

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF )

EMILY CATHERINE FROST HUGHES, )  
deceased. )

Case No. PR-2013-000717

ORDER ON FILING AND PROBATING LAST WILL  
AND TESTAMENT UPON CERTIFIED COPIES

This day came Samantha Hughes Robillard and filed in this court her petition in writing, under oath, setting forth therein among other things that Emily Catherine Frost Hughes departed this life on or about the 30<sup>th</sup> day of July, 2012, being at the time a citizen and inhabitant of Williamson County, Tennessee, and leaving a last will and testament, which said will has been admitted to record as the true last will and testament of said deceased in the Probate Court of Williamson County, Tennessee, and attaching to such petition a copy of the said last will, as well as the proceedings admitting the same to probate and record; and praying in said petition that said will, as the same is certified to this court, be admitted to probate in Shelby County, Alabama as the true last will and testament of said deceased.

And it appearing to the satisfaction of the court that the proceedings of said Probate Court of Williamson County, Tennessee, are properly certified to this Court as required by the statute in such cases, and that said will was duly admitted to probate in said County and State, and by the court thereof. It is, therefore,

ORDERED, ADJUDGED AND DECREED by this court that the said will, as the same is certified, be now and the same is hereby admitted to probate in Shelby County, Alabama as the true last will and testament of the said deceased, and as such, ordered to be recorded together with the accompanying papers and certificates and that due effect be given thereto as the last will and testament of said Emily Catherine Frost Hughes, deceased.

It is further ordered that the petitioner Samantha Hughes Robillard pay the costs of this proceeding.

Done this 21<sup>st</sup> day of October, 2013.

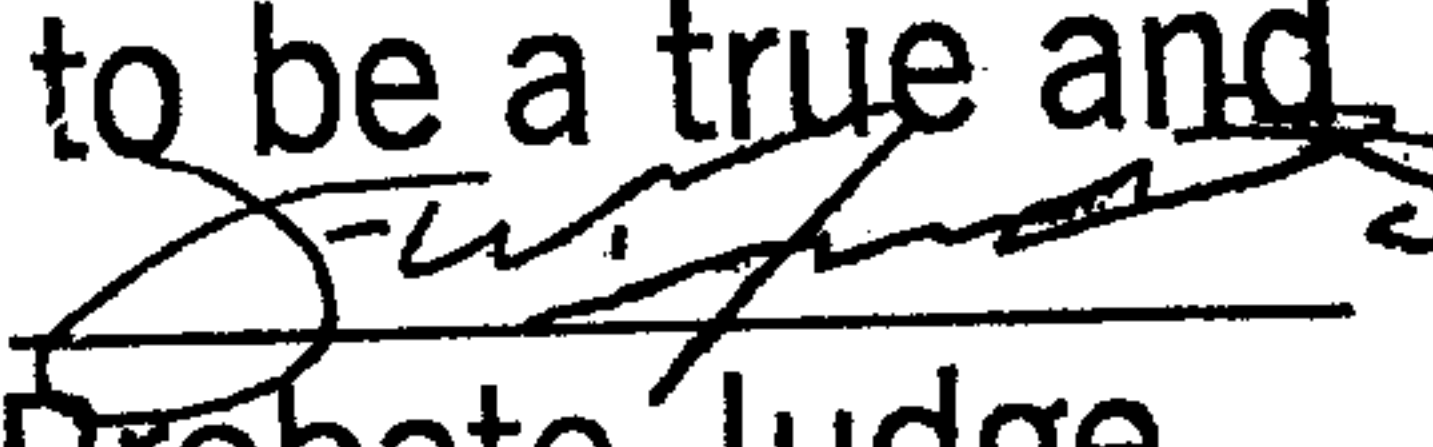

  
James W. Fuhrmeister  
Judge of Probate

cc: William R. Justice, Esq.

