



20111011000300900 1/9 \$15.00

Shelby Cnty Judge of Probate, AL

10/11/2011 08:36:02 AM FILED/CERT

CERTIFICATION OF TRUST

On February 2, 2004, JAMES JOSEPH DOGNIBENE established the JAMES MICHAEL AUSTIN DOGNIBENE HEARD TRUST, under the terms of his last will and testament, and MIKE ANTHONY HEARD and JOANNA MITCHELL HEARD are the duly acting and qualified Trustees of the Trust.

The Trustees of that Trust hereby certifies that the following constitutes a true and correct certification of that Trust Agreement and may be relied upon by anyone dealing with the original Trustees or their successors, as provided in Section 736.1017 of the Florida Statutes.

(1) The Trustee hereby confirms that the Trust exists, and was executed on February 2, 2004. The Trust was a testamentary trust that came into existence and was funded as a result of the death of JAMES JOSEPH DOGNIBENE on May 6, 2011.

(2) The Grantor of the Trust is JAMES JOSEPH DOGNIBENE.

(3) The current Trustees are MIKE ANTHONY HEARD and JOANNA MITCHELL HEARD, whose address is 69 Paradise Point Lane, Santa Rosa Beach, Florida 32459.

(4) The powers of the Trustee are as shown on the attached Schedule A.

(5) The Trust is irrevocable, and no one has the power to revoke the Trust.

(6) The Co-Trustees have the authority to sign this certificate, and two signatures are required to exercise powers of the Trustees.

(7) The title to Trust property is taken in the name of JAMES MICHAEL AUSTIN DOGNIBENE HEARD TRUST.

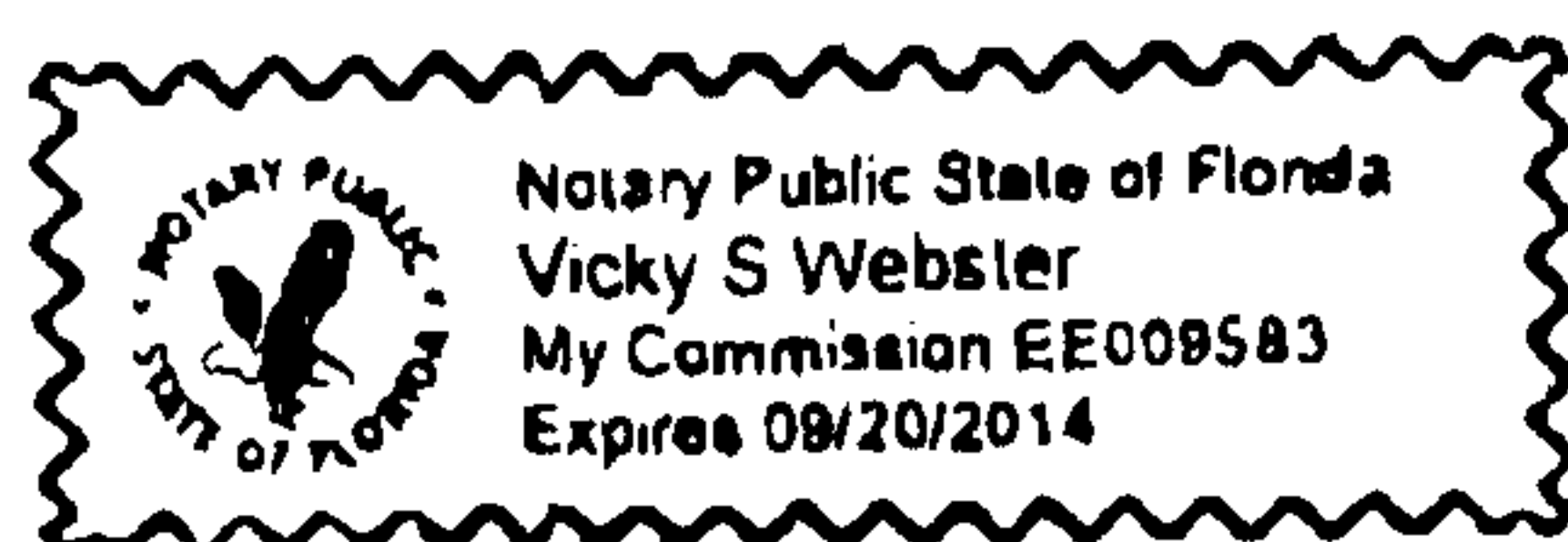
The Trustee confirms that the Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certification of Trust to be incorrect.

