

LAST WILL and TESTAMENT

of

ROBERT LUTHER TUCKER, IV

I, the undersigned, ROBERT LUTHER TUCKER, IV, being a resident of Shelby County, Alabama, above the age of nineteen (19) years, and of sound and disposing mind and memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby expressly revoking all prior Wills and Codicils heretofore made by me.

FIRST: I direct that all of my legal debts, including the expenses of my last illness and funeral expenses, and the cost of administration of my estate be paid as soon as practicable after my death, provided, however, that my Executor shall not be required to prepay any mortgage or any other indebtedness of my estate and may pay the same as it becomes due according to the terms thereof.

SECOND: I give and bequeath all my furniture, furnishings and other items of household use located in my residence, jewelry, vehicles, wearing apparel, and all other tangible personal effects which may be owned by me at the time of my death, to my wife, SARAH HAMMER TUCKER, to be hers absolutely. If my said wife does not survive me, I give and bequeath all of the aforesaid property in substantially equal shares to all of my children who survive me and to the descendants, *per stirpes*, of any of my children who predeceases me. If any beneficiary entitled to a share of the property disposed of by this ITEM shall be under the age twenty-one (21) years at the time of my death, then my Executor shall have absolute discretion, without requiring bond in any case, either to:

(A) Retain for such beneficiary all or any part of such beneficiary's share of said property until such beneficiary attains the age of twenty-one (21) years; or

(B) Deliver all or any part of any such beneficiary's share of such property directly to such beneficiary, or to any person deemed suitable by my Executor to hold for such beneficiary until such beneficiary attains the age of twenty-one (21) years; or

(C) Sell all or any part of such beneficiary's share hereof, and deliver the net proceeds of such sale to the Trustees hereinafter named to be held as part of such beneficiary's share of the trust created for my said children and their descendants, in any case without requiring any bond from the person to whom such distribution is made.

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The receipt of any person to whom a distribution is made pursuant to this Item of my Will shall constitute a full release and acquittance of my Executor with respect to such property. If my children are unable to agree as to a fair division of the property herein bequeathed, then I direct that the decision of my Executor shall be conclusive and binding upon them, with the Executor taking into consideration the personal preferences and needs of my children, respectively. I further direct that any expenses incurred in the storage or delivery of such property shall be paid from my residuary estate as an administration expense thereof. Furthermore, my Executor shall have full authority to determine what objects of my property are included in this bequest. If neither my wife nor any issue of mine shall survive me, I direct that all of the property described in this Item of my Will shall be disposed of as a part of my residuary estate.

THIRD: Notwithstanding any of the foregoing, I direct that any items of personal property described in a Letter of Instruction signed by me and found among my personal effects at my death shall be distributed according to my wishes as set forth in such Letter of Instruction; provided, however, that if my Executor, after reasonable inquiry, does not find such a Letter of Instruction, then all items not effectively distributed under this Item THREE shall be distributed according to Item TWO.

FOURTH: I give, devise, and bequeath all of the rest, residue and remainder of my estate, of whatsoever kind and character and wheresoever located (the whole of such property being hereinafter sometimes called by "residuary estate"), to my wife, SARAH HAMMER TUCKER, absolutely if she survives me. In the event that my said wife does not survive me, then I direct that my Executor shall divide my said residuary estate into as many separate and equal shares as there are children of mine who survive me by five (5) days and children of mine then deceased who have left issue surviving at such time.

With respect to the separate share for each child of mine who is then living and who has attained the age of thirty-five (35) years, I hereby give, devise, and bequeath such share to such child, to be such child's absolutely; or if either child of mine has not attained the age of thirty-five (35) years at the time of my death, then I give, devise and bequeath such child's share to my Trustees

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hereinafter named, to be held in trust for my child as hereinafter provided in the following subparagraphs of this Item of my Will.

With respect to the separate share for each deceased child who has left surviving issue, I hereby give, devise, and bequeath the same, *per stirpes*, to such issue; provided, however, that each such surviving issue's share of my estate shall be held in trust as provided in subparagraph (E) below.