ENTERED AND FILED

OCT 21 2013

KIMBERLY MELTON CHIEF CLERK  
PROBATE COURT  
SHELBY COUNTY ALABAMA

I certify this to be a true and  
correct copy   
  
Probate Judge  
Shelby County

FILED  
WILLIAMSON COUNTY  
CLERK & MASTER

2012 SEP -5 PM 1:45  
LAST WILL AND TESTAMENT  
OF  
EMILY CATHERINE FROST HUGHES  
ENTERED P 6682

I, EMILY CATHERINE FROST HUGHES, declare this to be my Last Will and Testament.

**ITEM ONE**  
**STATEMENTS AND DECLARATIONS**

1-a. Revoke Prior Wills. I revoke all prior Wills, Testaments, Codicils and any other instruments of a Testamentary character previously made by me.

1-b. Domicile. I am a resident of Franklin, Tennessee. I am a United States citizen.

1-c. Marital & Paternal Status. I am married. My spouse's name is William Astley Cooper Hughes. Of the marriage with my spouse, I have five (5) children, namely; William Astley Cooper Hughes, Jr., Mark Lee Hughes, Samantha Hughes Robillard, George Alexander Hughes and Steven Patrick Hughes.

1-d. Afterborn Children. Should a child be born or adopted by me following the execution of this instrument, then said child shall participate equally with my other child or children. Said child shall not be deemed to be a pretermitted child. All references to my child, children, or issue shall be construed accordingly.

1-e. Attorney. This instrument has been prepared with the assistance of M.T. Taylor, Jr., Attorney at Law.

1-f. Statement of Testator. I have been advised by my attorney that assets held jointly, with right of survivorship, will generally pass to the surviving joint owner and that other assets which pass by contract, such as life insurance or retirement benefits, will generally pass to the designated beneficiary, and that only assets in my sole and separate name or otherwise payable at my death to the Personal Representative or estate will pass under the provisions of this Will.

END OF THIS ITEM



20131025000422100 2/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT



mtv/th

Page 1 of My Will

20971



**ITEM TWO - DESIGNATION OF FIDUCIARIES**

2-a. Original Personal Representative. I appoint my spouse, **William Astley Cooper Hughes**, as Personal Representative of my estate, to serve without bond. The term Personal Representative shall also refer to any Successor or Co-Personal Representative appointed as provided herein.

2-b. Successor Personal Representative. If the named Personal Representative is unwilling or unable to serve for any reason, said Personal Representative shall be succeeded by **Samantha Hughes Robillard**.

2-c. Additional Personal Representative. The Personal Representative is authorized to appoint a Co-Personal Representative to serve in the event that a Co-Personal Representative is required by Probate Court or in the event that the Personal Representative determines that having a Co-Personal Representative is desirable. The Co-Personal Representative may be an individual or corporate entity. The Co-Personal Representative shall serve without bond. The Personal Representative may change the Co-Personal Representative without the necessity of giving any cause to the Co-Personal Representative or to any beneficiary of the estate.

2-d. Bond Waived. I waive bond for all Fiduciaries and Successors appointed under this item.

2-e. Inventory Waived. I waive the requirement that all Fiduciaries and Successors appointed under this item file any inventories with any Court.

2-f. Accounting Waived. I waive the requirement that all Fiduciaries and Successors appointed under this Item file accountings, including final accounting, with any Court. I request that all beneficiaries waive any necessary accountings by signing receipts and waivers as requested by the Personal Representative.