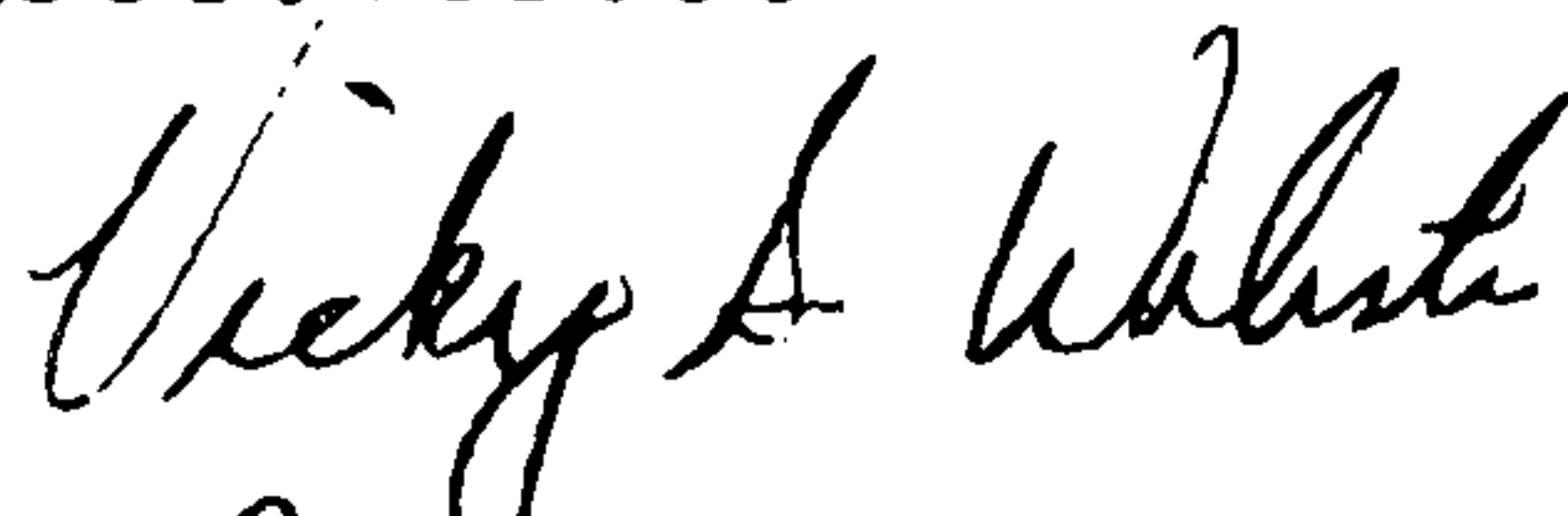
Dated October 6, 2011.

TRUSTEE:


MIKE ANTHONY HEARD


JOANNA MITCHELL HEARD




Oct. 6, 2011

State of Alabama
County of Shelby

The foregoing instrument was acknowledged before me on October 7, 2011 by Mike
Anthony Heard.



Notary Public
Alabama State At Large

My Commission Expires: 12/28/14



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Last Will and Testament

OF

JAMES JOSEPH DOGNIBENE

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STATE OF ALABAMA

JEFFERSON COUNTY

I, **James Joseph Dognibene**, a resident of Jefferson County, Alabama and over the age of twenty-one years, being of sound mind and disposing memory, and under no undue influence or restraint whatsoever, and desiring to make such disposition of all my estate as I see fit, do hereby make, publish and declare this my Last Will and Testament, hereby revoking any and all former wills heretofore made by me.