With respect to all shares which the Trustees are directed to hold in trust pursuant to this Item of my Will, I specifically direct that it is my express intention to create separate and independent trusts for each child of mine and for the issue of any deceased child. However, I authorize my Trustees, if they so desire, to refrain from making a physical separation of the assets of these trusts into separate trusts if such treatment will facilitate the administration thereof.

(A) With respect to the trust created for each child of mine and until the termination thereof as provided for herein below, the Trustees are authorized to pay to, use, distribute, or apply so much of the income or principal, or both, from each child's trust estate for the support, maintenance, health or education of such child as desirable, and to accumulate and add to the principal thereof any income not so used or applied. In making the discretionary distributions of income and/or principal herein described, the Trustees may take into consideration other resources and sources of income, if any, available to my said child. The discretion herein granted to my Trustees with respect to distributions of income and/or principal from each child's trust shall normally be construed in a liberal manner in order to provide such child of mine with adequate resources in the event of accident, illness or other emergency, as well as to provide sufficient funds for college, graduate and/or professional education or training, if appropriate. In addition, if the circumstances warrant the same, the Trustees may make assets available from this trust estate in order to assist my child in the purchasing and furnishing of a residence, and generally to provide my child with a reasonable amount of the amenities of life. Furthermore, the Trustees may pay to or use and apply such portion or portions of the income or principal, or both, of my child's trust estate for the support, health, or education of such child's issue living from time to time, in equal or unequal shares or amounts, as the Trustees, in their sole discretion, may deem necessary or desirable for such purposes, although it is not my intention by granting this discretionary authority to discharge any person's legal obligation to support and maintain such issue.

(B) As each such child attains the age of twenty-five (25) year, or if such child shall have already attained twenty-five (25) years of age at the time of my death, the Trustees shall transfer and pay over to such child, absolutely and free from trust, one-third (1/3) of the particular trust being administered for such child's benefit. The Trustees shall hold the remainder of the trust until such child shall attain the age of thirty (30) years, at which time the Trustees shall further transfer and pay over to such child, absolutely and free from trust, one-half (1/2) of the particular trust being administered for such child's benefit. However, if my said child shall have already administered for such child's benefit. However, if my said child shall have already attained thirty (30) years, of age at the time of my death, then the Trustees

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shall transfer and pay over to my said child, absolutely and free of trust, two-thirds (2/3) of the particular trust being administered for such child's benefit. The Trustees shall hold the remainder of the trust until such child shall attain the age of thirty-five (35) years, at which time the Trustees shall distribute absolutely to such child the entire remaining balance of the trust estate, and the trust shall thereupon terminate.

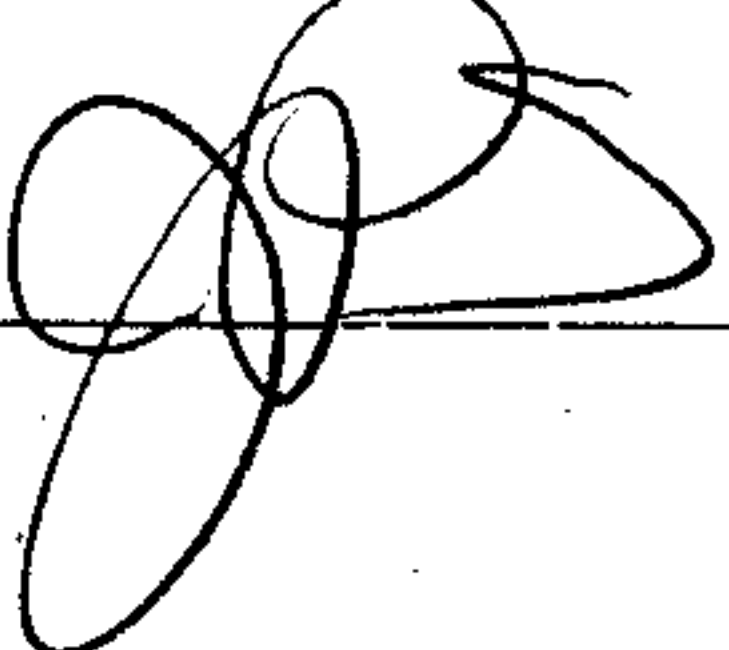
(C) In the event that any child of mine shall die before final distribution of such child's entire trust estate, leaving any issue then surviving, then upon the death of such child of mine, the Trustees shall transfer and pay over to the surviving issue, per stirpes, the entire remaining balance of my deceased child's trust estate; provided, however, that, although the share of each such issue shall be deemed then to have vested in them, respectively, the Trustees shall nevertheless continue to hold the same in separate trusts until the issue, respectively, shall attain the age of twenty-one (21) years. Until that time, the Trustees shall pay to, use or apply for his or her support, education, health or maintenance, so much of the net income from such person's trust estate and such part of the principal thereof as the trustees deem necessary or desirable for said purposes. The separate trust for each such surviving issue shall thereafter terminate when such issue, respectively, either attains the age of twenty-one (21) years or dies, whichever shall first occur; and, upon such termination, the trust estate shall be paid over absolutely to the beneficiary thereof, if living, or to his or her estate, if deceased.

