

LAST WILL AND TESTAMENT

of

DONALD EUGENE SMITH

I, **DONALD EUGENE SMITH** domiciled in Shelby County, Alabama, being eighteen (18) years of age or older, being of sound and disposing mind and memory hereby make, publish and declare this instrument as and for my ***Last Will and Testament***, hereby revoking all prior wills and codicils, heretofore made by me.

ARTICLE ONE

Payment of Debts, Administration Fees and Taxes

As soon as practicable after my death, I direct my Executor to pay the following items out of my probate estate: (1) the expenses of my last illness; (2) my funeral and burial expenses, including the costs of any grave marker or tombstone; (3) the expenses of administering my estate, including the reasonable expenses of safekeeping and delivery of estate property; and (4) my debts, except such debts of mine secured by pledge, mortgage or other security interest not by their terms due at my death that my Executor may deem unnecessary or undesirable to pay.

I direct that all income tax imposed upon the income of my estate, or transfer, estate, inheritance, succession and other death taxes which shall become payable by reason of property passing under this Will at my death shall be paid as an administration expense, without apportionment, out of the balance of my probate estate as defined in the Code.

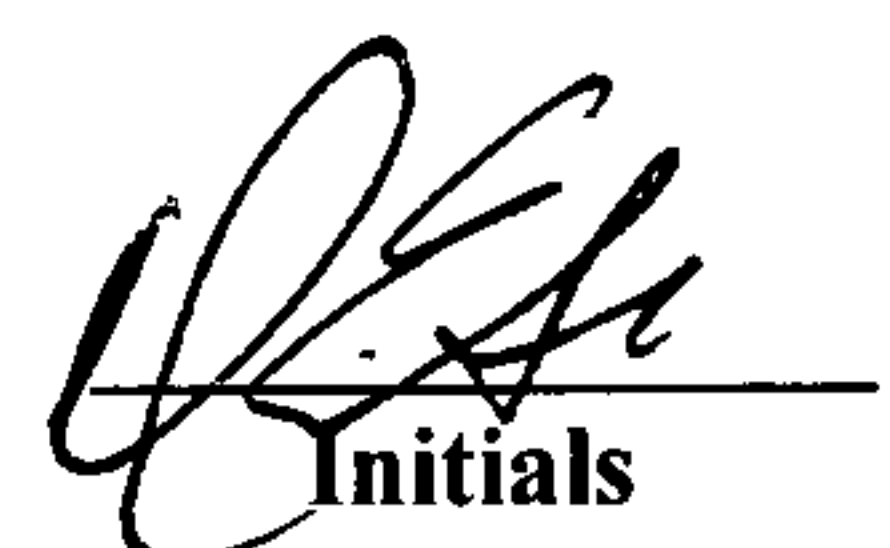
ARTICLE TWO

Specific Gifts of Personal Property

I hereby give, bequeath and devise the following items of personal property listed below as follows:

(A) To **GREGORY EUGENE SMITH**:

- (1) My men's largest yellow gold watch.
- (2) One yellow gold 1/3 carat men's diamond ring.


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- (3) Sage 7 1/2 foot fly rod and Orvis reel.
- (4) 22 pump rifle originally owned by Inez Roach.
- (5) One twelve gauge automatic shot gun. (Dad's)

- (B) To **CATHERINE ANN SMITH:**
 - (1) Lady's medium yellow gold watch.
- (C) To **SANDRA DAWN SMITH:**
 - (1) Lady's small yellow gold watch given to Donald E. Smith by his grandmother Mae Smith.
- (D) To **MORGAN TAYLOR SMITH SAWYER:**
 - (1) Gold Bulova watch – 50th Anniversary gift from wife.
- (E) To **DONALD ALEXANDER SMITH:**
 - (1) Gold wedding band and 1 fly rod and reel (chosen by his father – Gregory Eugene Smith).
- (F) To **RYAN GREGORY SMITH:**
 - (1) One fly rod (chosen by his father Gregory Eugene Smith).
- (G) To **WILLIAM GREGORY SMITH REED:**
 - (1) On black fiber glass fly rod & Phliger Reel, and 22 Bolt Rifle, fishing vest and all items within.
- (H) To **TYLER DOUGLAS SMITH SAWYER:**
 - (1) Gold Seiko 30th anniversary watch and 22 pump rifle (Savage)
- (I) To **MORGHIN LYNN NORTON AND OLVIA RILEY SAWYER:**
 - (1) The sum of \$1,000.00 (ONE THOUSAND DOLLARS) each invested in the care of CATHERINE ANN SMITH, Grandmother.

