

TITLE HAS NOT BEEN EXAMINED

**This instrument was prepared by:
Terrill W. Sanders, Esquire
Wiggins, Childs, Quinn and Pantazis
The Kress Building
301 19th Street North
Birmingham, Alabama 35203**

DEED OF DISTRIBUTION

STATE OF ALABAMA)

KNOW ALL MEN BY THESE PRESENTS,

SHELBY COUNTY)

WHEREAS, on December 22, 1970 an interest in minerals (as hereinafter defined) located in, on and under lands in Shelby County, Alabama, which are more particularly described on the attached Exhibit 1, was conveyed to Wilbur G. Silberman and Louis Silberman by a Conveyance of Interest in Minerals and

Whereas Louis Silberman died on or about March 2, 1976 in Jefferson County, Alabama and

Whereas Wilbur G. Silberman and Donald Silberman were appointed as Co-Executors of the Estate of Louis Silberman by the Jefferson County, Alabama Probate Court in case number 86591 and

Whereas the Last Will and Testament of Louis Silberman (a verified copy of which is attached as Exhibit 2) gives and devises the rest residue and remainder of the Estate of Louis Silberman to a trust for the spouse of Louis Silberman, namely Dora Silberman and

Whereas the trust for Dora Silberman was to terminate upon her death and the assets were to be distributed to the surviving lineal descendants of Louis Silberman in equal shares per stirpes and

Whereas Dora Silberman died on or about July 9, 1977 and the surviving lineal descendants of Louis Silberman on the date of death of Dora Silberman were Wilbur G. Silberman and Donald Silberman and

Whereas Wilbur G. Silberman died on or about June 6, 2003 in Jefferson County, Alabama and

Whereas Terrill W. Sanders was appointed as Executor of the Estate of Wilbur G. Silberman by the Jefferson County, Alabama Probate Court in Case Number 182193 and

Whereas the Last Will and Testament of Wilbur G. Silberman (a verified copy of which is attached as Exhibit 3) in Item Five gives and devises the rest residue and remainder of the Estate of Wilbur G. Silberman to the Wilbur G. Silberman Family Trust and

Whereas the Wilbur G. Silberman Family Trust consists of the Wilbur G. Silberman Family Trust for the benefit of Cynthia S. Bailey and the Wilbur G. Silberman Family Trust for the benefit of Cathy S. Watkins and

Whereas Terrill W. Sanders is the Trustee for the Wilbur G. Silberman Family Trust for the benefit of Cynthia S. Bailey and is also the Trustee for the Wilbur G. Silberman Family Trust for the benefit of Cathy S. Watkins.

Now Therefore, in consideration of the above recitals Terrill W. Sanders, Executor for the Estate of Wilbur G. Silberman, Jefferson County Probate Case No. 182193, pursuant to Item Five of the Last Will and Testament of Wilbur G. Silberman, as Grantor does grant, bargain, sell and convey in equal shares to the Trustee of the Wilbur G. Silberman Family Trust for the benefit of Cynthia S. Bailey, and to the Trustee of the Wilbur G. Silberman Family Trust for the benefit of Cathy S. Watkins, any and all of the interest in and to any and all minerals (as hereinafter defined) conveyed on December 22, 1970 (including that certain portion conveyed to Wilbur G. Silberman individually and that certain portion to which Wilbur G. Silberman was entitled as a surviving lineal descendant of Louis Silberman) and located in, on and under lands in Shelby County, Alabama which are more particularly described as follows:

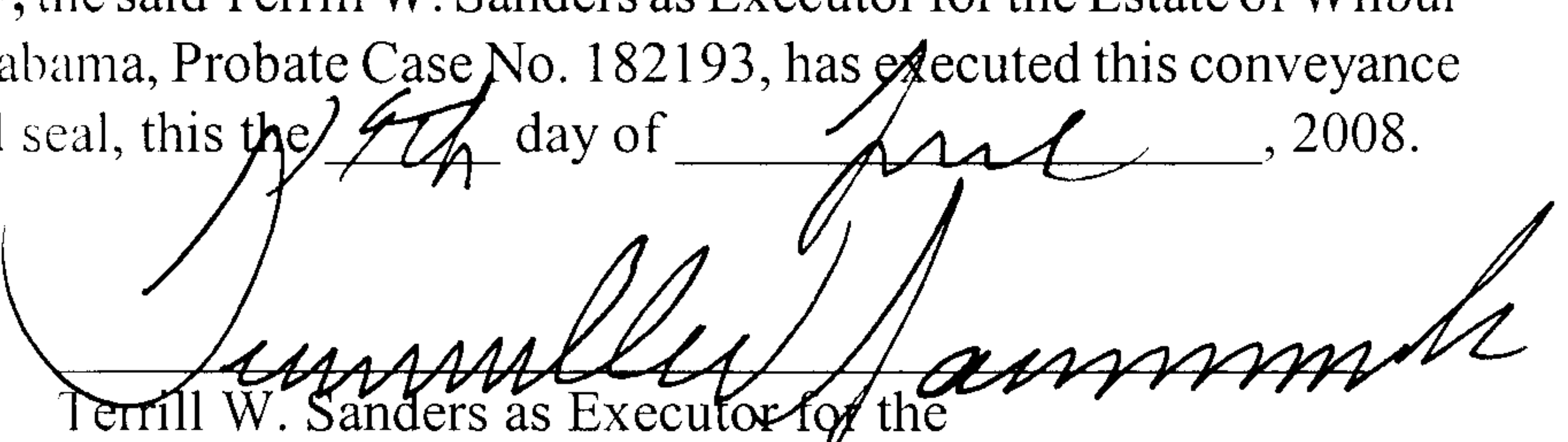
SEE ATTACHED EXHIBIT 1

The word "minerals" for the purpose of this Deed of Distribution shall mean and include any and all oil, gas, and other minerals and mineral interests except sand, clay, gravel or water which were owned by W. E. Belcher Lumber Company, Incorporated on December 22, 1970 and located in on and under lands in Shelby County, Alabama, which are more particularly described on the attached Exhibit 1.

Subject to exceptions, reservations, conditions and limitations of record.