(D) In the event that any child of mine shall die before final distribution of such child's entire trust estate, leaving no surviving issue, then, upon the death of my child, the Trustees shall transfer and pay over the entire remaining balance of my deceased child's trust estate, per stirpes, to my then surviving issue; provided, however, that if any child or issue of a deceased child of mine shall then have other property held in trust for their benefit under any provision of this Will, then that person's share in the trust of such child so dying shall be added to, merged with and administered and disposed of like such other property so held in trust.

(E) Any share initially set aside for the surviving issue of any child of mine who was not living at the time of my death, although vested, shall nevertheless be held in trust for the use and benefit of such issue until they, respectively, attain the age of twenty-five (25) years, at which time his or her share shall be transferred and paid over absolutely and free from any trust. Until such person shall attain the age of twenty-five (25) years, the Trustees shall pay to, use or apply for his or her support, education, health or maintenance, so much of the net income from such person's trust estate and such part of the principal thereof as the Trustees deem necessary or desirable for such purposes. The separate trust for each such surviving issue shall thereafter terminate when such issue, respectively, either attains the age of twenty-five (25) years or dies, whichever shall first occur; and, upon such termination, the trust estate shall be paid over absolutely to the beneficiary thereof, if living, or to his or her estate, if deceased.

(F) At any time during the administration of the trusts created hereunder when my Trustees shall make distributions of income or principal to any minor beneficiary, I hereby authorize my said Trustees to make such payments directly to such minor or to the parent, guardian, or other custodian of such minor under the Alabama Uniform Transfers to Minors Act; or the trustees may make all or any portion of such payments themselves by expending the same for the benefit of the beneficiary thereof. The receipt of any such person to whom payment is made shall be binding and conclusive upon the minor beneficiary, and shall relieve my Trustees from all liability therefor.

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(G) My said beneficiaries shall have no power to dispose of or to charge by way of anticipation any interest given to them and all sums payable to them shall be free and clear of their debts, contracts, dispositions, and anticipations, or equitable process in satisfaction thereof.

(H) Notwithstanding anything herein to the contrary, any trust created hereunder shall terminate not later than twenty-one (21) years after the death of the last survivor of my beneficiaries who were living on the date of my death, when my Trustees shall distribute each remaining trust hereunder to the beneficiary or beneficiaries of the current income thereof, and if there is more than one beneficiary, in the proportion in which they are beneficiaries or if no proportion is designated in equal shares to such beneficiaries.

FIFTH: In the even my wife, SARAH HAMMER TUCKER, all my children, and all issue of my said children, shall predecease me, I give, devise and bequeath all of the rest, residue and remainder of my property, real, personal and mixed, tangible and intangible, of whatever nature and wherever situated, including all lapsed devises and bequests, as follows:

- (A) Fifty percent (50%) to my heirs at law; and
- (B) Fifty percent (50%) to the heirs at law of my said wife, SARAH HAMMER TUCKER.