ARTICLE THREE

Specific Devise of Real Estate

I hereby give, bequeath, and devise the following real estate to my wife JUDITH ANN SMITH:

- (1) My homeplace known as 2065 Cahaba Crest Drive, Hoover, Alabama 35242.
- (2) 160 Acres near Sylvia Kansas, Reno County, Township 23, Range 10 West, Section 35.
- (3) 10 Acres property, St. Clair County, Ashville, Alabama
- (4) 3 Acres located at 110 Popular Spring Trail.

ARTICLE FOUR

Gift and Disposition of Residuary Estate

The rest, residue and remainder of my estate, including, but not limited to, (1) all interest in real property owned by me at the time of my death, (2) all monies, stocks, bonds, annuities, or other investments held by me or in my name at the time of my death, (3) all automobiles; (4) all items of personal property; (5) so much of my probate estate as shall not be required to be appropriated to the execution of all preceding provisions of this Will, including all lapsed bequests and devises hereinbefore made (collectively, such aforementioned items listed in each subsection shall constitute my "residuary estate") which remain after any expenses are paid in accordance with **ARTICLE ONE**, (6) and all property whatsoever kind and character and wheresoever located, I hereby give bequeath and devise unto my wife, **JUDITH ANN SMITH**.




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In the event my wife **JUDITH ANN SMITH** should predecease me, then in that event I give, bequeath and devise the rest, residue and remainder of my estate, including, but not limited to, (1) all interest in real property owned by me at the time of my death, (2) all monies, stocks, bonds, annuities, or other investments held by me or in my name at the time of my death, (3) all automobiles; (4) all items of personal property, (5) so much of my probate estate as shall not be required to be appropriated to the execution of all preceding provisions of this Will, including all lapsed bequests and devises hereinbefore made (collectively, such aforementioned items listed in each subsection shall constitute my "residuary estate") which remain after any expenses are paid in accordance with Article ONE, (6) and all property whatsoever kind and character and wheresoever located not specifically devised by the herein above Articles, I hereby give bequeath and devise in equal shares until my children **CATHERINE ANN SMITH, GREGORY EUGENE SMITH, AND SANDRA DAWN SMITH** to be theirs absolutely in fee simple.

ARTICLE FIVE

Appointment of Personal Representative

I appoint my son, **GREGORY EUGENE SMITH** to be my **Executor** of this my Last Will and Testament. I vest in my Executors (whether one or more) herein named full power and authority to handle the matters set forth in this Will as freely as I could act if I were living. Such power and authority may be exercised independently and without the prior of subsequent approval or any court or judicial authority. No one dealing with my Executor shall be required to inquire into the propriety of any action taken by my Executor. No Executor of mine shall be required (i) to make any bond for the faithful performance of any duties conferred upon such Executor by this Will or otherwise; or (ii) to make or file, for or in any court, any report, inventory, appraisal, settlement or accounting.

ARTICLE SIX

Definitions and Miscellaneous Items

In construing the provisions of this Will, including without limitation the terms of any trust created hereunder, the following principles and terms shall be applicable:

- (a) The benefits provided under this Will for my named beneficiaries or issue are in lieu and in bar of all other rights, interests and claims against my estate, regardless of whether such rights are created as a result of statutory or constitutional exemptions, allowances or otherwise.




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(b) It is my desire to reduce the expenses of administration of my estate as much as possible, and to permit a settlement of my estate by consent which shall be effective with respect to each beneficiary hereof, by taking advantage of the provisions allowing settlement by consent without notice pursuant to the *Code of Alabama* § 43-2-506 (1975), as amended.

(c) Whenever in this instrument the word "Executor," or "Executors" is used, such word is to be construed as singular or plural, masculine, feminine, or neuter, whichever is proper in accordance with the context in which said word is used.

