attainment.

Should the Trustee herein named fail to qualify or decline to serve in said capacity, I hereby nominate and appoint Gloria Peoples Randolph to serve in such capacity of Trustee, under identical terms, and without bond.

ITEM V

Trustee Powers

Without limitation of the powers conferred by statute or general rules of law, the Trustee 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 retain any property owned by me at the time of my death;
- (2) to invest any funds in any corporate shares, bonds, or other securities or property, real or personal (including any common or commingled fund or funds), notwithstanding that such investments may not be of the character allowed to Trustee by statutes or general rule of law and without any duty to diversify investments, it being my intention to confer the broadest investment powers and discretion upon the Trustee;
- (3) to sell (at private or public sale, without application to any court) or otherwise to dispose of any property, real or personal, for cash or upon credit, in such manner and on such terms and conditions as said Trustee may deem best and no person dealing with it shall be bound to the application of monies paid;
- (4) to manage, operate, repair, improve, mortgage, and lease for any term any real estate;
- (5) except to the extent prohibited by law, to cause any securities to be registered in the names of the Trustee's nominees, or to hold any securities in such condition that same will pass by delivery.
- (6) to employ such attorneys, accountants, custodians, investment counsel, or other persons as said Trustee may deem advisable and to pay them such reasonable compensation as said Trustee may deem proper;
- (7) to distribute in cash or in kind upon the termination of any trust hereunder;
- (8) to open and maintain one or more bank, custodian or other accounts in any bank or trust company to deposit to the credit of such account or accounts all of the funds belonging to the trust which may at the time be in the possession of the Trustee; from time to time to withdraw a portion or all of said funds so deposited by check signed by the Executors, and any such bank or trust company is hereby authorized to pay such checks and also to receive the same for deposit, to the credit of any holder thereof who so signed or endorsed; to sign checks against the aforementioned account or accounts for the

V.M.D.



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purpose of the estate, and any bank or trust company in which said account or accounts are maintained is hereby authorized and directed to pay such checks, provided, however, that prior thereto such delegation is evidenced by an appropriate instrument in writing deposited with the said bank or trust company by the Executors; and

(9) in general to exercise all powers in the management of any trust hereunder which any individual could exercise in the management of similar property owned in his own right, upon such terms and conditions as said Trustee may deem best, and to execute and deliver all instruments and to do all acts which said Trustee may deem necessary or advisable in connection with the administration of my estate.

ITEM VI

Miscellaneous Tax Provisions

I authorize my Executor to execute and consent to any gift made by me for the 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 my Executor may deem advisable, even though not attributable entirely to my own income or gifts.

Furthermore, my Executor is hereby authorized to the extent permitted by law to deduct administration expenses and commissions whether against the gross estate in computing estate income tax, as my Executor, in said Executor's sole discretion, may elect.

ITEM VII

Miscellaneous

Throughout this Will, the masculine gender shall be deemed to include the feminine gender and the singular the plural and vice versa, whenever the context admits such construction.

Testatrix' Acknowledgment

I, Viola W. Peoples, the Testatrix, sign my name to this instrument this 17th day of August, 1992, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purpose therein expressed, and under no constraint or undue influence.

Viola W. Peoples
Viola W. Peoples

V.W.P.



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Attestation Clause

We, the undersigned 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 Testament and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as witness to the Testatrix' signing, and that to the best of our knowledge, the Testatrix is nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

P.O. Box 119 Monticello AL 35115

Address

[Signature]

Witness

P.O. Box 119 Monticello AL 35115

Address

[Signature]

Witness

STATE OF ALABAMA)

COUNTY OF SHELBY)

General Acknowledgment

Subscribed, sworn to and acknowledged before me by Viola W. Peoples, the Testatrix, and subscribed and sworn to before me by her witnesses _____