This instrument is executed by the said Terrill W. Sanders as Executor for the Estate of Wilbur G. Silberman, Jefferson County, Alabama Probate Case No. 182193 solely in his representative capacity, and neither this instrument nor anything contained herein shall be construed as creating any indebtedness or obligation on the part of the said Terrill W. Sanders as Executor for the Estate of Wilbur G. Silberman, Jefferson County, Alabama Probate Case No. 182193 and Grantor expressly limits his liability hereunder to the property held by him in his representative capacity.

IN WITNESS WHEREOF, the said Terrill W. Sanders as Executor for the Estate of Wilbur G. Silberman, Jefferson County, Alabama, Probate Case No. 182193, has executed this conveyance and has hereto set his signature and seal, this the 19th day of June, 2008.


Terrill W. Sanders as Executor for the
Estate of Wilbur G. Silberman
Jefferson County, Alabama
Probate Case No. 182193

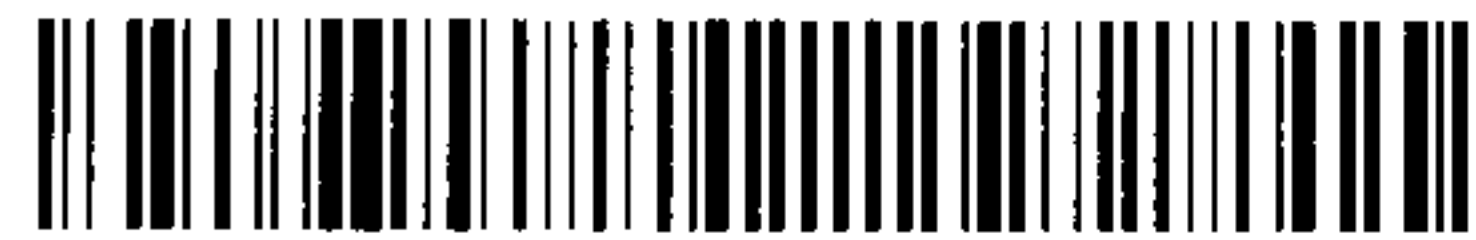
**STATE OF ALABAMA)
JEFFERSON COUNTY)**

I, the undersigned, a notary public in and for the said state and county stated above, duly appointed residing in said state and county, do certify and attest that **Terrill W. Sanders as Executor for the Estate of Wilbur G. Silberman, Jefferson County, Alabama Probate Case No. 182193**, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of June,
2008.


Notary Public

My commission Expires: 10/27/10



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Shelby Cnty Judge of Probate, AL
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The following described lands in Shelby County, Alabama

	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>ACRES</u>
E 1/2 of SE 1/4	9	24 N	12 E	80
SW 1/4 of SE 1/4	9	24 N	12 E	40
N 1/2 of SW 1/4	10	24 N	12 E	80
S 1/2 of NE 1/4	10	24 N	12 E	80
NW 1/4 of SE 1/4	10	24 N	12 E	40
SE 1/4 of SE 1/4	10	24 N	12 E	40
SW 1/4 of NW 1/4	11	24 N	12 E	40
SW 1/4 of SW 1/4	11	24 N	12 E	40

The following described lands in Shelby County, Alabama

	<u>SECTION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>ACRES</u>
E 1/2 of SE 1/4	9	24 N	12 E	80
SW 1/4 of SE 1/4	9	24 N	12 E	40
N 1/2 of SW 1/4	10	24 N	12 E	80
S 1/2 of NE 1/4	10	24 N	12 E	80
NW 1/4 of SE 1/4	10	24 N	12 E	40
SE 1/4 of SE 1/4	10	24 N	12 E	40
SW 1/4 of NW 1/4	11	24 N	12 E	40
SW 1/4 of SW 1/4	11	24 N	12 E	40

EXHIBIT 1



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Shelby Cnty Judge of Probate, AL
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EXHIBIT

2

LAST WILL AND TESTAMENT

OF

LOUIS SILBERMAN

STATE OF ALABAMA)
JEFFERSON COUNTY)

86591

I, Louis Silberman, a resident citizen of Jefferson County, Alabama, do hereby make, publish and declare this to be my last will and testament.

FIRST: I hereby revoke all wills and codicils by me at any time heretofore made.

SECOND: I direct that the costs of and the expenses incident to the administration of this Will, all expenses of and in connection with my funeral and last illness and my just debts shall be paid out of my estate as soon after my decease as may be convenient.

PERSONAL EFFECTS

THIRD: I give and bequeath all of my wearing apparel, books, pictures, household furniture and furnishings, both useful and ornamental, any automobile I may own, all jewelry and other objects of my personal use, to my wife, Dora G. Silberman, absolutely, if she be living at the time of my death. I hereby vest in my Executors full power and authority to determine what objects of property are included in the foregoing description contained in this paragraph of my Will.

FOURTH: I give and bequeath to each of my sons, Dr. Donald J. Silberman and Wilbur G. Silberman, the sum of Ten Thousand and no/100 (\$10,000.00) Dollars.

BEQUEST TO MY WIFE

FIFTH: In the event I die leaving issue to survive me, and in the event my wife, Dora G. Silberman, survives me, I give, devise and bequeath to my wife, Dora G. Silberman, that part of my estate equal in value to the maximum marital deduction allowable in determining the Federal Estate Tax on

Filed in office this the March 7th
day of March 2008
for Probate and Record.

J. Paul Meeks
Judge of Probate

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what is included in my gross estate for Federal Estate Tax purposes, less the aggregate value of marital deductions, if any, allowed for such tax purposes by reason of interests in life insurance or in jointly-owned property or other property or interests in property which pass or have passed to my wife under other provisions of this Will or otherwise than by this Will. The amount of the remainder thus computed, undiminished and unaffected by any estate, succession, legacy and inheritance taxes, shall be paid, conveyed and transferred by my Executors to my wife, either in cash or in kind or partly in cash and partly in kind.

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TRUST FOR MY WIFE

SIXTH: I give, devise and bequeath all the residue of my estate to the Trustees hereinafter named, as Trustees, in trust nevertheless, for the uses and purposes and with the powers and duties herein set forth:

1. The Trustees shall hold the trust estate for the benefit of my wife, Dora G. Silberman, if she survives me, during her lifetime. During her lifetime, the Trustees shall pay over to my wife the entire net income of the trust estate in such installments as may be convenient to her.

2. Upon the death of my wife, Dora G. Silberman, the Trustees shall distribute the trust estate to my surviving lineal descendants, in equal shares, per stirpes.