(d) In this Will, the term "my probate estate" shall mean all property, real or personal wheresoever situated that I own at my death.

ARTICLE SEVEN

Intentional Uneven Distribution of Estate

All bequests made in this Will, and any and all omissions of persons from this Will, have been **intentionally** made by me. I have given much consideration to my personal relationships with my beneficiaries named herein and the persons or family members of mine who may not be named as beneficiaries herein, and the contents of this Will are my absolute wishes and direction in the disposition of my estate. I have not been unduly influenced by any person in connection with my decisions regarding any bequest made in this Will. It is my intention and direction that should any person or family member who is not satisfied with my express wishes hereunder challenge the validity or enforceability of this Will, such person shall not take any part of my estate, and shall, to every extent legally possible, be assessed the reasonable costs and expenses paid by my Executor or other beneficiaries hereunder, to defend the validity of this Will and my wishes and intentions hereunder.

**{END OF SPECIFIC WILL PROVISIONS SIGNATURES PAGE
AND NOTARY CLAUSE IMMEDIATELY FOLLOW}**

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Shelby Cnty Judge of Probate, AL
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I, **DONALD EUGENE SMITH**, the Testator, sign my name to this instrument on this the 19 day of April, 2013 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 voluntarily act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

4-19-13
Date Executed

Donald Eugene Smith
DONALD EUGENE SMITH

WITNESSES:

We, Michelle T Earle and _____, 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 the Testator's last will and that the Testator 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 eighteen years of age or older, of sound mind and under no constraint or undue influence.

Michelle T Earle
Witness:

Address: 8107 Parkway Dr
Leeds AL 35094

Dante L. Coone
Witness:

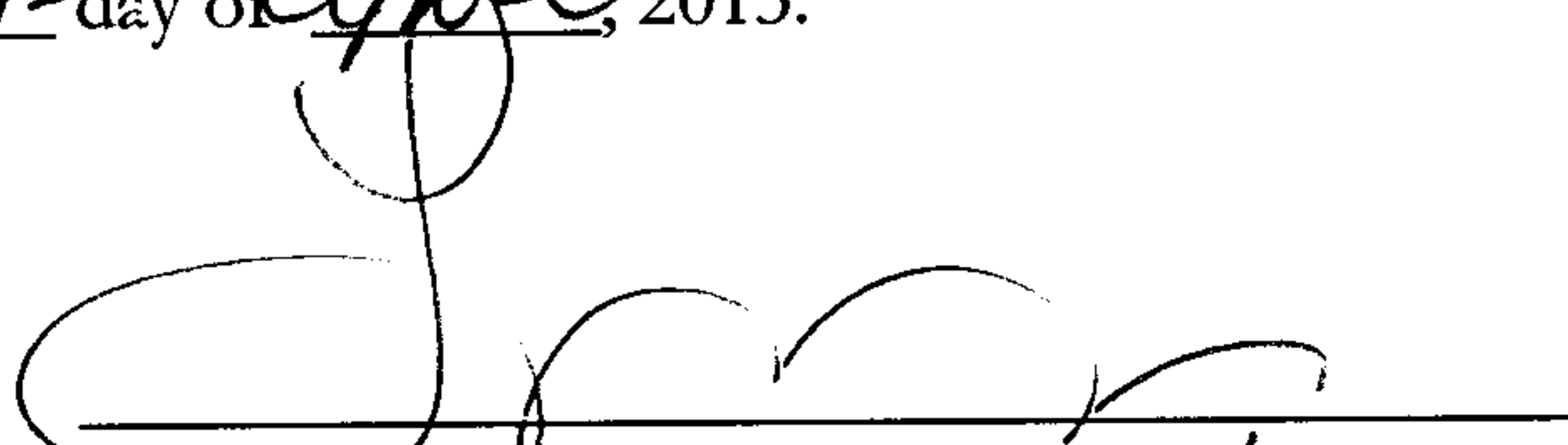
Address: 8107 Parkway Dr.
Leeds, AL 35094