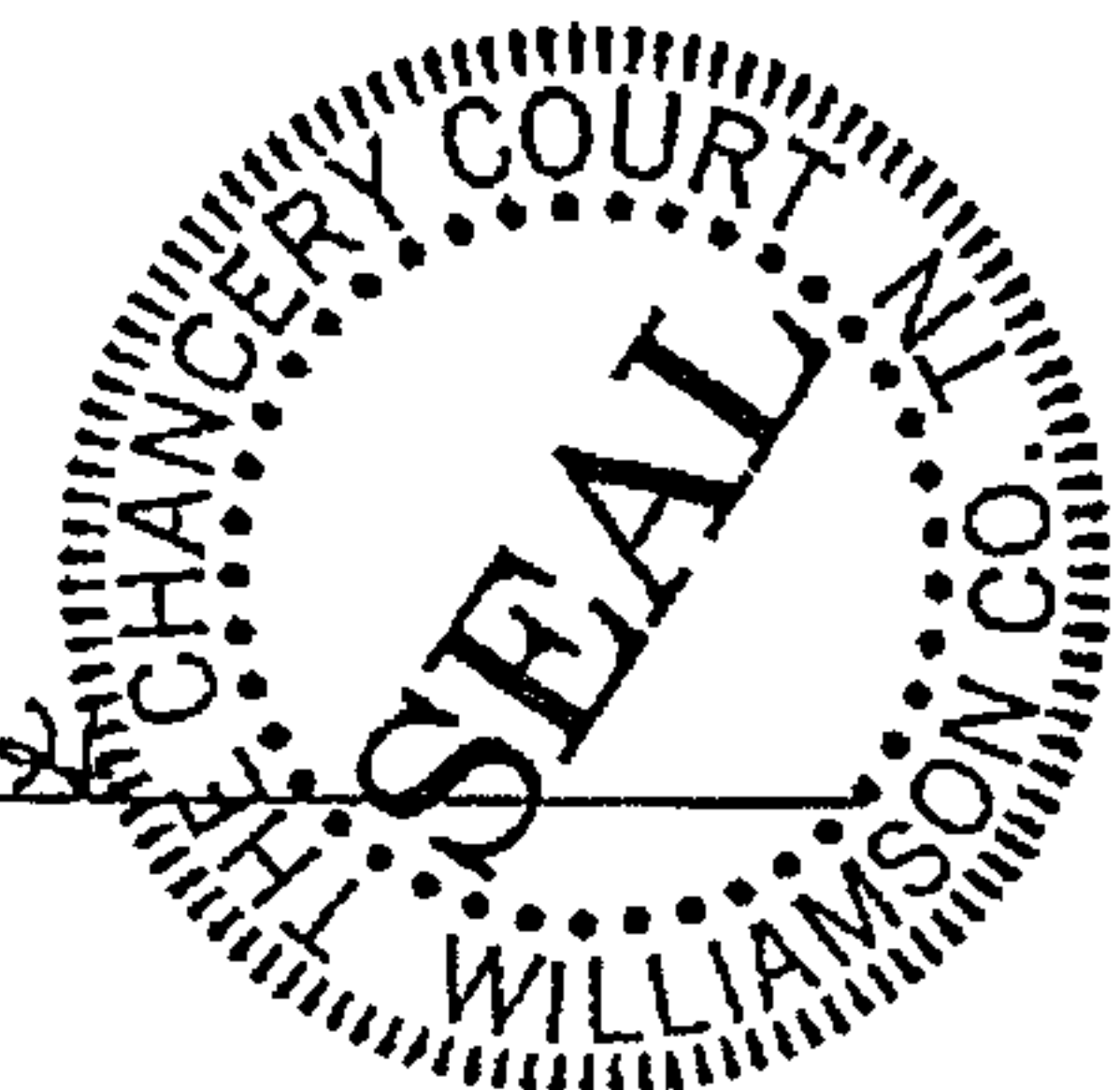
END OF THIS ITEM

20131025000422100 3/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mtv/th

Page 2 of My Will

87 207




**ITEM THREE: PAYMENT OF DEBTS, EXPENSES AND TAXES**

3-a. Debts and Expenses. I direct that all debts which shall be legally owing by me (except debts secured by mortgages or deeds of trust which may be paid or retained in the discretion of the Personal Representative), my funeral expenses, and the expenses of the administration of my estate shall be paid by the Personal Representative as soon after my death as practicable. The Personal Representative may, in his discretion, in accordance with applicable federal tax laws, deduct such expenses either for federal estate tax purposes or federal income tax purposes, or partly for one and partly for the other.