3. The Trustees shall hold and manage said property and such other property as it may subsequently acquire, with full power to collect the income therefrom and from time to time, to sell, convey, exchange, lease, improve, encumber, borrow on the security of, or otherwise dispose of, all or any portion of said trust estate, in such manner and upon such terms and conditions as the said Trustees may approve, and with full power to invest and reinvest said trust estate and the proceeds of sale or disposal of any portion thereof, in such

October 2, 1967

86591

loans, stocks, bonds or other securities, mortgages, common trust funds, or other property, real or personal, as to the said Trustees may seem suitable and to change investments and to make new investments from time to time as to the said Trustees may seem necessary or desirable. The said Trustees are empowered to execute and deliver any and all contracts, conveyances, transfers, or other instruments, and to do any acts necessary or desirable in the execution of the powers herein vested in them.

4. The Trustees shall pay from and out of the income of the trust estate any and all expenses reasonably necessary for the administration of the trust including interest, taxes, insurance, as well as other expenses incurred for the benefit of the trust estate, and in the event the income from the trust property is insufficient for the purpose of paying such expense, the same may be paid from the principal of the trust estate.

5. The Trustees shall not be required to give bond as Trustees under this Will unless upon cause shown to the Court having jurisdiction, in which event the Court shall fix the amount of the bond to be required.

6. I nominate and appoint my sons, Donald J. Silberman and Wilbur G. Silberman, as Trustees of this Will. In the event either of the named Trustees shall die or cease to serve as such Trustee, the remaining Trustee shall so serve.

SEVENTH: I hereby nominate and appoint my sons, Donald J. Silberman and Wilbur G. Silberman, to be the Executors of this Will. I exempt the above-named persons from giving bond and I also exempt them from filing any inventory or making any report or final settlement or having any appraisal of my estate made,

EIGHTH: During the period of the administration of my estate, my Executors shall have and may exercise all of the rights, powers, duties and rights of discretion herein granted to or conferred upon the Trustees.



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NINTH: I direct that all estate, succession, legacy, and inheritance taxes on what is included in my estate for the purpose of said taxes, other than any estate over which I may have power of appointment, be paid by my Executors and charged against my residuary estate and not against the person receiving or in possession of the property taxes or receiving the benefit thereof.

TENTH: If my wife, Dora G. Silberman, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed, in all respects, in accordance with such presumption.

IN WITNESS WHEREOF, I, Louis Silberman, have hereunto set my signature and seal this 7th day of October, 1967, hereby declaring the instrument contained on this and the three preceding pages to be my last will and testament.

Louis Silberman (SEAL)

The foregoing instrument contained on this and the foregoing three pages was on the 7th day of October, 1967, signed and sealed by Louis Silberman, the testator therein named, and duly published and declared by him to be his last Will and testament and his free act and deed in the presence of us, who, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses. We and each of us do certify and state that the signature of the testator was duly made and appeared to us upon the said Will and testament before we signed as witnesses.

Robert A. Loebe ADDRESS 729 Brown Max Bldg

Mary C. Loebe ADDRESS 1040 - 16 Ave St

Theresa D. Foster ADDRESS 729 Brown Max

86591



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Shelby Cnty Judge of Probate, AL
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CERTIFICATE TO THE PROBATE OF WILL

**THE STATE OF ALABAMA,
JEFFERSON COUNTY.**

I, J. PAUL MEEKS, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument _____ of writing haS 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 Louis Silberman Deceased and that said Will _____ together with the proof thereof have been recorded in my office in Judicial Record, Vol. 462 Page 901-906

In witness of all which I have hereto set my hand, and the seal of the said Court, this date March 8, 1976

Form No. 98

J. Paul Meeks Judge of Probate

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Shelby Cnty Judge of Probate, AL
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State of Alabama

Jefferson County

I, the Undersigned, as Judge of Probate Court in and for Jefferson County, Alabama, hereby certify that the foregoing is a full, true and correct copy of the instrument with the filing of same as appears of record in this office. Given under my hand and official seal, this the 18th day of June, 2008.

Alan L. King

JUDGE OF PROBATE

EXHIBIT

3

Last Will and Testament

OF

WILBUR G. SILBERMAN

182193

I, WILBUR G. SILBERMAN, of Jefferson County, Alabama, being over nineteen years of age and of sound mind and disposing memory, do hereby make, publish and declare this instrument as and for my Last Will and Testament and hereby expressly revoke any and all Wills, Codicils and other testamentary dispositions heretofore made by me.

At the time of the execution of this Will, my immediate family group consists of; my children, CYNTHIA S. BAILEY and CATHY S. WATKINS, hereinafter sometimes referred to singularly as a "child" and collectively as "children"; and my grandchildren RACHEL KEYDOZIOUS (daughter of my child Cynthia S. Bailey) and ADAM D. WATKINS and ANDREW H. WATKINS (sons of my daughter Cathy S. Watkins).

ITEM ONE

I direct that my legal debts (not barred by a statute of limitations or otherwise), including funeral expenses, the cost of a suitable monument, and costs of administration of my estate, be paid as soon as practicable after my death, and I hereby authorize and empower my Personal Representative, in case of any claim made against my estate, to settle and discharge the same in the absolute discretion of my Personal Representative.

In the event any property or interest in property passing under this Will, or by operation of law, or otherwise by reason of my death, shall be encumbered by a mortgage or a lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid by my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary shall take such property or interest in property subject to any such encumbrance existing at the time of my death.

ITEM TWO

I direct that my Personal Representative pay out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes (together with any interest or penalty thereon, but excluding any generation-skipping tax), assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof, in respect of all property required to be included in my gross estate for estate or like tax purposes by any of such governments, whether the property passes under this Will or otherwise, including property over which I have a power of appointment. I waive any right of reimbursement for, recovery of, or contribution toward the payment of those taxes, except my Personal Representative shall, to the maximum extent permitted by law, seek reimbursement for, recovery of, or contribution toward the payment of federal or estate tax

1 WGS 3.7.07

attributable to property in which I have a qualifying income interest for life, over which I have a power of appointment, or which is included in my gross estate by reason of Section 2036 of the Internal Revenue Code, and which tax is not otherwise paid or payable. Any generation-skipping tax resulting from a transfer occurring under this Will shall be charged to the property constituting the transfer in the manner provided by applicable law.