SIXTH: I hereby grant to my Executor and also to the Trustees of any trust established hereunder (including any substitute or successor personal representative or Trustee) the continuing, absolute discretionary power to deal with any property, real or personal, held in my estate or in any trust, as freely as I might in the handling of my own affairs. Such power may be exercised independently and without the prior or subsequent approval of any court or judicial authority, and no person dealing with the Executor or Trustees shall be required to inquire into the propriety of any of their actions. Without in any way limiting the generality of the foregoing, I hereby grant to my Executor and also to the Trustees hereunder, the following specific powers and authority in addition to and not in substitution of powers conferred by law:

- (A) To retain any property transferred, devised or bequeathed to the Trustee, or any undivided interest therein, regardless of any lack of diversification, risk, or nonproductivity;
- (B) To purchase, sell, pledge, mortgage, assign, invest, reinvest and maintain invested the principal of my estate or the trusts in such stocks, bonds, and other securities, real estate or any interest therein, and assets as my personal representative or Trustee may determine (including life

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insurance contracts on the life of a beneficiary or anyone in whom the beneficiary has an insurable interest), including, without limitation, certificates of deposit, mutual funds, and money market funds, irrespective of whether or not such securities or assets are eligible under any applicable law or statute, regardless of any lack of diversification; to invest and reinvest in investment trusts and legal and discretionary common trust funds;

(C) To vote personally, through agents, or by general, limited or discretionary proxy, with respect to any investment that may be owned by my estate or the trust; to exercise or sell any rights of subscription or other rights in respect thereof; and to take any other action deemed prudent with regard to any reorganization, merger, consolidation, bankruptcy, other proceedings affecting any stock, bond, note or other security;

(D) To sell, assign, exchange, and grant options to purchase any estate or trust property at such time and price, and upon such terms and conditions, including terms of credit, as my personal representative or Trustee may determine;

(E) To execute leases and subleases for terms as long as ninety-nine (99) years, even though such terms may extend beyond the termination of the trust; to subdivide or improve real estate and tear down or alter improvements; to grant easements, give consents and make contract relating to real estate or its use and to release or dedicate any interest in real estate or its use; and to release or dedicate any interest in real estate;

(F) To borrow money (from the trustee or from others) and to mortgage or pledge any estate or trust property as security for the repayment thereof;

(G) To execute contracts, notes, conveyances, and other instruments including instruments containing covenants and warranties binding upon the creating a charge against my estate or the trust;

(H) To hold investments in the name of a nominee or in bearer form;

(I) To employ agents, attorneys, accountants, depositories and proxies, with or without discretionary power;

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(J) To determine the manner of ascertainment of income and principal, and the apportionment between income and principal of all receipts and disbursements, and to select an annual accounting period;

(K) To receive additional property from any source and add it to and commingle it with the trust corpus;

(L) To enter into any transaction authorized by this agreement with the Trustee or legal representative of any other trust or estate in which any beneficiary hereunder has any beneficial interest, even though any such Trustee or personal representative is also Trustee or personal representative hereunder;

(M) To continue to exercise any powers and discretion herein given for a reasonable period after the termination of the trust, but only for so long as no rule of law relating to perpetuities would be violated;

(N) To contest, compromise or abandon any claim existing in favor of, or made against, my estate or the trust and to agree to any rescission or modification of any contract;

(O) To institute to defend any and all suits or legal proceedings relating to my estate or the trust;

(P) To cause to be incorporated any business or partnership in which I may be interested at the time of my death;

(Q) To deduct, retain, expend and pay out of any money belonging to my estate or the trust any and all necessary and proper expenses in connection with the operation and conduct thereof; and to pay all taxes, insurance premiums on any policy constituting part of the estate or trust corpus, and other legal assessments, debts, claims or charges which at any time may be due and owing by, or which may exist against such estate or trust.