3-b. Taxes. I direct the Personal Representative to pay all federal and state estate and inheritance taxes (but excluding Generation-Skipping taxes which shall be charged to the property constituting the transfer in the manner provided by applicable law) which shall be imposed by reason of my death, including taxes on proceeds of insurance on my life, wither or not the property, transfer, or proceeds, with respect to which said taxes are levied, are a part of by probate estate at my death. Said taxes shall be charged against and paid from the property comprising the residuary estate. I waive any right of reimbursement for recovery of, or contribution toward, the payment of any such taxes, including any such right under Section 2207B of the Internal Revenue Code.

3-c. Life Insurance Not Charged. If my estate is insolvent without taking into account life insurance payable to the estate, it is my specific intention and direction that any life insurance payable to the Personal Representative or my estate shall not be subject to or charged with the payment of my debts, but rather shall be distributed to the beneficiaries of my estate in accordance with the other provisions contained hereinbelow.

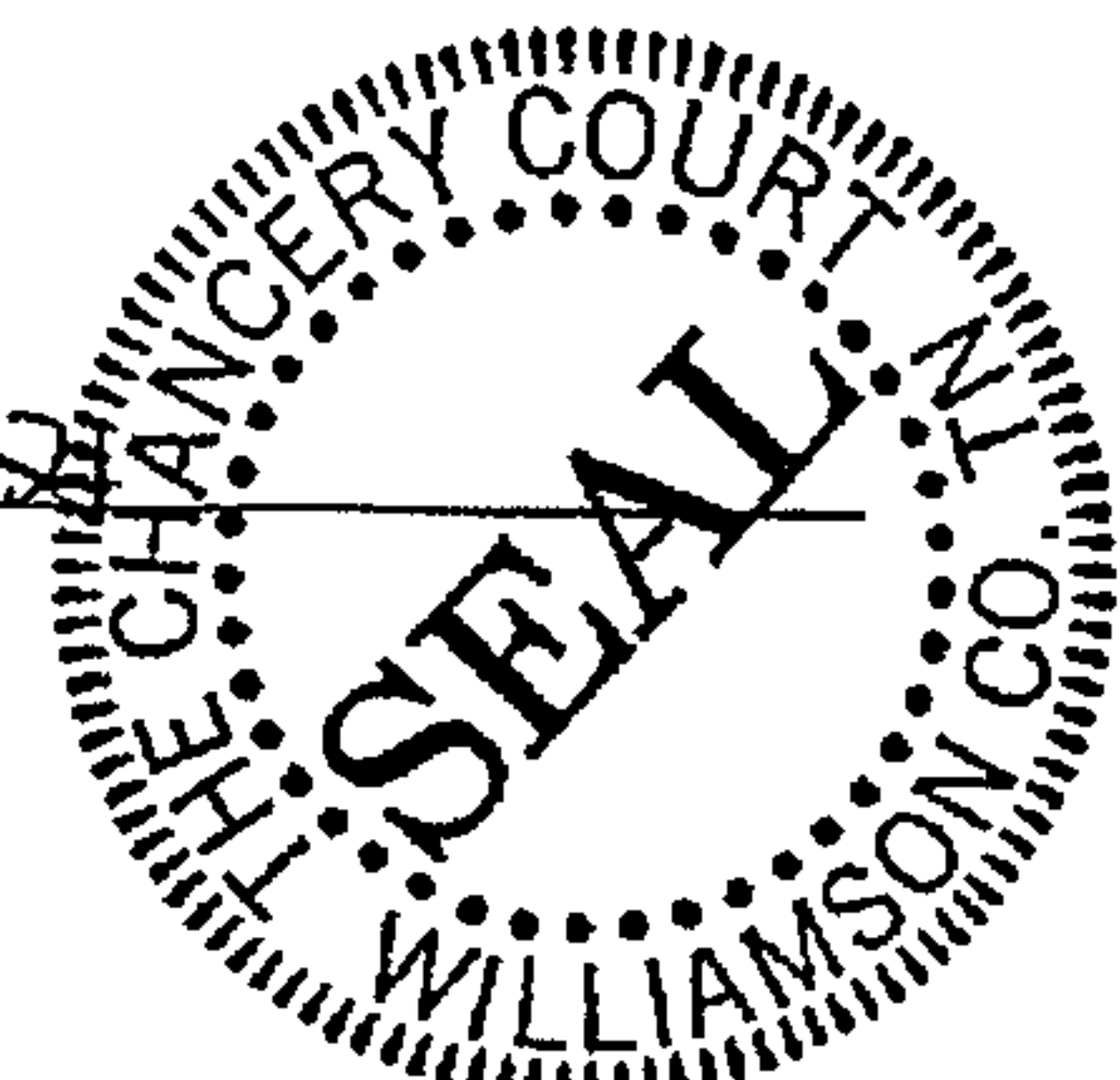
END OF THIS ITEM

  
20131025000422100 4/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mtv/sh

Page 3 of My Will EC92

87 208





**ITEM FOUR**  
**DISPOSITION OF PERSONAL EFFECTS**

4-a. Household Items. All furniture, house furnishings and other household articles used by me and my spouse, William Astley Cooper Hughes, are the property of my spouse, or are jointly held with right of survivorship. I confirm said ownership.

4-b. Personal Effects. I give and bequeath all of my personal effects, including automobiles, jewelry and clothing to my spouse, William Astley Cooper Hughes.

If my spouse does not survive me, I give and bequeath my said personal effects, together with the furniture, furnishings and household articles referred to above, to the Personal Representative to be divided among my surviving children, sold or otherwise disposed of as the Personal Representative sees fit. The Personal Representative is authorized to distribute personal effects to the Trustee named herein to be held as a part of the trust estate created for the benefit of my children. The judgment and discretion of the Personal Representative in this matter shall be conclusive. The proceeds from those items which are sold shall be distributed as a part of my residuary estate.