ITEM THREE

(a) I give and bequeath, in fee, all tangible personal property owned by me at the time of my death, including, but not limited to, furniture, furnishings, rugs, pictures, books, silver pieces, silverplate, linen, china, glassware, objects of art, wearing apparel, jewelry and automobiles, (but specifically excluding cash on hand or on deposit, securities or other intangibles), to my children who survive me, in equal shares, or, if only one child of mine shall survive me, to such surviving child solely; provided, however, if any child of mine shall predecease me, but there shall be any descendant of such deceased child who shall survive me, then I give and bequeath, in fee, the share which such deceased child would otherwise have received hereunder if he or she had survived me to such deceased child's descendants who survive me, per stirpes. The property disposed of by this Paragraph (a) shall be divided among the beneficiaries entitled thereto, if more than one, by my Personal Representative, in the Personal Representative's absolute discretion, in portions as nearly equal to the shares to which such beneficiaries shall be entitled as may be practicable, having due regard for the preferences of such beneficiaries. In the event none of such beneficiaries survive me, this bequest shall lapse and shall pass as part of my residuary estate.

(b) If any beneficiary entitled to a share of the property disposed of by this ITEM shall be under the age of nineteen (19) years at the time of my death, I authorize the Personal Representative, in the Personal Representative's absolute discretion, and in any case, without requiring bond, either to:

(1) Retain for such beneficiary all or any part of such beneficiary's share of said property until such beneficiary attains the age of nineteen (19) years; or

(2) 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 Personal Representative for the benefit of such beneficiary.

Upon making any payment or transfer hereunder, my Personal Representative shall be discharged as to such payment or transfer without liability for the subsequent application thereof.

ITEM FOUR

I give and devise to my children in equal shares or to the decedents of any deceased child per stirpes, all my right, title and interest in and to any home in which I may own any interest and in which I reside at the time of my death, and the real estate upon which the same is situated, together with all appurtenances and improvements used in connection therewith, subject to any mortgages or encumbrances thereon at the time of my death.

ITEM FIVE

(a) I give, devise and bequeath all the rest, residue and remainder of the property owned by me at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including proceeds of any life insurance policies which are payable to my estate, including any interest which I may have in any estate or trust, and including all lapsed legacies and devises (but excluding any property over or concerning which I have any power of appointment) to the Trustee of the Family Trust, to be held in trust (the "Family Trust") and to be administered and distributed as follows:

(1) Upon my death, the Family Trust shall be divided into as many equal shares as I shall then have children living and children dead with descendants surviving, the descendants of any deceased child to represent their ancestor per stirpes. The share (or portion of a share) allocated to each beneficiary shall be administered as a separate trust (and separate records shall be kept for each trust), but it shall not be necessary that physical division of the assets be made as to each trust.

(2) Except as hereinafter provided, the share (or part of any share) allocated to my children, Cynthia S. Bailey and Cathy S. Watkins shall be held in Trust until the date of their death and upon the death of either of my children then such deceased child's share shall be held in Trust for their decedants in equal shares per stirpes or if there are no descendants of such deceased child then such deceased child's share shall be added to any share being held for a living child of mine, or if none then it shall be added to any share being held for the descendants of a child of mine per stirpes, if any, or if none then to those persons who would have been entitled to inherit the same from me at the time of the deceased beneficiary's death, and in such shares as they would have been entitled to inherit, under the laws of descent and distribution of the State of Alabama then in effect had I then died intestate and owning the same; provided, however, if any such person shall then have other property held in trust under this Will, then his or her share in such deceased beneficiary's share shall be added to, merged in and administered and disposed of like such other property so held in trust for him or her.

(3) Any share of the Family Trust being held for the benefit of a child of mine shall be held in Trust upon the following terms and conditions:

A. The Trustee shall use, apply, pay over, distribute or expend for the benefit of any beneficiary, the entire net income from his or her share, in convenient installments, but at least annually, and if practicable, in monthly or quarterly installments.

B. If at any time the Trustee, after taking into account income and principal readily available for the beneficiary from other sources, determines that the income of any beneficiary is not sufficient for his or her reasonable support, education and maintenance or to provide for his or her medical care, then the Trustee may from time to time pay to him or her or use for his or her benefit so much of the principal of his or her share as the Trustee, in the Trustee's sole discretion, determines to be adequate,

reasonable and appropriate for such purposes, to the complete exhaustion of the principal, if the Trustee deems that necessary and appropriate.

C. The Trustee shall also pay to my children so much of the principal of the Trust as my children from time to time request in writing, not exceeding, however, in any calendar year the greater of Five Thousand (\$5,000.00) Dollars or Five Percent (5%) of the aggregate value of the principal of the Trust on December 31 of such year; provided, however, that if such request is not made during any calendar year for such calendar year, no payment of principal shall be made in any subsequent calendar year on account of the amount not so requested.

(4) Any share being held for the benefit of a descendent of a child of mine shall be held in the Trust upon the terms and conditions as found in ITEM SIX of this Will.

(b) In the event I am not survived by a child or a descendent of a child of mine, I give, devise and bequeath rest, residue and remainder of the property owned by me at the time of my death, as more fully described in Paragraph (a) of this ITEM to those persons who would have been entitled to inherit the same from me at the time of my death, and in such shares as they would have been entitled to inherit, under the laws of descent and distribution of the State of Alabama the in effect had I then died intestate and owning the same.

ITEM SIX

Any share of the Family Trust being held for the benefit of a descendant of a child of mine shall be held in the Trust upon the following terms and conditions.

(a) If any beneficiary shall have attained the age of thirty-five (35) years at the time of creation of their share of the Family Trust, the Trustee shall pay over, deliver, assign, transfer or convey to such beneficiary his or her share of the trust estate, free of trust, or if any beneficiary shall have attained the age of twenty-eight (28) years at the time of the creation of their share of the Family Trust, but not thirty-five (35) years, the Trustee shall pay over, deliver, assign, transfer or convey to such beneficiary one-half (1/2) of his or her share, free of trust.

(b) With respect to any beneficiary under twenty-one (21) years of age, the Trustee shall from time to time use, apply and pay to or for the benefit of such beneficiary so much of the income of his or her share as the Trustee, in the Trustee's sole discretion, deems reasonably necessary to provide for the health, support, education and maintenance of such beneficiary. Any part of the net income not so used shall be accumulated and added to, invested and thereafter treated as part of the principal of such beneficiary's share.

