


**LAST WILL & TESTAMENT**  
**OF**  
**ROLAND O'NEAL HINES**

STATE OF ALABAMA  
COUNTY OF SHELBY

  
20100129000028280 1/5 \$23.00  
Shelby Cnty Judge of Probate, AL  
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I, **ROLAND O'NEAL HINES**, a citizen of the United States of America, a resident of Shelby County, Alabama, being of sound mind and disposing memory, and over the age of nineteen (19) years with the knowledge of the uncertainty of life, do hereby make, publish and declare this my Last Will and Testament, hereby revoking any and all other wills and codicils heretofore made by me.

Article I

Appointment of Fiduciaries

(A) I appoint my beloved daughter, **DEBORA LOUISE HINES DAVIS**, Executrix of this my last will and testament. If my daughter is unable to serve, unwilling to serve, predeceases me, dies with me in a common disaster or dies within sixty days after my death, I appoint my beloved son-in-law, **STANLEY DAVID DAVIS**, to serve as Executrix instead.

(B) It is my will and desire that my Executrix/Executor, regardless of which of those named above shall so serve, shall not be required to give any bond or security for the performance of her/his duties as such Executrix/Executor, or to account to any court for her/his acts and doings as such Executrix/Executor, and that she/he is hereby expressly exempted from filing an inventory or making any report of final settlement of my estate. Said Executrix/Executor shall have full power, without the necessity for any order from any court, to sell (for payment of debts and all other purposes), exchange, convey, lease, invest, reinvest, mortgage or encumber all or any portion of my estate in such manner and upon such terms and conditions as she/he may approve. Hereafter the use of the word Executrix shall refer to the person serving as primary Executor or Executrix or alternate Executor or Executrix hereunder.

It is my will and desire and I do hereby grant unto my Executrix full power and authority to manage and control my estate, and to sell, exchange, lease for terms extending beyond the termination of the administration of my estate or otherwise, grant options, rent, assign, transfer,

or otherwise dispose of all or any part of my estate, upon such terms and conditions as she may see fit. It is my intention to grant unto my Executrix full power and authority to do and perform any and all these things that I could do, if living, in and about the handling, management, administration, division and/or distribution of the property including the proceeds of the sale of property, constituting a part of my estate. In vesting my Executrix with this authority, it is my further intention to promote the efficient and harmonious administration, settlement and distribution of my estate. On distribution of my estate my Executrix shall have full power and authority, in her sole discretion, to distribute property in kind or in cash, or partly in kind and partly in cash. If distribution be made in kind my Executrix shall consider the expressed preference of my devisees and beneficiaries, but my Executrix shall have the sole responsibility and authority to make the determination in this regard.

Notwithstanding any law to the contrary, I hereby declare that the power and authority granted to my Executrix herein shall include, but shall not be limited to, the exercise of such power for the purpose of managing, controlling, administering, dividing, distributing and/or settling my estate, or for any other purpose determined by my Executrix to be convenient and/or desirable.

## Article II

### Payment of Debts

I will and direct that my just debts and funeral expenses be paid as soon after my decease as is convenient.

## Article III

### Disposition of Property

I will, give, devise, and bequeath all of my property and estate, of every kind and character, real, personal, or mixed, wheresoever situated, of which I may die seized and possessed or to which I may be entitled at the time of my decease, to my beloved daughter, **DEBORA LOUISE HINES DAVIS**, and her husband, **STANLEY DAVID DAVIS**, jointly for life and to the survivor of them, absolutely, to have and to hold, in fee simple forever.