ITEM ONE

I direct that all of my just debts, including the expenses of my last illness and funeral, shall be paid out of my estate by my executors hereinafter named, as soon after my death as may be practicable.

ITEM TWO

I give, devise and bequeath to my wife, **Peggy J. Dognibene**, a life estate in my real property located at 429 Lemuel Drive, Birmingham, Alabama, 35214.

ITEM THREE

I give and bequeath any belongings or personal property that I own at the time of my death that formerly belonged to Sara Elizabeth Payne to my niece, **Renita Ray Stegall** and her granddaughter, to be theirs absolutely and in fee simple.

ITEM FOUR

I give and bequeath to my niece, **Renita Ray Stegall**, the relief of the last supper by Salvador Dali, the two paintings, The Last Words of Virgil and The Cross of St. John, by Salvadore Dali, the Icons transfiguration and Christ with Arch Angels, Gaberiel and Michael, by Lillie Trudy Instrum, to be hers absolutely and in fee simple.

FILED
CLERK OF COURTS
WALTON COUNTY, FLORIDA
2011 AUG 18 AM 11:05



CERTIFIED A TRUE COPY

OCT 5 2011


MARTHA INGLE, CLERK

CIRCUIT COURT - COUNTY COURTS

WALTON COUNTY, FLORIDA

BY: [Signature]

DEPUTY CLERK



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LAST WILL AND TESTAMENT**PAGE TWO****ITEM FIVE**

I give, devise and bequeath to my children, **Dianna Maria Dognibene and James Jonathan Dognibene**, and my grandson, **James Michael Austin Dognibene Heard**, all the rest, residue and remainder of my estate, of whatever kind and wherever situated, real, personal and mixed, which I may own at my death or to which my estate may thereafter become entitled, to be theirs absolutely and in fee simple, to be divided equally, one third each. If any of the beneficiaries named in this will predecease me, then I give, devise and bequeath the share which such deceased child or grandchild would have received under this Item to the surviving beneficiary named in this paragraph. However if either of my children are under the age of fifty (50) years at my death Item Six shall apply and if my grandson named in this item is under the age of forty (40) years at my death, Item Seven shall apply.

ITEM SIX

In the event that either of my beloved children, **Dianna Maria Dognibene and James Jonathan Dognibene**, have not attained the age of fifty (50) years at the time of my death, I give, bequeath and devise unto the Trustee hereinafter named the share to which said child would be entitled if he or she had attained the age of fifty (50) years at the time of death, to be held in trust for the use and benefit of said child until he or she shall attain the age of fifty (50) years, or until he or she dies, or until his or her share is exhausted, whichever first occurs for distribution on the following terms and condition. The Trustee shall apportion this trust into so many equal parts that there will be one share for each of the children whose portion of my estate is included in this Trust. During such period, the Trustee may pay or apply to or for the benefit of each such child the sum of Three hundred Dollars (\$300.00) per month out of income or principal of such share as the Trustee, in his sole discretion, shall determine to be necessary, proper or desirable for the health, support and maintenance and education of such child.

Upon each such child's attainment of the age of fifty (50) years, the trustee shall convey,



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assign, transfer, pay or apply to or for the benefit of each such child, free from trust, his or her entire share, including any and all accumulations, and the trust for such respective child shall thereupon be terminated.

If any of said children, having survived me, shall die before attaining the age of fifty years, the entire remaining share of such child shall be paid or distributed absolutely to his or her descendants living at the time of distribution, in equal shares, per stirpes, or if there are none, then to my descendants then living in equal shares, per stirpes; provided, however, that if any such descendants of mine shall then have other property in trust for him or her under any provision of this will, then his or her portion of the share of such child so dying shall be added to, merged in, administered and disposed of like other property so held in trust for him or her.