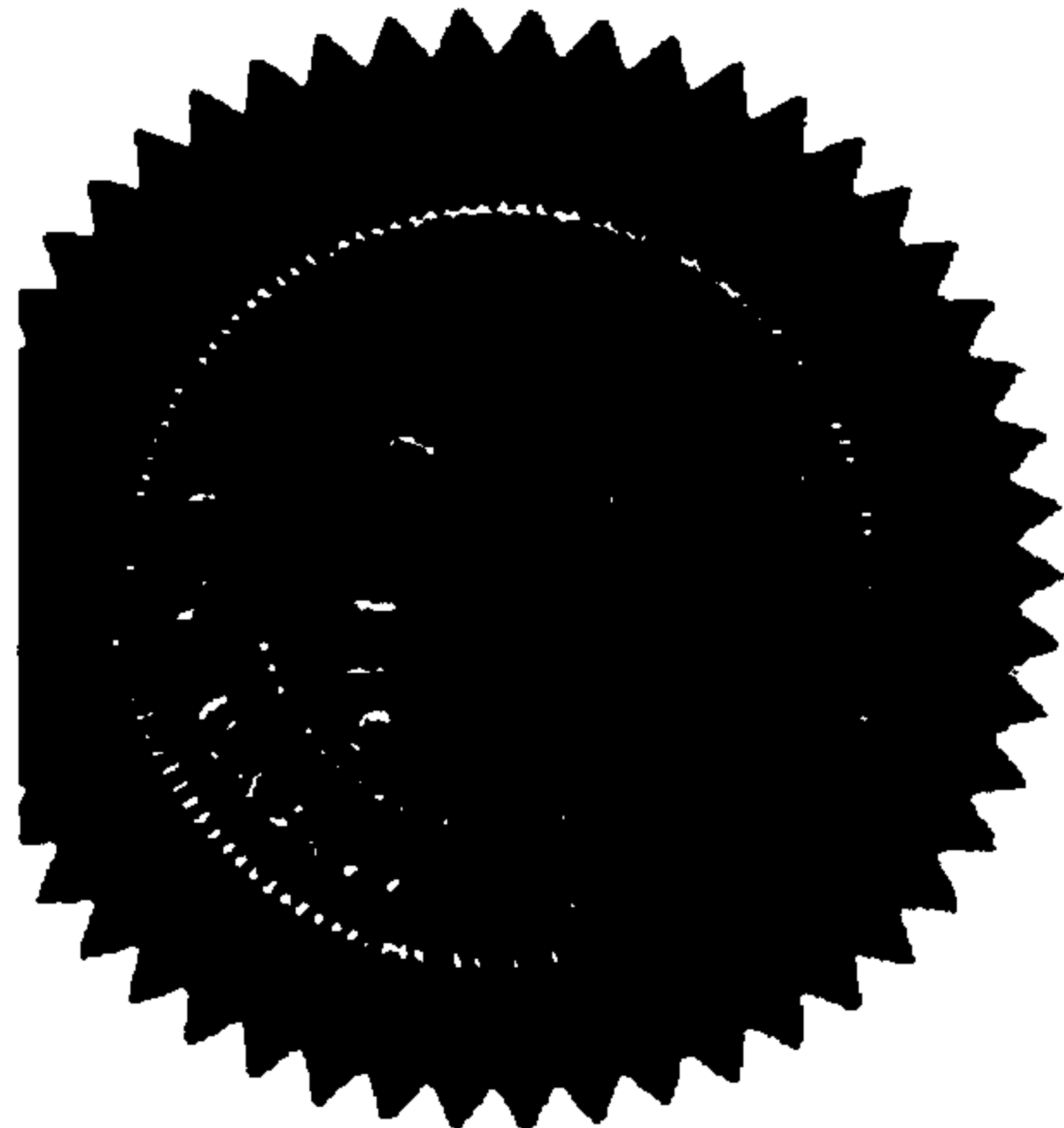
D. A. Spears and Pleasant J. Spears

Done this 17th day of August, 1992.

[Signature]

Notary Public

My Commission Expires: 5/95



[Signature]



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CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, Mark Gaines, 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 _____ of VIOLA PEOPLES Deceased and that said Will _____

together with the proof thereof have been recorded in my office in Judicial Record, Volume JR2516, Page 521-525

In witness of all which I have hereto set my hand, and the seal of the said Court, this date 8/3/06.

PROBATE - 98

Mark Gaines, Judge of Probate.

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, Joy E. Cooper, 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 and Testament and the Certificate to the probate of will**


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in the matter of **the estate of Viola Peoples Case# 1887777**

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

Given under my hand and seal of said Court, this

the **31st** day of **October**, 20 **06**


Chief Clerk