## Article IV

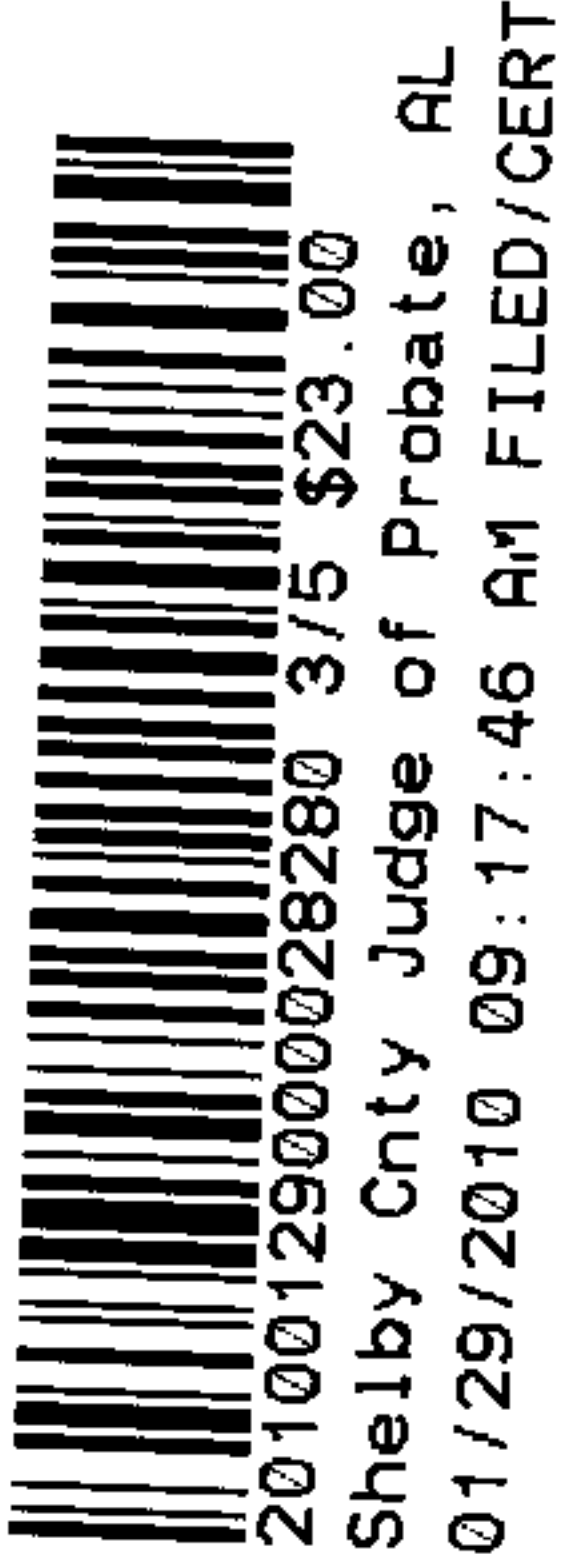
### Powers of Fiduciaries

I give my executrix the following powers, which are to be construed in the broadest manner consistent with validity and with her duties as a fiduciary. I give the powers stated here in addition to those granted by law and in addition to those powers previously stated in Article I, to the fiduciaries I have appointed in Article I. These powers are:



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1. to take possession of property and to segregate it;
2. to retain and to invest in property, or in an undivided interest in property, including residential real estate, for any period, whether or not the property is of the character permissible for investment by fiduciaries;
3. to sell, exchange, lease, rent, mortgage, pledge, give options upon, and partition real or personal property, at private or public sale, for cash or upon whatever terms the fiduciary finds advisable, without notice or order of court;
4. to render liquid the property held by the fiduciary, in whole or in part, and to hold cash or readily marketable securities of little or no yield for such period as the fiduciary finds advisable;
5. to borrow, upon whatever terms the fiduciary finds advisable, for the purpose of protecting or improving property held by the fiduciary;
6. to pay, compromise, settle, renew, or abandon claims held by the fiduciary and claims asserted against the fiduciary, on whatever terms the fiduciary finds advisable, without court authority;
7. to distribute in cash or in kind, in divided or undivided interests, notwithstanding the fact that distributive shares may as a result be composed differently;
8. to employ attorneys, accountants, investment advisors and other professional assistants;
9. to enter into transactions with other fiduciaries including executors or trustees of estates and trusts in which the beneficiaries have an interest, and including this fiduciary when the fiduciary also acts for other estates and trusts;
10. to pay reasonable compensation for the fiduciary's own advices.

## Article V

### Anti-Lapse Clause

In the event that any beneficiary under this my Last Will and Testament should predecease me, it is not my will and desire that the legacy to such beneficiary lapse. Therefore, unless I have made specific contrary provision herein for that eventuality, then it is my will and desire, and I hereby give, devise and bequeath the portion of my estate that such deceased beneficiary would have received, if living, to the descendant or descendants of such deceased beneficiary, to share *per stirpes* and not *per capita*. In the event that such deceased beneficiary should not leave a descendant surviving, then such portion shall go and pass to the person or

persons who constitute the heirs at law of such deceased beneficiary under the former law of descent and distribution in Alabama, as the same existed immediately before the enactment of the 1980 amendment to said law, Acts 1980 No. 80-764.

## Article VI

### Non-Omission

I have not omitted anyone from the provisions of this Will through oversight; to the contrary, I hereby declare that I have carefully considered all of my relations and all relevant circumstances in the ordering of my affairs as I am doing in this, my Last Will and Testament.

## Article VII


### Definitions

Throughout this Will the masculine gender shall be deemed to include the feminine, and the singular to include the plural, and vice versa. Likewise, where the context so permits, the term "Executrix" shall mean any person or entity serving in that capacity, without regard to gender.

I, **ROLAND O'NEAL HINES**, the testator, sign my name to this instrument this 12 day of JANUARY, <sup>2010</sup>~~2009~~, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am nineteen (19) years of age or older, of sound mind, and under no constraint or undue influence.

Roland O'Neal Hines  
**ROLAND O'NEAL HINES**

We, Jeffrey G. Hotz and Donald R. Smith, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator, **ROLAND O'NEAL HINES**, 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 witnesses 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

  
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Witness

2163 Pellham Pkwy Suite 211

Address

Pelham, AL 35124

Witness

2163 Pellham Pkwy suite 212

Address

STATE OF ALABAMA

COUNTY OF Shelby )

Subscribed, sworn to and acknowledged before me by **ROLAND O'NEAL HINES**, the testator and subscribed and sworn to before me by Jeffrey G. Hester and Donald D. Kountz, the aforesaid witnesses, this 12<sup>th</sup> day of

January ~~2009~~ 2010 JEH RKH

Notary Public

My Commission expires: \_\_\_\_\_

[SEAL]

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Oct 15, 2011  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



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