ITEM SEVEN

ADD
In the event that my grandson, **James Michael Austin Dognibene Heard**, has not attained the age of forty (40) years at the time of my death, I give, bequeath and devise unto the Trustee hereinafter named the share to which said grandson would be entitled if he had attained the age of forty (40) years at the time of death, to be held in trust for the use and benefit of said grandson until he shall attain the age of forty (40) years, or until he dies, or until his share is exhausted, whichever first occurs. During such period, the Trustee may pay or apply to or for the benefit of such grandson the sum of Three hundred Dollars (\$300.00) per month out of income or principal of such share as the Trustee, in his sole discretion, shall determine to be necessary, proper or desirable for the health, support and maintenance and education of such grandson. Upon such grandson's attainment of the age of forty (40) years, the trustee shall convey, assign, transfer, pay or apply to or for the benefit of my grandson free from trust, his entire share, including any and all accumulations, and the trust for such respective grandson shall thereupon be terminated.



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ITEM EIGHT

In the event the trust as provided for in Item Six above is necessary at my death, I appoint **Renita Ray Stegall**, to act as trustee for said trust for **Dianna Maria Dognibene and James Jonathan Dognibene**. Said trustee to serve without bond. In the event that for any reason whatsoever she shall fail to qualify or cease to act as such trustee, I nominate, constitute and appoint **Robert Ryan Ray** as successor trustee, with the same powers and exemptions as stated above for my trust.

ITEM NINE

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 children or grandson. In such event, the trustee shall distribute the assets thereof in his possession to the then current child, children or grandson of the testator and if more than one child is so entitled, in the proportions in which they are beneficiaries.

ITEM TEN

In the event the trust as provided for in Item Seven above is necessary at my death, I appoint **Mike Anthony Heard and/or Joanna Mitchell Heard**, to act as joint trustees for said trust for my grandson, **James Michael Austin Dognibene Heard**. Said trustees to serve without bond.

ITEM ELEVEN

JJD
I direct that the powers and duties herein shall apply to both my executor and my trustee, hereinafter referred to as Fiduciaries, and that each of them may exercise all discretions granted herein without order of any court.

(a) Said fiduciary shall not be required to post any bond, to file any inventory, or to account to any court for the performance of his duties in said capacity.

(b) Said fiduciary may, in his sole discretion, use funds on hand or borrow funds to pay all just debts and expenses

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(c) Said fiduciary shall have the power, in his sole discretion, to sell, mortgage, exchange, lease and otherwise dispose of all or any of the property in his possession or under his control.

(d) Said fiduciary shall have the powers to continue any business in which I may have an interest at the time of my death.

(e) Said fiduciary shall have the power and authority to institute and defend any lawsuit upon his determination that it is in the best interest of my estate.

(f) All decisions of my fiduciary in the preparation of state and federal income tax returns for the trust shall be binding on all beneficiaries entitled to inherit hereunder, notwithstanding that such decisions may differ from that which is finally determined by the federal or state taxing authorities or by the courts.

(g) Said fiduciary shall have the authority and power to compromise or acquiesce in any demands or assessments for state or federal income or estate tax, or may at his sole discretion, refuse to compromise or acquiesce in any said demands or assessments and appeal or defend against the same in any lawful manner.

(h) Upon a determination by my executor that my estate is solvent, or a determination by my trustee that it is necessary and desirable to give proper effect to the intent of this Will, said fiduciary shall have the power to advance to my beneficiaries hereunder, from the corpus of the property.

(i) Upon the distribution of any portion of my estate to any person entitled thereto, in fee simple, either upon the final settlement of my estate, or upon the termination of any trust provided for by this Will, I direct that said fiduciary shall have the sole discretion to equitable divide the available assets among the persons entitled thereto and said fiduciary's determination of the values of said assets and the division thereof shall be binding on all parties.

ITEM TWELVE

My executor, hereinafter named, shall have the power to hold and manage my property and such other property as may come into his hands with full power to sell, mortgage or



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LAST WILL AND TESTAMENT

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otherwise dispose of and to compromise any claims for or against my estate, power to collect income therefrom, and such powers shall be without order or supervision of the Probate Court or any other Court.