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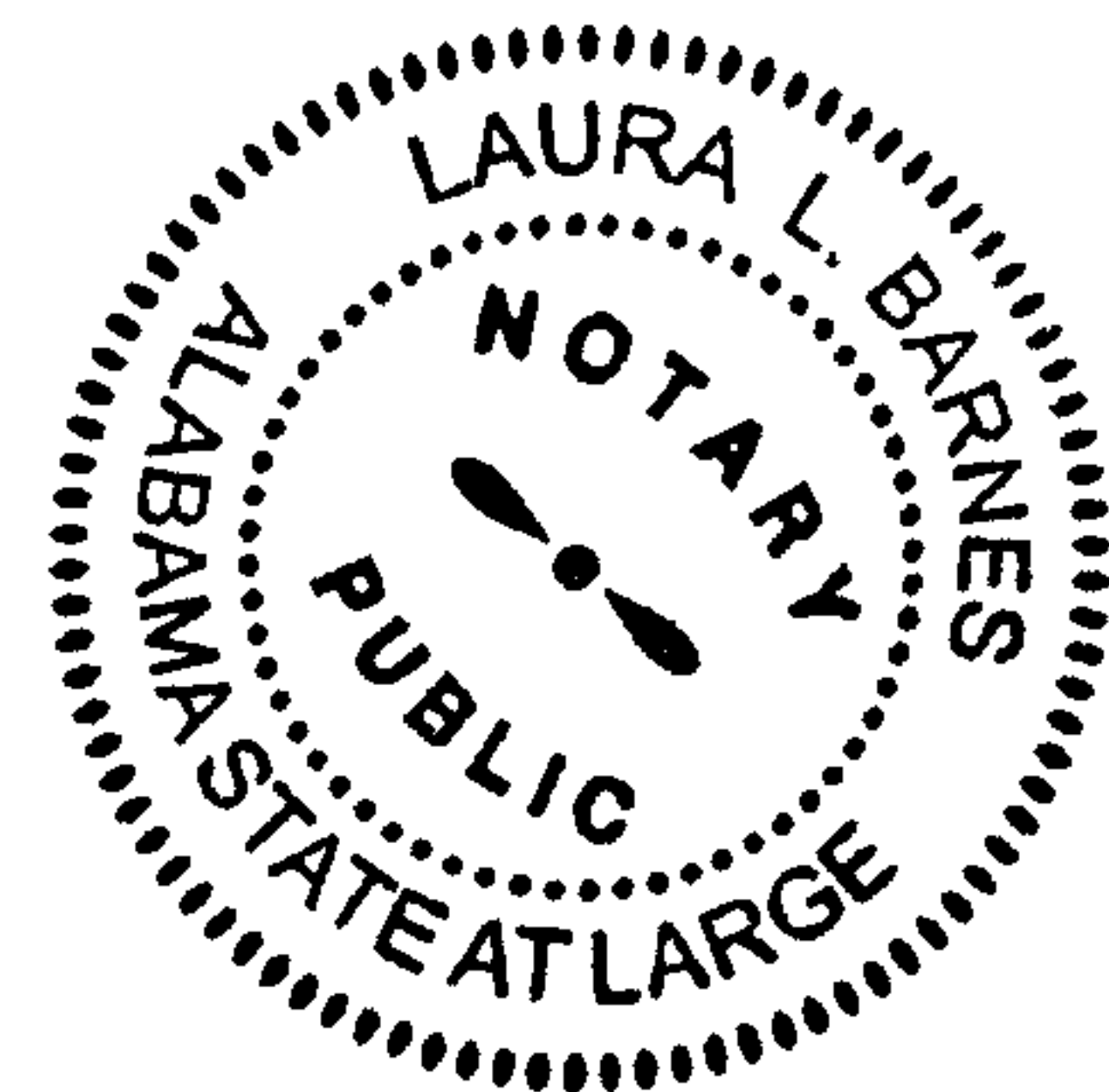
STATE OF ALABAMA
JEFFERSON COUNTY

Subscribed, sworn to and acknowledged before me by **DONALD EUGENE SMITH**, the Testator, and subscribed and sworn to before me by Rita L Coon and Michelle T Earle, witnesses, this 19th day of April, 2013.


Notary Public

My commission expires: 2/4/16

(SEAL)



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