SEVENTH: If any beneficiary hereunder and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths or if any such beneficiary shall die within a period of ninety (90) days after the date of my death, then all bequests and devises and provisions made herein to or for the benefit of such beneficiary shall be void and my estate shall be administered and distributed in all respects as though such beneficiary had not survived me.

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EIGHTH: I nominate, constitute and appoint my wife, SARAH HAMMER TUCKER, as Executor of this my Last Will and Testament, and it is my will that she be exempted from giving any bond or other security, from making any inventory of my estate, or reporting same to any court, and from making any partial, periodic, or final settlement upon my estate, or reporting same to any court, and from making any partial, periodic, or final settlement upon my estate. If my said wife should predecease me or fail to qualify, or having qualified should die, resign, or become incapacitated, then I nominate and appoint CHRIS ABEL MOLLER and ERIK LEE MOLLER, as successor Co-Executors, and it is my will that they have the same exemptions and powers as such successor Executor as would my said wife had she so served. In the event that either CHRIS ABEL MOLLER or ERIK LEE MOLLER should predecease me or fail to qualify, or having qualified should die, resign, or become incapacitated, then the survivor of them shall serve as sole successor Executor.

NINTH: I hereby nominate and appoint ALLEN MORRIS HAMMER and UBS TRUST FIDUCIARY SERVICES as Co-Trustees of the trust or trusts created under this my Last Will and Testament. In the event that said ALLEN MORRIS HAMMER shall predecease me or otherwise decline or fail to qualify as Trustee of the trust created under this my Last Will and Testament (or having qualified shall die, resign or be removed), then in such event, I nominate, constitute and appoint MELANIE HAMMER MURRAY, as successor Trustee, and it is my will that she have the same exemptions and powers as would said ALLEN MORRIS HAMMER, had he so served as Trustee.

TENTH: I direct that neither my original nor any successor Executor or Trustee shall be required to furnish any bond or other security, or to file an inventory or appraisal of my estate in any court, although they shall prepare and keep an inventory and shall exhibit the same to any party in interest at any reasonable time. Any Executor, whether original or successor, shall have the right to resign at any time and for any reason, and without leave of court, by filing an instrument of resignation with the Clerk of the court in which this Will is probated.

No individual Executor or Trustee shall be entitled to the payment of any compensation for services hereunder, but shall be entitled to reimbursement for all actual expenses incurred. However,

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any corporate Executor or Trustee acting hereunder shall be entitled to such reasonable fees for its services rendered as may be provided in its compensation schedule in effect at the time such service is rendered.

No successor Trustee shall be obligated to examine the accounts, records or acts of any previous Trustee, nor shall any successor Trustee in any way or manner be responsible for any act or omission to act on the part of any previous or current Trustee; and the successor may assume such trusteeship without the necessity for any court accounting or appointment as aforesaid. No bond or other security shall be required of the Trustee or any successor Trustee in any jurisdiction. Any successor Trustee shall have the same powers, authorities, discretions, and exemptions as though originally named as the Trustee.

ELEVENTH: Any trustee may resign as Trustee of any trust hereunder at any time by written notice delivered to all beneficiaries to whom current trust payments may or must then be distributed or to the natural or legal guardians of any such beneficiaries who are then minors or otherwise incompetent. If a successor Trustee is not designated above, such resignation shall be effective upon the written appointment of a successor Trustee. If a successor trustee is not designated above, upon the resignation of a Trustee, those surviving of the following persons (who are then nineteen (19) years of age or older) by majority vote shall designate a successor Trustee: ROBERT LUTHER "LUKE" TUCKER, V, any other child or children who may hereinafter be born to me or adopted by me, ALLEN MORRIS HAMMER, MELANIE HAMMER MURRAY, and MICHAEL DONALD SPRADER, or in default of such appointment, the remaining Co-Trustee shall have such power. The successor to a corporate Trustee shall be a bank or other trust company having trust powers in Alabama. No bond or other security shall be required of the Trustee or any successor Trustee in any jurisdiction. Any successor Trustee shall have the same powers, authorities, discretions, and exemptions as though originally named as the Trustee.