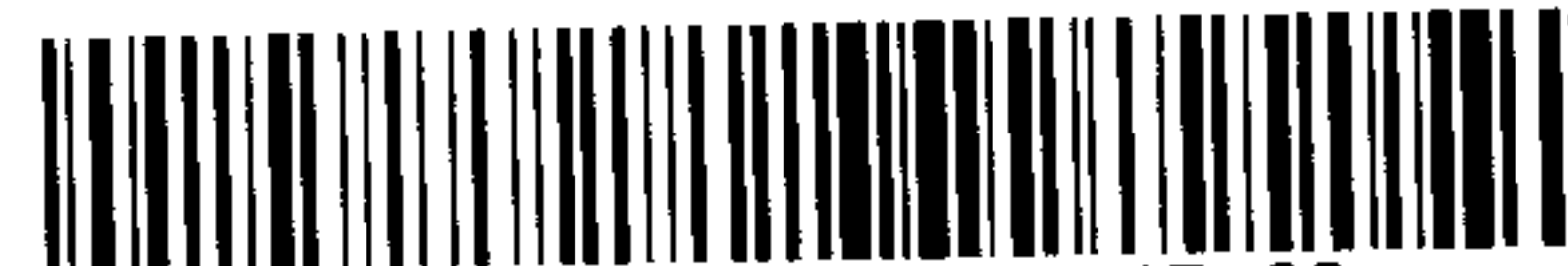
ITEM THIRTEEN

I hereby appoint **Ralph Vernon Ray**, as executor of my Last Will and Testament. I hereby exempt my executor from giving any bond and from filing any reports, inventories, final settlements and accounting in any court. In the event that for any reason whatsoever he shall fail to qualify or cease to act as such executor, I nominate, constitute and appoint **Charles Albert Jones**, as successor executor, with the same powers and exemptions as stated above for my executor.

ITEM FOURTEEN

If any devisee, legatee, or beneficiary under this will or any legal heir of mine or person claiming under any of them, shall contest this will or attack or seek to impair or invalidate any of its provisions, or conspire with or voluntarily assist anyone attempting to do any of these things, in that event I specifically disinherit each such person and all legacies, bequests, devisees and interests given under this will to that person shall be forfeited and shall augment proportionately the shares of my estate going under this will to or in trust for such of my devisees, legatees and beneficiaries as shall not have participated in such acts or proceedings. If all my devisees, legatees and beneficiaries shall participate in such proceedings, I give, devise and bequeath the whole of my estate to my heirs at law according to the law of succession of the State of Alabama then in force, excluding all contestants and all persons conspiring with or voluntarily assisting them.

IN WITNESS WHEREOF, I, **James Joseph Dognibene**, hereby subscribe my name and affix my seal to this my Last Will and Testament containing this and the preceding six pages on