(c) The Trustee shall use, apply, pay over, distribute or expend for the benefit of any beneficiary, while he or she is twenty-one (21) years of age or over but under thirty-five (35) years of age, the entire net income from his or her share, in convenient installments, but at least annually, and if practicable, in monthly or quarterly installments.

(d) If at any time the Trustee, after taking into account income and principal readily available for the beneficiary from other sources, determines that the income of any beneficiary is not sufficient for his or her reasonable support, education and maintenance or to provide for his or her medical care, then the Trustee may from time to time pay to him or her or use for his or her benefit so much of the principal of his or her share as the Trustee, in the Trustee's sole discretion, determines to be adequate, reasonable and appropriate for such purposes, to the complete exhaustion of the principal, if the Trustee deems that necessary and appropriate.

(e) As each beneficiary shall attain the age of twenty-eight (28) years, the Trustee shall pay over, deliver, assign, transfer or convey to such beneficiary, free of trust, one-half (1/2) of the principal of his or her share, and as each such beneficiary shall attain the age of thirty-five (35) years, the Trustee shall pay over, deliver, assign, transfer or convey to such beneficiary, free of trust, the entire remaining balance of the principal and accrued income of his or her share. In the event that any beneficiary shall die before attaining the age of twenty-eight (28) years, then the Trustee shall transfer and pay over the property then constituting such deceased beneficiary's share, including all principal and any accrued and unpaid income thereof, to such deceased beneficiary's descendants living at the time of such deceased beneficiary's death, per stirpes, or if there be none, then to such of my descendants then living who shall be the deceased beneficiary's brothers and sisters, or the then living descendants of any deceased brother or sister of the deceased beneficiary, per stirpes, or if there be none, then to my descendants then living, per stirpes, or if there be none, then to those persons who would have been entitled to inherit the same from me at the time of the deceased beneficiary's death, and in such shares as they would have been entitled to inherit, under the laws of descent and distribution of the State of Alabama then in effect had I then died intestate and owning the same; provided, however, if any such person shall then have other property held in trust under this Will, then his or her share in such deceased beneficiary's share shall be added to, merged in and administered and disposed of like such other property so held in trust for him or her.

(f) If any beneficiary to whom the Trustee is directed to distribute any share of the trust estate pursuant to Subparagraph (e) immediately preceding is under the age of twenty-one (21) years when the distribution is to be made, and if no other property shall then be held in trust for such beneficiary's primary benefit, then though his or her share shall be fully vested in him or her, the Trustee, in the Trustee's sole discretion, may continue to hold the same as a separate trust with all of the powers and authority given the Trustee with respect to other trust property held hereunder, until he or she shall attain the age of twenty-one (21) years, in the meantime using and applying for his or her health, maintenance, support and education so much of the income and principal as the Trustee deems necessary or desirable for said purposes, and adding any excess income to principal at the discretion of the Trustee. When such beneficiary shall attain the age of twenty-one (21) years, or sooner die, then the Trustee shall transfer and pay over the principal and any undistributed income, free of trust, to such beneficiary, or his or her estate, as the case may be.

ITEM SEVEN

I hereby specifically provide that any person may renounce any interest which they may have or be entitled to receive under this Will. In the event of any such renunciation, any property so disclaimed shall devolve as if the disclaimant predeceased me, and the disclaimant shall have no power, duty, discretion or be entitled to receive any benefit therefrom which would cause said disclaimer to fail as a qualified disclaimer under Section 2518 of the Internal Revenue Code.

ITEM EIGHT

(a) I hereby nominate and appoint TERRILL W. SANDERS, as Personal Representative of this Will.

In the event that the said TERRILL W. SANDERS predeceases me, fails or refuses to act, or is incapable of acting in said capacity, then I nominate and appoint ASHBY WATKINS, as Successor Personal Representative.

(b) I hereby nominate TERRILL W. SANDERS, Trustee of all trusts established by this Will.

In the event that the said TERRILL W. SANDERS predeceases me, fails or refuses to act or is incapable of acting in said capacity then I nominate and appoint my son-in-law ASHBY WATKINS, as Successor Trustee.

(c) Any successor fiduciary shall have all of the rights, duties, powers, privileges, exemptions and immunities, whether discretionary or otherwise, and shall act under the same terms and conditions as conferred upon the original fiduciary.

(d) No successor fiduciary shall be liable or responsible in any way for the actions or defaults of any predecessor fiduciary nor have any loss or expense from or occasioned by anything done or neglected to be done by any predecessor fiduciary, but such successor fiduciary shall be liable only for such fiduciary's own actions and defaults in respect to property actually received by such fiduciary.

(e) Any successor fiduciary appointed hereunder may accept the account rendered and the assets and property delivered to such fiduciary by the predecessor fiduciary as a full and complete discharge of the predecessor fiduciary, and shall incur no liability or responsibility to any beneficiary by reason of so doing, all without the necessity of any court proceeding or judicial supervision or approval, regardless of any vested or contingent interests of any beneficiaries. Any predecessor fiduciary shall, at the cost and expense of the trust or estate, execute and deliver all conveyances and assignments, and do or cause to be done forthwith any and all acts and things as may be necessary to vest in the remaining fiduciaries, if any, and the successor fiduciary all of the rights, titles and interests of the predecessor fiduciary hereunder, and to confirm such authority to act as such.

(f) No fiduciary serving hereunder shall be liable or responsible for any act or omission in the administration of my estate or any trust created herein, or for any loss or depreciation in value of any

property of my estate or any such trust by reason of investment or otherwise, whether due to a mistake or error of judgment or otherwise, except for the gross negligence or willful misconduct of such fiduciary.

(g) In the event it becomes necessary to have administration of my estate in any state other than Alabama, then the Personal Representative named herein shall serve as such Ancillary Personal Representative if permitted by law, and if not, then such Personal Representative may appoint any person or organization as Ancillary Personal Representative as may qualify under applicable law. Such Administrator shall have the same rights, powers, duties and discretions herein conferred upon my Personal Representative.

(h) I direct that no compensation be paid to any fiduciary serving under this Will who is a family member of mine (whether by blood or marriage), but that a reasonable compensation be paid to any fiduciary serving under this Will who is not a family member; provided, however, that any fiduciary serving under this Will (whether or not a family member) shall be reimbursed in full from my estate or the appropriate trust for all costs and expenses reasonably paid or incurred by such fiduciary in the administration of my estate or any trust under this Will.