TWELFTH: Upon thirty (30) days' written notice, any corporate Trustee may be dismissed at any time by a majority vote of those surviving of the following persons (who are then nineteen (19) years of age or older): ROBERT LUTHER "LUKE" TUCKER, V, any other child or children who may hereinafter be born to me or adopted by me, ALLEN MORRIS HAMMER, MELANIE

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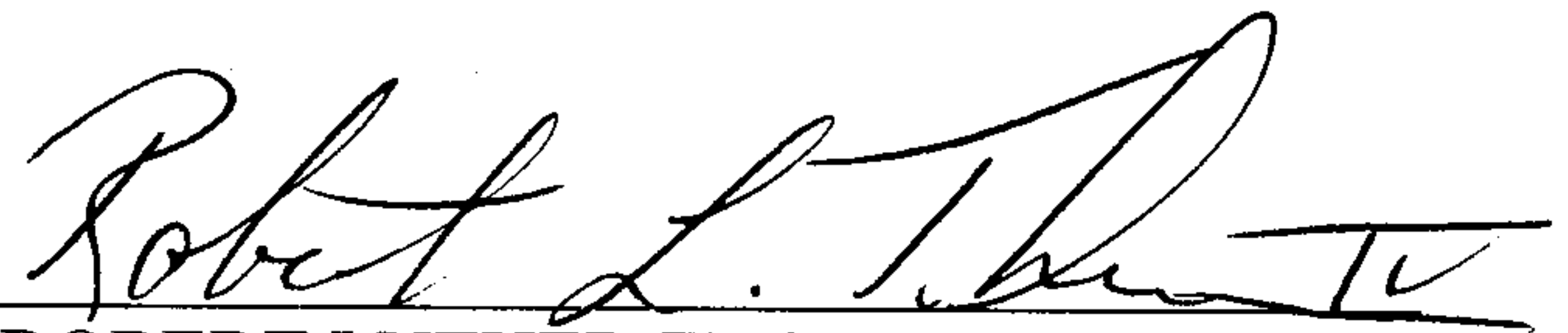
HAMMER MURRAY, and MICHAEL DONALD SPRADER. The successor Trustee shall be a bank or other trust company having trust powers in Alabama. Any successor Trustee shall have the same powers, authorities, discretions, and exemptions as though originally named as the Trustee.

THIRTEENTH: If my wife, SARAH HAMMER TUCKER, fails to survive me, or dies before our youngest living child attains the age of nineteen (19) years, without making a provision for the custody and control of our said minor children, it is my will that MICHAEL DONALD SPRADER be given such custody and control. I direct that no bond or other security shall be required of such guardian in any jurisdiction for the faithful performance of his/her duties.