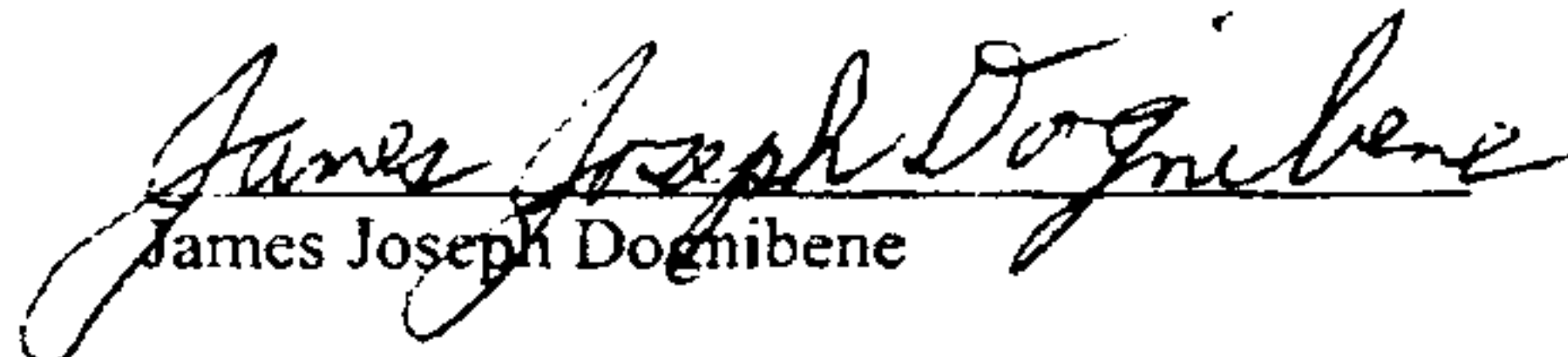


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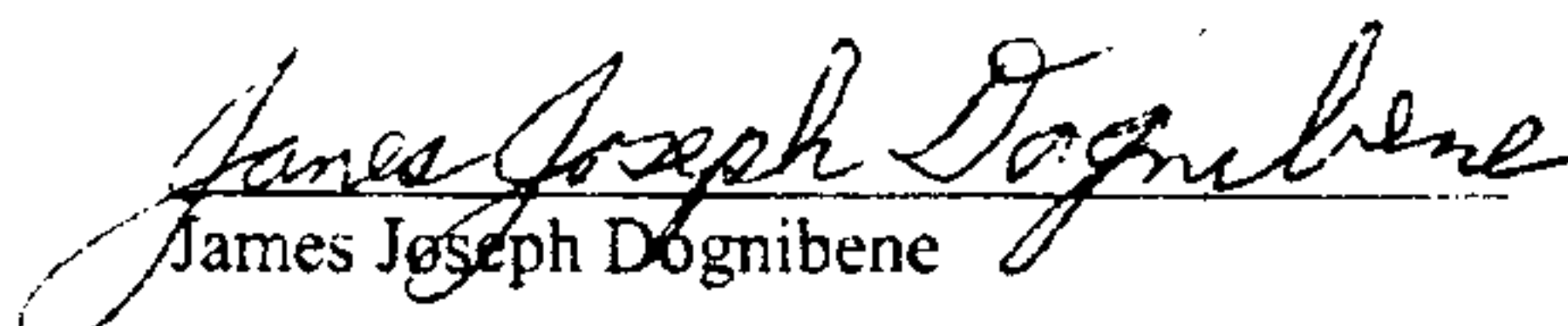
LAST WILL AND TESTAMENT

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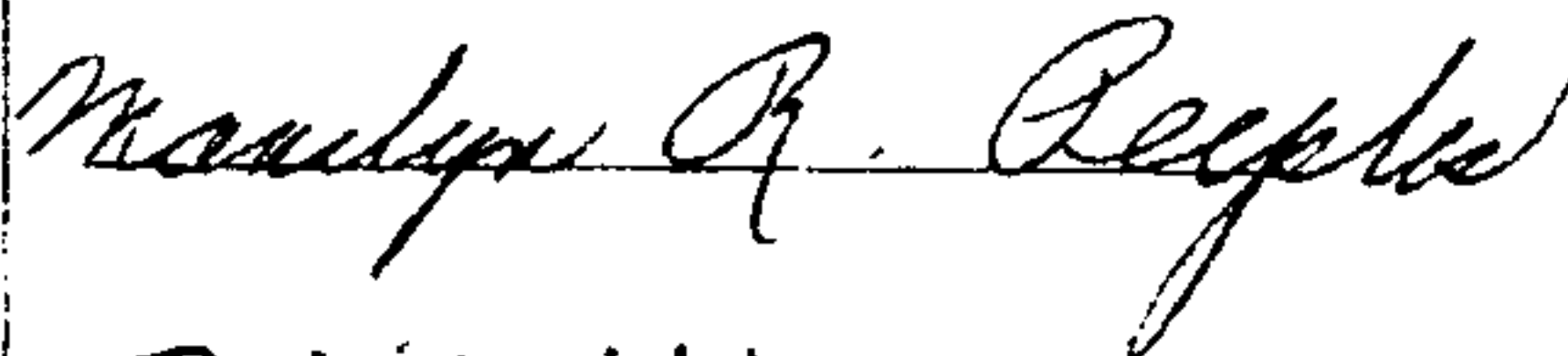
this the 2nd day of February, 2004.