4-c. Special Instructions. In distributing my personal effects, I ask the Personal Representative to give due consideration to any typed or handwritten letters of instruction which I may have prepared during my lifetime which make known specific wishes and desires regarding said items. I realize such instructions, unless they meet the legal requirements of a Will or Codicil, might not be legally binding, but I ask the Personal Representative to consider same in making any discretionary divisions or distributions of such assets.

4-d. Classification. All questions as to whether any specific articles shall be included in the foregoing bequest shall be conclusively determined by the Personal Representative.

END OF THIS ITEM



20131025000422100 5/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mtt/th

Page 4 of My Will




37 209

**ITEM FIVE**  
**DISPOSITION OF RESIDUARY ESTATE**

5-a. Spouse Surviving - To Spouse. If my spouse, William Astley Cooper Hughes, survives me, I give, devise and bequeath all of the rest of and residue of my estate, of every kind and character, whether the same be real, personal or mixed, including life insurance payable to my estate and wherever situated to my spouse, William Astley Cooper Hughes.

5-b. Spouse Not Surviving - To Children. If my spouse, William Astley Cooper Hughes, does not survive me, I give, devise and bequeath all the rest and residue of my estate, as defined above, in equal shares to my children. If a child is deceased, then the share which he/she would have taken had he/she survived me, shall pass to the issue, per stirpes, of said deceased child. If a child is deceased without issue surviving him/her, then the share which he/she would have taken shall pass, per stirpes, to my surviving children and the issue of deceased children.

END OF THIS ITEM

  
20131025000422100 6/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mtc/th

Page 5 of My Will

*ECF*

37 210





**ITEM SIX**  
**GENERAL POWERS, DUTIES AND OBLIGATIONS**  
**OF PERSONAL REPRESENTATIVE AND TRUSTEE**

6-a. General Powers. I authorize the Personal Representative (including any substitute or successor Personal Representative), in the exercise of a reasonable discretion with respect to all property, real or personal, at any time forming part of my estate, to exercise any or all the powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly of 1963, T.C.A. Section 35-50-110 (including any amendments thereto) to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers (as set out in said statute on the date of the execution of this Will) are granted notwithstanding that said statute may be amended at the time of my death.

In addition to the above state powers, my fiduciary shall have the following additional powers and in the event there is any conflict between the two, the additional powers shall control.


