



20070717000334380 1/5 \$23.00
Shelby Cnty Judge of Probate, AL
07/17/2007 01:55:53PM FILED/CERT

This instrument prepared by
and please return to:
William V. Linne, Esquire
✓ 127 Palafox Street, Suite 100
Pensacola, Florida 32591-2347
(850) 433-2224

AFFIDAVIT
OF
MAYRON B. BOYCE

STATE OF ALABAMA
COUNTY OF SHELBY

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared **MAYRON B. BOYCE**, who after being first duly sworn, deposes and says the following:

1. That she is over the age of eighteen years and makes this Affidavit on her own personal knowledge and belief.

2. That John Wesley Boyce, Sr., as Grantor, and John Wesley Boyce, Sr. and Mayron B. Boyce, as Trustee, entered into a Trust Agreement dated July 8, 1994, hereinafter called "Trust Agreement".

3. Paragraph (a) of Article VI of the Trust Agreement concerning the appointment of trustees provides as follows:

(a) Appointment of Trustees. The Grantor, **JOHN WESLEY BOYCE, SR.**, shall serve as the Trustee of the trust hereby created. In the event of the resignation, death or inability of the Grantor to manage the affairs of the Trust (as determined by two qualified physicians), then the Grantor's spouse, **MAYRON B. BOYCE**, shall serve as successor Trustee hereunder. In the event of the resignation, death or inability of Mayron B. Boyce to manage the affairs of the Trust (as determined by two qualified physicians), then the Grantor's brother-in-law, **FREDERICK BROWN**, shall serve as successor Trustee hereunder. In the event of the resignation, death or inability of Frederick Brown to manage the affairs of the Trust (as determined by two qualified physicians), then **AMSOUTH BANK, N.A.** shall serve as successor Trustee hereunder.

4. That the Grantor, John Wesley Boyce, Sr., is unable to manage the financial affairs of the Trust. Two qualified physicians, Jane Pearson, M.D. and Barry McLean, M.D., Ph.D., have stated in letters (copies of said letters are attached hereto and made a part hereof as Schedule "A") that John Wesley Boyce, Sr. is unable to handle his own business affairs.

5. That as a result of John Wesley Boyce, Sr.'s incapacity, Mayron B. Boyce will serve as Trustee under the terms of the Trust Agreement.

6. That I hereby accept responsibility as the successor Trustee under the Trust Agreement and assume my responsibilities as successor Trustee.


MAYRON B. BOYCE



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STATE OF ALABAMA

COUNTY OF Shelby

I, the undersigned authority, a Notary Public, hereby certify that MAYRON B. BOYCE, whose name is signed to the foregoing instrument, and who is:

☐ personally known to me

☒ produced FIDL B200-542-34-680-0 as identification,

acknowledged before me on this day that, being informed of the contents of the foregoing instrument, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this 16th day of July, 2007.