James Joseph Dognibene

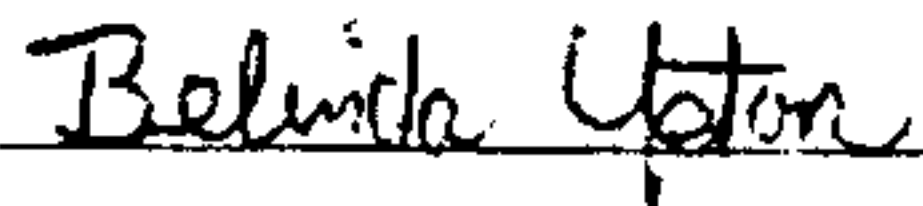
I, James Joseph Dognibene, sign my name to this instrument this 2nd day of February, 2004, and being first duly sworn do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and I sign it willingly (or willingly direct another to sign for me,) that I execute it as my free and voluntary act for the purposes therein expressed, and that I am twenty-one years of age or older, of sound mind, and under no constraint or undue influence.


James Joseph Dognibene

We, Marilyn R. Peebles and Belinda Upton, the 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 that he signs it willingly (or willingly directs another to sign for him), 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 twenty-one years of age or older, of sound mind, and under no constraint or undue influence.


Marilyn R. Peebles

1748 Pratt Highway
Birmingham, Alabama 35214

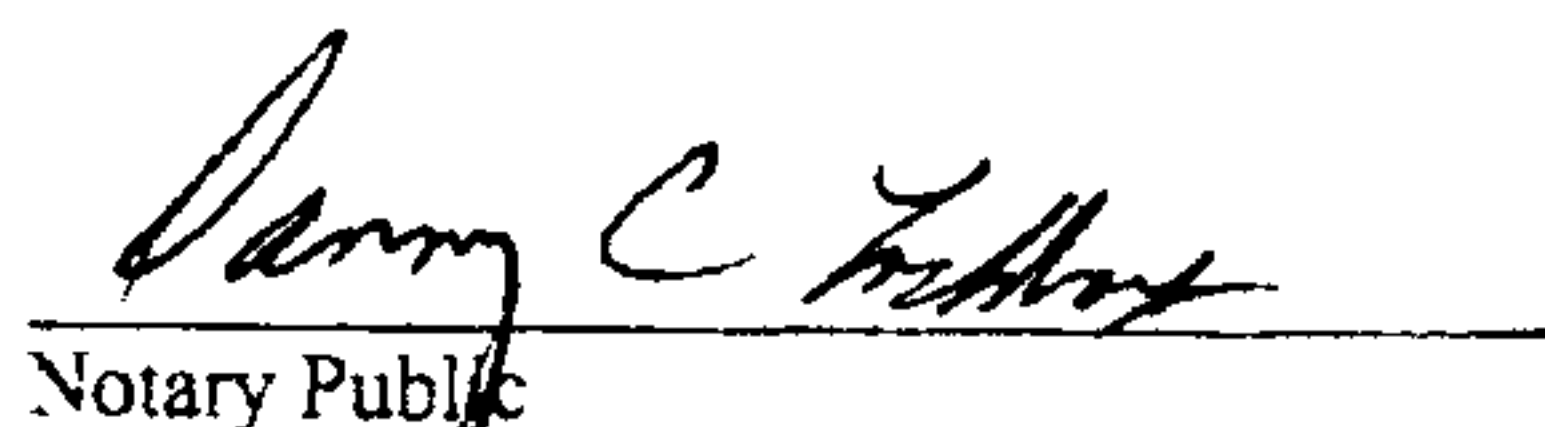

Belinda Upton

4748 Meadow Circle
Dora, Al. 35062

STATE OF ALABAMA

COUNTY OF JEFFERSON

Subscribed, sworn to and acknowledged before me by James Joseph Dognibene, the testator, and subscribed and sworn to before me by Marilyn R. Peebles and Belinda Upton, witnesses, this 2nd day of February, 2004.


Notary Public