ITEM NINE

(a) I hereby grant to my Personal Representative and also to the Trustee of each 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 such Personal Representative or Trustee shall be required to inquire into the propriety of any of the actions of such Personal Representative or Trustee. Without in any way limiting the generality of the foregoing, I hereby grant to my Personal Representative, and also to any Trustee hereunder, the following specific powers and authority, in addition to, and not in substitution of, powers conferred by law:

(1) To compromise, settle or adjust any claim or demand by or against my estate and to agree to any rescission or modification of any contract or agreement.

(2) To retain any security or other property owned by me at the time of my death, so long as such retention appears advisable, and to exchange any such security or property for other securities or properties and to retain such items received in exchange. Any fiduciary may presume that I have confidence in the securities owned by me at the time of my death and, therefore, no sale thereof shall be made solely in order to diversify investments.

(3) To retain such property for any period, whether or not the same be of the character permissible for investments by fiduciaries under any applicable law, and without regard to any effect the retention may have upon the diversification of the investments.

(4) To sell, transfer, exchange, convert or otherwise dispose of, or grant options with respect to, any security or property, real or personal, held in my estate, at public or private sale, with or

without security, in such manner, at such time or times, for such purposes, for such prices and upon such terms, credits and conditions as the fiduciary may deem advisable.

(5) To invest and reinvest in common stocks, preferred stocks, bonds, options, securities and other property, real or personal, foreign or domestic, whether or not such investments be of the character permissible for investments by fiduciaries under any applicable law, and without regard to the effect any such investment or reinvestment may have upon the diversity of the investments.

(6) To render liquid my estate, in whole or in part, at any time, or from time to time, and hold cash or readily marketable securities of little or no yield for such period as the fiduciary may deem advisable.

(7) To lease and sub-lease, and assign leases and approve assignments of leases, regardless of the term or duration of the lease.

(8) To join in or become a party to, or to oppose, any reorganization, readjustment, recapitalization, foreclosure, merger, voting trust, dissolution, consolidation or exchange, and to deposit any securities with any committee, depository or trustee, and to pay any and all fees, expenses and assessments incurred in connection therewith, and to charge the same to principal; to exercise conversion, subscription or other rights, and to make any necessary payments in connection therewith, or to sell any such privileges.

(9) To vote in person at meetings of stock or security holders, or any adjournment of such meetings, or to vote by general or limited proxy, or to refrain from voting, with respect to any such shares of stock or other securities held by the fiduciary.

(10) To hold securities in the name of a nominee without indicating the trust character of such holding, or unregistered, or in such form as will pass by delivery.

(11) To pay, compromise, compound, adjust, submit to arbitration, sell or release any claims or demands, and to make any payments in connection therewith.

(12) To borrow money for any purpose from any source, and to secure the repayment of any and all amounts so borrowed by mortgage or pledge of any property.

(13) To possess, manage, insure against loss by fire or other casualties, develop, subdivide, control, partition, mortgage, lease or otherwise deal with any and all real property; to satisfy and discharge or extend the term of any mortgage thereon; to execute the necessary instruments and covenants to effectuate the foregoing powers, including the giving or granting of options in connection therewith; to make improvements, structural or otherwise, or abandon the same if deemed to be worthless or not of sufficient value to warrant keeping or protecting and to pay or refrain from paying assessments and expenses of whatever nature as may be advisable under the circumstances.

(14) To make distributions in kind, and to cause any share to be composed of cash, property or undivided fractional shares in property different in kind from any other share.

(15) To (A) conduct environmental assessments, audits, and site monitoring to determine compliance with any environmental law or regulation thereunder; (B) take all appropriate remedial action

to contain, clean up or remove any environmental hazard including a spill, release, discharge or contamination, either on its own accord or in response to an actual or threatened violation of any environmental law or regulation thereunder; (C) institute legal proceedings concerning environmental hazards or contest or settle legal proceedings brought by any local, state, or federal agency concerned with environmental compliance, or by a private litigant; (D) comply with any local, state or federal agency order or court order directing an assessment, abatement or cleanup of any environmental hazards; and (E) employ agents, consultants and legal counsel to assist or perform the above undertakings or actions. Any expenses incurred by the fiduciary under this subparagraph may be charged against income or principal as the fiduciary shall determine.

(16) To disclaim any power granted hereby or by any other document, statute, or rule of law which, in the sole discretion of the fiduciary, may cause the fiduciary to incur personal liability under any environmental law.

(17) To allocate in the fiduciary's sole discretion, in whole or in part to principal and income, all receipts and disbursements for which no express provision is made hereunder, which allocation shall fully protect the fiduciary with respect to any action taken or payment made in reliance thereon; provided, however that any proceeds received by the fiduciary from any "retirement plan", meaning any qualified pension, profit sharing, stock bonus, Keogh or other qualified plan, trust, contract, account, annuity, or bond, or individual retirement account, as those terms are defined in the Internal Revenue Code, or any non-qualified deferred compensation agreement, salary continuation agreement, or similar arrangement, shall be treated by the fiduciary as principal, except that any income earned within the retirement plan from such proceeds as a result of an installment or similar election or any other deferral of payment of the retirement plan's proceeds to the fiduciary shall be treated by the fiduciary as income when received.

(18) To file any and all tax returns, both Federal and State, that may be required, and to make such elections and allocations under the tax laws permitted to be made by the fiduciary as the fiduciary considers advisable (whether or not the election relates to property passing under this Will), without regard to, or adjustments between principal and income or the relative interests of the beneficiaries, and any such determination shall be binding on all beneficiaries. In furtherance of the foregoing, I specifically authorize my Personal Representative, in the Personal Representative's sole discretion (a) to make such elections (or to decline to make such elections) under the tax laws as my Personal Representative deems advisable, including an election to create qualified terminable interest property for both estate and generation-skipping tax purposes or for estate tax purposes alone, and (b) to allocate the unused portion, if any, of my GST exemption (as defined in this paragraph) to any property with respect to which I am the transferor for generation-skipping tax purposes (irrespective of whether such property passes under this Will) in such manner as my Personal Representative deems advisable, in each case without regard to the relative interests of the beneficiaries; however, my Personal Representative shall not make adjustments between principal and income, or in the interests of the beneficiaries, to compensate for the effects of such

elections and allocation. Any decision made by my Personal Representative with respect to the exercise or nonexercise of any tax election or the allocation of my GST exemption shall be binding and conclusive on all persons. As used in this paragraph, the "GST Exemption" means the exemption from generation-skipping tax allowed under Section 2631 of the Internal Revenue Code.