6-b. Dealing with Real Estate. The Personal Representative is specifically authorized and directed to administer, as a part of my probate estate which is subject to the control of the Personal Representative, all real property in which I have any interest at my death. All fiduciaries named herein shall have full discretionary power to purchase, sell, convey, alter, repair, improve, partition and mortgage or otherwise encumber any real estate, and to make and execute any leases thereon for any period, however long, and beyond the term of any trust, and to execute and deliver any deeds, conveyances, mortgages, deeds of trust, transfers and assignments, without the approval of any court, joinder of any beneficiary, and without disclosing any beneficiary of the estate or any trust.

6-c. Spendthrift Provision. No person who is a beneficiary under any of the provision of this Last Will and Testament shall have the right, power or authority, at any time, to give, grant, sell, convey, mortgage, pledge or otherwise dispose of, encumber or anticipate the income, or any installment thereof, or any share in the principal thereof, until the same has been actually transferred or paid over to such beneficiary or person.

6-d. Extent of Powers. All fiduciary powers herein shall be broadly construed and may be exercised without court approval or the approval of any beneficiary.

6-e. Dealing with Personal Representative. No person dealing with the Personal Representative in the capacity of purchaser, seller, acquirer, lender, tenant, lessor, lessee, contractant or otherwise shall be bound to inquire in to the capacity to act on the part of the Personal Representative, or into the authority for, or the propriety of, any act thereof, or to see to the application or disposition of any money, or other property, paid, delivered or loaned to the Personal Representative.

END OF THIS ITEM

  
20131025000422100 7/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mr/th

Page 6 of My Will

37 211




**ITEM SEVEN**  
**MISCELLANEOUS PROVISIONS**

7-a. Issue and Adopted Children. The use of the word "issue" in this Will means all descendants of any degree, including adopted children of the Testator and of any beneficiary designated or described in this Will. Every descendant (by blood or adoption) of such adopted child or descendant shall have the same status under this Will as one of my blood descendants.

7-b. Distribution to Beneficiaries under Disability. In the event that a beneficiary is not sui juris, or has not reached the age of thirty (30) years, and no other provisions in the document provide for the handling of the assets for the beneficiary, the Personal Representative shall be authorized to retain the assets, as a Trustee, without bond, court supervision or accounting, and make distributions of income and principal to or for the benefit of the beneficiary, to the parent or legal guardian of the beneficiary, or to any person with whom the beneficiary resides, without court approval or the necessity of a court-appointed guardian. Distributions may be made for the health, support and education of the beneficiary. The receipt of a payee shall be a complete discharge of the Personal Representative with respect to any payments made, and the Personal Representative shall not be required to see to the application of such payments. Any assets held must be distributed to the beneficiary upon removal of the disability, or upon attaining the age of thirty (30) years. Upon the death of the beneficiary, any remaining assets shall be paid to the estate of the beneficiary. This paragraph shall not be construed to allow the Personal Representative to delay or withhold any distributions which are required to be made to my spouse in order to qualify distributions to my spouse for the marital deduction.

7-c. Will Contest. Should any beneficiary contest the validity of this Will or any provisions herein, if such contest is unsuccessful, that is the Will is sustained, then the beneficiary contesting the Will shall forfeit his/her share. The share for said beneficiary shall lapse and the assets shall be distributed as though the beneficiary is deceased and not survived by issue. The provisions of this paragraph shall not apply to my spouse.