NOTARY PUBLIC

Typed Name: MYRA FABIAN

Commission Expires: _____

Commission No.: My Commission expires 10-24-07

clients\boyce-john\aff-incompetency

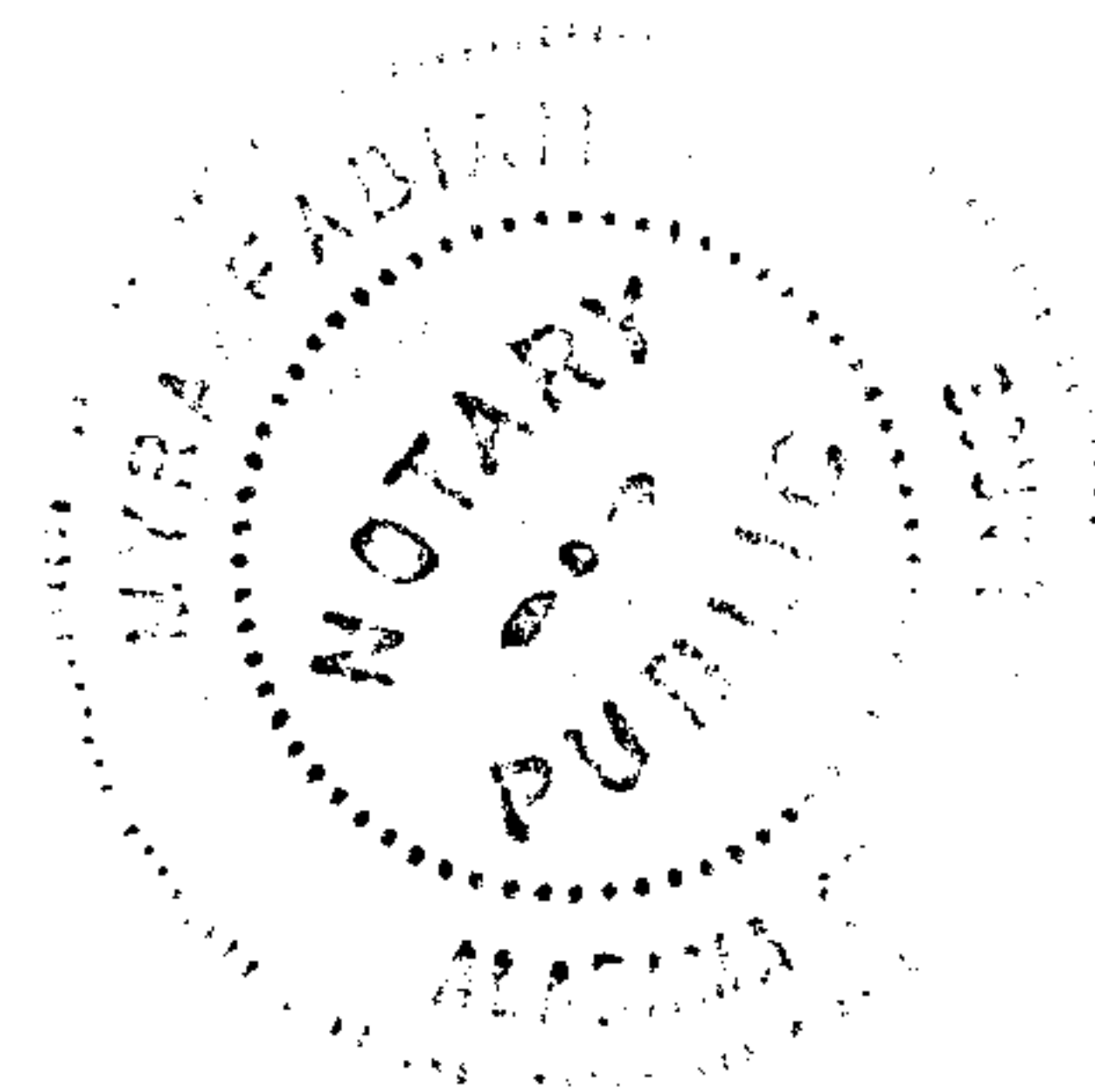




EXHIBIT A

High Blood Pressure Center

Barry McLean, M.D., Ph.D.

Suite 372, Brookwood Medical Plaza
513 Brookwood Blvd.
Birmingham, Alabama 35209
(205) 949-1900 • Fax: (205) 949-1918

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June 4, 2007

Re: John Boyce
DOB: 12/21/1923

To Whom It May Concern:

Mr. Boyce is an unfortunate eighty-three year old gentleman who has suffered several devastating medical conditions since October of 2006. At that time, he had a stroke.

He was again admitted to St. Vincent's hospital in Birmingham on January 29, 2007. He had pancreatitis, respiratory distress, and had to be placed on a mechanical ventilator. He also suffered from encephalopathy, which resulted in confusion and hallucinations.


He continues to have residual effects from these events, and he can no longer conduct business or manage his financial or personal affairs. I have been impressed with his wife's devotion to Mr. Boyce. I believe that she should be appointed to conduct business for him.

Please contact my office if any further information is required.

Sincerely,

Barry McLean, M.D., Ph. D.

EXHIBIT A
JANE PEARSON, M.D., P.A.
NEUROLOGY
520 ST. VINCENT'S PROFESSIONAL BUILDING I
2660 10TH AVENUE SOUTH
BIRMINGHAM, ALABAMA 35205
205-939-0196 FAX: 205-939-1083


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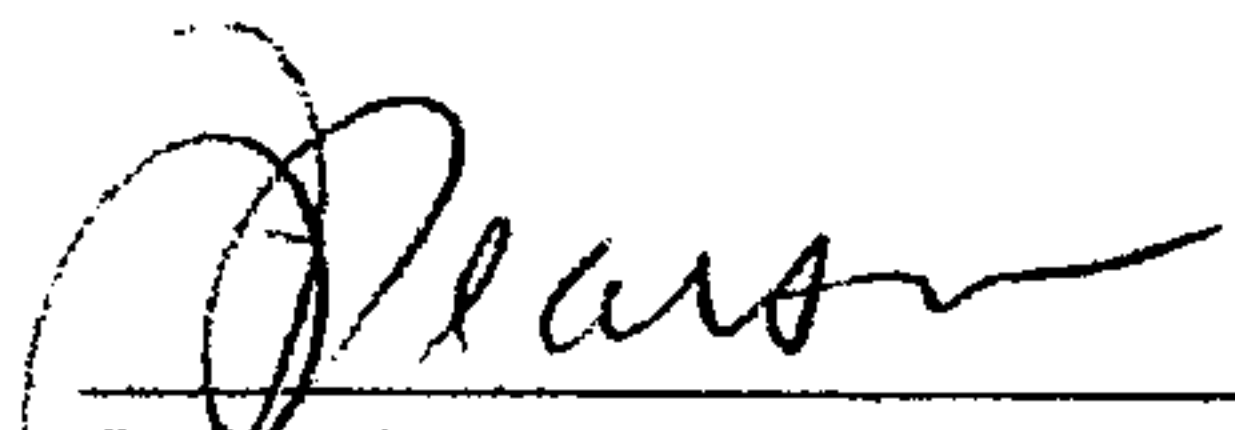
June 4, 2007

Re: John W. Boyce
DOB: 12/21/1923

To Whom It May Concern:

Mr. Boyce is unable to manage his financial affairs due to his medical condition. This was present when I first saw him on 2/5/06, and is a permanent condition.

Sincerely,


Jane Pearson, M.D.
JP/ac