(19) To employ and to pay reasonable compensation to legal counsel, accountants, investment advisers, brokers and other agents or employees (including, without limitation, any person who may be serving as a fiduciary hereunder), and to treat as an expense of my estate or any trust hereunder any compensation so paid.

(20) To execute and deliver any and all instruments in writing which are deemed advisable to carry out any of the foregoing powers. No party to any such instrument in writing signed by fiduciary shall be obliged to inquire into its validity.

(b) No fiduciary shall be liable for any loss or depreciation in value sustained by my estate or any trust hereunder by reason of the fiduciary's compliance or efforts to comply with any environmental law, specifically including any reporting requirement under such law, or as a result of the fiduciary retaining any property upon which there is later discovered to be hazardous materials or substances requiring remedial action pursuant to any federal, state, or local environmental law, unless the fiduciary contributed to the loss or depreciation in value through willful default, willful misconduct, or gross negligence.

(c) No fiduciary, in such fiduciary's individual capacity, shall be considered an owner or operator of any property of my estate or any trust hereunder for purposes of any environmental law.

(d) Notwithstanding any contrary provision of this instrument, to the maximum extent permitted by law, the fiduciary may withhold a distribution to a beneficiary from my estate or a trust hereunder until receiving from the beneficiary an indemnification agreement in a form satisfactory to the fiduciary in which the beneficiary agrees to indemnify the fiduciary against any claims filed against the fiduciary as an "owner" or "operator" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as from time to time amended, or any regulation thereunder; provided further that the fiduciary may not take any action under this paragraph which would in any way jeopardize any marital deduction available under federal or state law for property passing to or for the benefit of my spouse.

(e) No person paying money or delivering property to any fiduciary hereunder shall be required or privileged to see to its application. The certificate of the fiduciary that the fiduciary is acting in compliance with this instrument shall fully protect all persons dealing with a fiduciary.

(f) Notwithstanding anything contained herein to the contrary, any power, duty or discretionary authority granted to the fiduciaries hereunder shall be void to the extent that either the right to exercise or the exercise thereof shall in any way jeopardize or cause my estate to lose all or any part of the tax benefit afforded my estate by the marital deduction under either federal or state laws.

(g) Any fiduciary shall exercise all rights, powers, duties and discretions in a fiduciary capacity, and in no event shall any fiduciary have the authority to discharge any legal obligation of support of the

fiduciary, nor to exercise any right, power, duty or discretion in such a manner that such fiduciary authority would cause the assets subject to such authority to be included in the estate of the Trustee for federal estate tax purposes.

ITEM TEN

(a) Throughout this Will the masculine gender shall be deemed to include the feminine and neuter genders, and vice versa, and the singular number shall include the plural number, and vice versa, where applicable.

(b) Any reference in this Will to the Internal Revenue Code shall mean the Internal Revenue Code of 1986, as from time to time amended, and any reference in this Will to a section of the Internal Revenue Code shall be deemed to refer to that section of the Internal Revenue Code of 1986 as in effect on the date of this Will, or corresponding provisions of any subsequent federal tax laws that shall be in effect at the relevant time.

(c) For purposes of determining who is a descendant of mine or of any other person designated herein, legal adoption before the person adopted reached the age of twenty-one (21) years shall be equivalent in all respects to blood relationship.

(d) If any trust created hereunder shall violate any applicable rule against perpetuities, accumulations or any similar rule or law, my Trustee is hereby directed to terminate such trust on the date limited by such rule or law; and thereupon the property held in such trust shall be distributed to the persons then entitled to share such income, notwithstanding any provision of this Will to the contrary.

(e) No fiduciary herein shall be required to post any bond, file any inventory, or account to any court for the performance of fiduciary duties.

(f) To the extent not contrary to law, it is my intention that the benefits to which my surviving spouse or children may become entitled to under this Will are in lieu of, and not in addition to, any rights such persons may have under any homestead, family or exempt property allowance or similar statute or rule, provided, however, that this general intention should be disregarded to the extent such intent would be to the detriment of such persons or any beneficiary of my estate and in favor of creditors of my estate.

(g) Any property, or portion thereof, distributable to a Trustee of a trust identified in this Will, which trust pursuant to its terms would immediately distribute such property upon its receipt, may be distributed directly to the beneficiary of the trust in order to avoid the needless transfer of property to the Trustee as a preliminary step to the distribution to the beneficiary.

(h) Applicable to each trust held under this Will and to the extent permitted by law, no power of appointment shall be subject to involuntary exercise, and no beneficiary shall have the right or power to anticipate, by assignment or otherwise, any income or principal payable, or to become payable, to the beneficiary, nor, in advance of actually receiving the same, have the right or power to sell, transfer,

encumber or in any wise charge same; nor shall such income or principal, or any portion of the same, be subject, in any manner, to anticipation, alienation, assignment, pledge, execution, garnishment, attachment, insolvency, bankruptcy or other legal proceeding of any character or to interference or control by creditors or others, or legal sequestration, levy, sale or transfer, or in any event or manner be applicable or subject, voluntarily or involuntarily, to the payment of such beneficiary's debts, including, without limitation, claims for alimony or support; provided, however, that nothing in this paragraph shall in any way impair, or be applicable to the extent that the same may jeopardize, any marital deduction available under federal or state law for property passing to or for the benefit of my spouse.

(i) Any trust created hereunder may, but need not be, terminated in the sole discretion of the Trustee when the income of such trust shall become too low to cover all fees and expenses of administration and also to yield a reasonable return to the beneficiaries. In such event, the Trustee shall distribute the assets thereof in the Trustee's possession to the then current beneficiary or beneficiaries of the income and, if more than one beneficiary is so entitled, in the proportions in which they are beneficiaries. If any such beneficiary shall be a minor at the date of such distribution, then his or her share of such trust shall be paid to a parent or relative of such beneficiary as custodian under the Alabama Uniform Transfers to Minors Act.