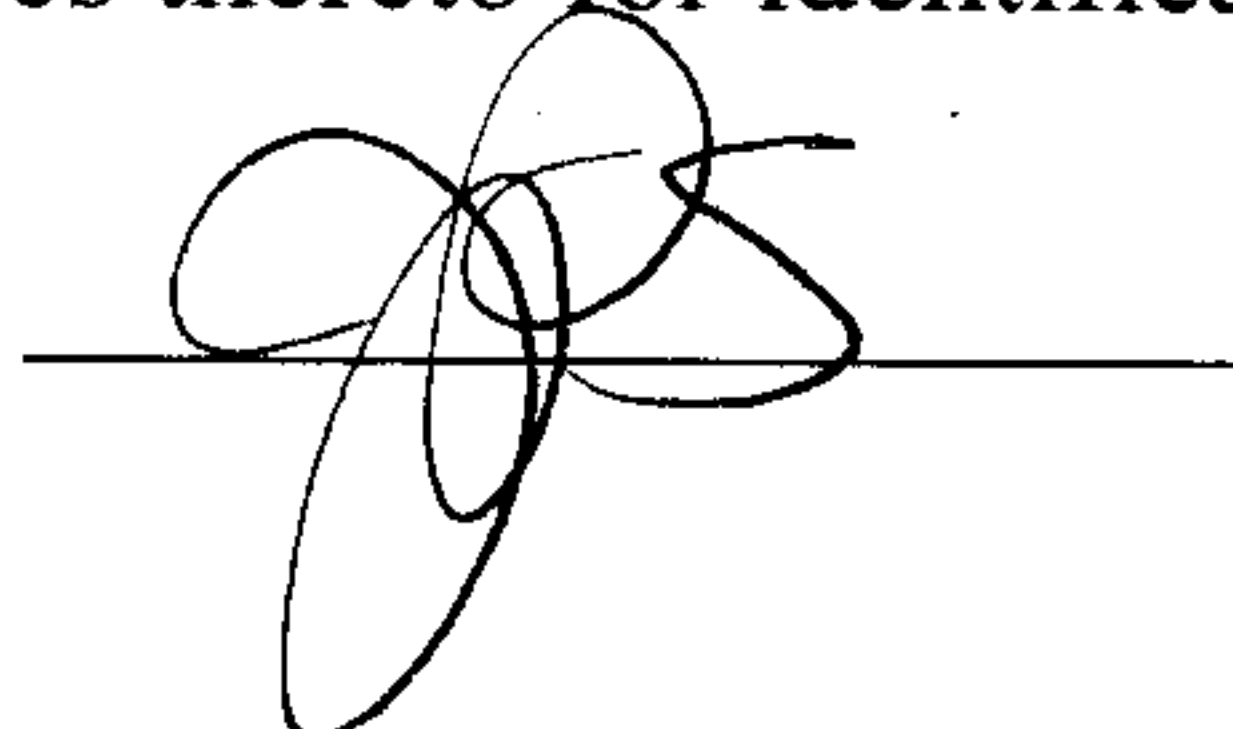
FOURTEENTH: At the time of the execution of this Will, I have one child, namely ROBERT LUTHER "LUKE" TUCKER, V. If, subsequent to the execution of this will, there shall be an additional child or children born to me (or adopted by me), and if any such child or children (or issue thereof) shall survive me, then and in such event, such child or children (or issue thereof) shall share in the benefits of my estate equally and to the same extent as my children hereinabove named and their issue; and the provisions of this Will shall be deemed modified to the extent necessary to effectuate this intention.

FIFTEENTH: Whenever the word "Executor" and/or the word "Trustee," or any modifying or substituted pronouns therefor, are used in this my Will, such words and respective pronouns shall be held and taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Executor and/or Trustee named herein and to any successor substitute Executor and/or Trustee acting hereunder, and such successor or substitute Executor and/or Trustee shall possess all the rights, powers and duties, authority and responsibility conferred upon my Executor and/or Trustee originally named herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 23 day of April, 2007.


ROBERT LUTHER TUCKER, IV

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We, the undersigned 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 Testament, that he signs it willingly, 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 (19) years of age or older of sound mind, and under no constraint or undue influence.

SIGNATURES OF WITNESSES

Abbe M Hamma

Jenny Southland

Wickie Goodman

ADDRESSES OF WITNESSES

2281 Pine Crest Dr

Birmingham, AL 35216

201 26th Avenue South

Birmingham, AL 35223

795 Oak Dr East

Trussville, AL 35173

I, ROBERT LUTHER TUCKER, IV, the Testator, sign my name to this instrument this the 23 day of April, 2007, and being first duly sworn does 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 purposes therein expressed, and that I am nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Robert L Tucker IV
ROBERT LUTHER TUCKER, IV

STATE OF ALABAMA
COUNTY OF JEFFERSON

Subscribed, sworn to and acknowledged before me by ROBERT LUTHER TUCKER, IV, the Testator, and subscribed and sworn to before me by the witnesses, this the 23rd day of April, 2007

[Signature]
Notary Public

My Commission Expires: 10-31-10

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