ITEM ELEVEN

If any beneficiary of my estate or of any trust created hereunder shall be a minor, or under any legal disability, or, in the sole judgment of the Trustee or Personal Representative, shall otherwise be unable to apply the proceeds of his or her trust or share of my estate to his or her own best interests and advantage, the Trustee or Personal Representative may, in such Trustee's or Personal Representative's sole discretion, pay or apply income or principal which the Trustee or Personal Representative is authorized or directed to pay to or for the benefit of such beneficiary in any one or more of the following ways:

- (1) directly to such beneficiary;
- (2) to the legal guardian, conservator, or custodian of such beneficiary for the use and benefit of such beneficiary;
- (3) to a relative of such beneficiary to be expended by such relative for the benefit of such beneficiary; or
- (4) by the Personal Representative or Trustee expending any such income or principal for the benefit of such beneficiary.

IN WITNESS WHEREOF, I, WILBUR G. SILBERMAN, have hereunto set my hand and seal this

7th day of March, 2003.

Wilbur G. Silberman
WILBUR G. SILBERMAN - TESTATOR

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Shelby Cnty Judge of Probate, AL
06/19/2008 11:14:53AM FILED/CERT

I, WILBUR G. SILBERMAN, the Testator, sign my name to this instrument this 7th day of March, 2003, 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, and 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.

Wilbur G. Silberman
WILBUR G. SILBERMAN - TESTATOR

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 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 (19) years of age or older, of sound mind, and under no constraint or undue influence.

Rebecca A. Ward
Witness

Rebecca A. Ward
Witness

A. J. Beck
Witness

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Subscribed, sworn to and acknowledged before me by WILBUR G. SILBERMAN, the Testator, and subscribed and sworn to before me by Robert F. Doyle and A. J. Beck, witnesses, this 7th day of March, 2003

Cynthia Rachelle Woodman
Notary Public
(Official Capacity of Officer) Commission Expires: 10/27/06

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March 7, 2003
Wsf

FIRST CODICIL
TO
LAST WILL AND TESTAMENT
OF
WILBUR G. SILBERMAN

182193

I, WILBUR G. SILBERMAN, of Jefferson County, Alabama, being over nineteen years of age and of sound mind and disposing memory, do hereby make, publish and declare this to be the First Codicil to the Last Will and Testament executed by me on the 7th day of March, 2003, in the presence of Robert F. Doyle, Rebecca A. Ward, and A.J. Beck, and notarized by Cynthia R. Woodham.

FIRST: I hereby amend my said Last Will and Testament by deleting ITEM THREE thereof in its entirety and substituting the following new ITEM THREE in lieu thereof:

"ITEM THREE

(a) I hereby give devise and bequeath, to my very good friend, Phoebe Cotton of Birmingham, Alabama, any and all of my frequent flyer air points by whatever designation that they may be known, if they are transferrable at my death and in particular I give devise and bequeath to Phoebe Cotton the Delta Airlines Frequent Flyer Points which I have specifically been advised are transferrable upon my death.

(b) I give and bequeath, in fee, all the remaining tangible personal property owned by me at the time of my death, including, but not limited to, furniture, furnishings, rugs, pictures, books, silver pieces, silverplate, linen, china, glassware, objects of art, wearing apparel, jewelry and automobiles, (but specifically excluding cash on hand or on deposit, securities, frequent flyer points, or other intangibles), to my children who survive me, in equal shares, or, if only one child of mine shall survive me, to such surviving child solely; provided, however, if any child of mine shall predecease me, but there shall be any descendant of such deceased child who shall survive me, then I give and bequeath, in fee, the share which such deceased child would otherwise have received hereunder if he or she had survived me to such deceased child's descendants who survive me, per stirpes. The property disposed of by this Paragraph (b) shall be divided among the beneficiaries entitled thereto, if more than one, by my Personal Representative, in the Personal Representative's absolute discretion, in portions as nearly equal to the shares to which such beneficiaries shall be entitled as may be practicable, having due regard for the preferences of such beneficiaries. In the event none of such beneficiaries survive me, this bequest shall lapse and shall pass as part of my residuary estate.

(c) If any beneficiary entitled to a share of the property disposed of by this ITEM shall be under the age of nineteen (19) years at the time of my death, I authorize the Personal Representative, in the Personal Representative's absolute discretion, and in any case, without requiring bond, either to:

- (1) Retain for such beneficiary all or any part of such beneficiary's share of said property until such beneficiary attains the age of nineteen (19) years; or
- (2) 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 personal

Representative for the benefit of such beneficiary.

Upon making any payment or transfer hereunder, my Personal Representative shall be discharged as to such payment or transfer without liability for the subsequent application thereof."

SECOND: In all other respects, I hereby ratify and confirm my said Last Will and Testament hereinabove described insofar as it is not in conflict with this Codicil and do republish the same as herein and hereby amended as of this date.

IN WITNESS WHEREOF, I, WILBUR G. SILBERMAN, have hereunto set my hand and seal to this First Codicil to my Last Will and Testament dated March 7, 2003, on this the 5th day of June, 2003.

Wilbur G. Silberman

WILBUR G. SILBERMAN - TESTATOR

I, WILBUR G. SILBERMAN, the Testator, sign my name to this instrument this 5th day of June, 2003, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as the First Codicil to my Last Will and Testament and that I sign it willingly, and 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.

Wilbur G. Silberman

WILBUR G. SILBERMAN - TESTATOR

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 the First Codicil to his Last Will and Testament and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this Codicil 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.

Alan K. Wiggins

Witness

Grady F.W. Barbour

Witness

Robert F. Childs

Witness

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Subscribed, sworn to and acknowledged before me by WILBUR G. SILBERMAN, the Testator, and subscribed and sworn to before me by *Alan K. Wiggins*, *Grady F.W. Barbour*, and *Robert F. Childs*, witnesses, this 5th day of June, 2003.

[Signature]

Notary Public

(Official Capacity of Officer)

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 24, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

CERTIFICATE TO COPIES

PROBATE - 67

The State of Alabama
JEFFERSON COUNTY

PROBATE COURT

I, WANDA L. MCDANIEL, 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 FIRST CODICIL TO THE LAST WILL AND TESTAMENT

in the matter of THE ESTATE OF WILBUR G. SILBERMAN

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

Given under my hand and seal of said Court, this

the 18TH day of JUNE, 20 08

Wanda L. McDaniel

Chief Clerk