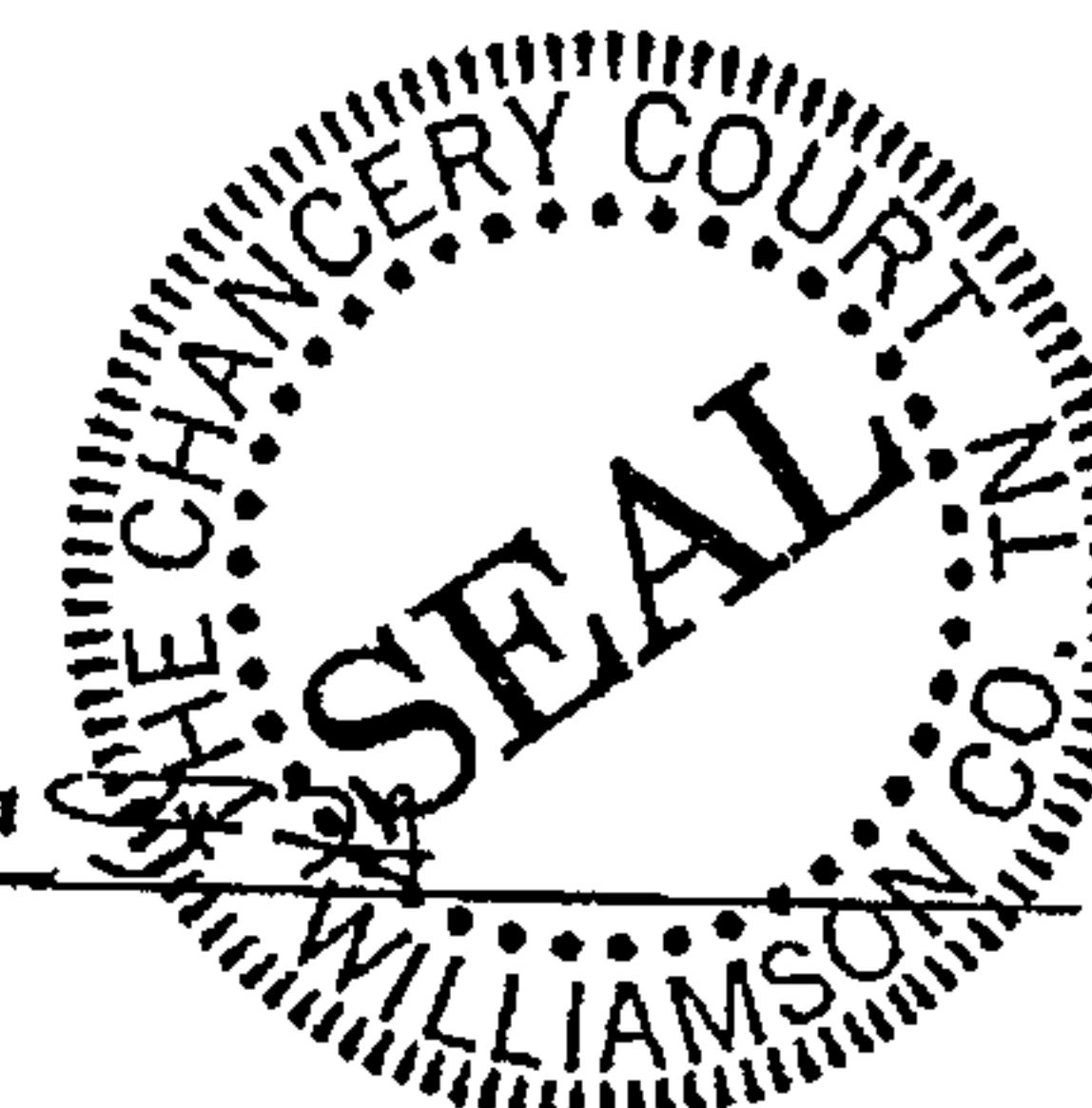
END OF THIS ITEM

  
20131025000422100 8/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mt/th

Page 7 of My Will

37 212





IN WITNESS WHEREOF, I have hereunto set my hand to this, my Last Will and Testament, this 14<sup>th</sup> day of June, 2002.

Emily Catherine Frost Hughes  
EMILY CATHERINE FROST HUGHES

**ATTESTATION**

The foregoing instrument, consisting of the preceding typewritten pages, including this and the affidavit of witnesses, was, at the date hereof, by the said Emily Catherine Frost Hughes, signed, published and declared to be her Last Will and Testament, in the presence of us, who at her request and in her presenece, and in the presence of each other, have signed our names as attesting witnesses hereof, the day and year first above written; and we do hereby attest to the sound and disposing mind of said Testatrix and to the performance of the aforesaid act of execution on the date hereinabove set out.

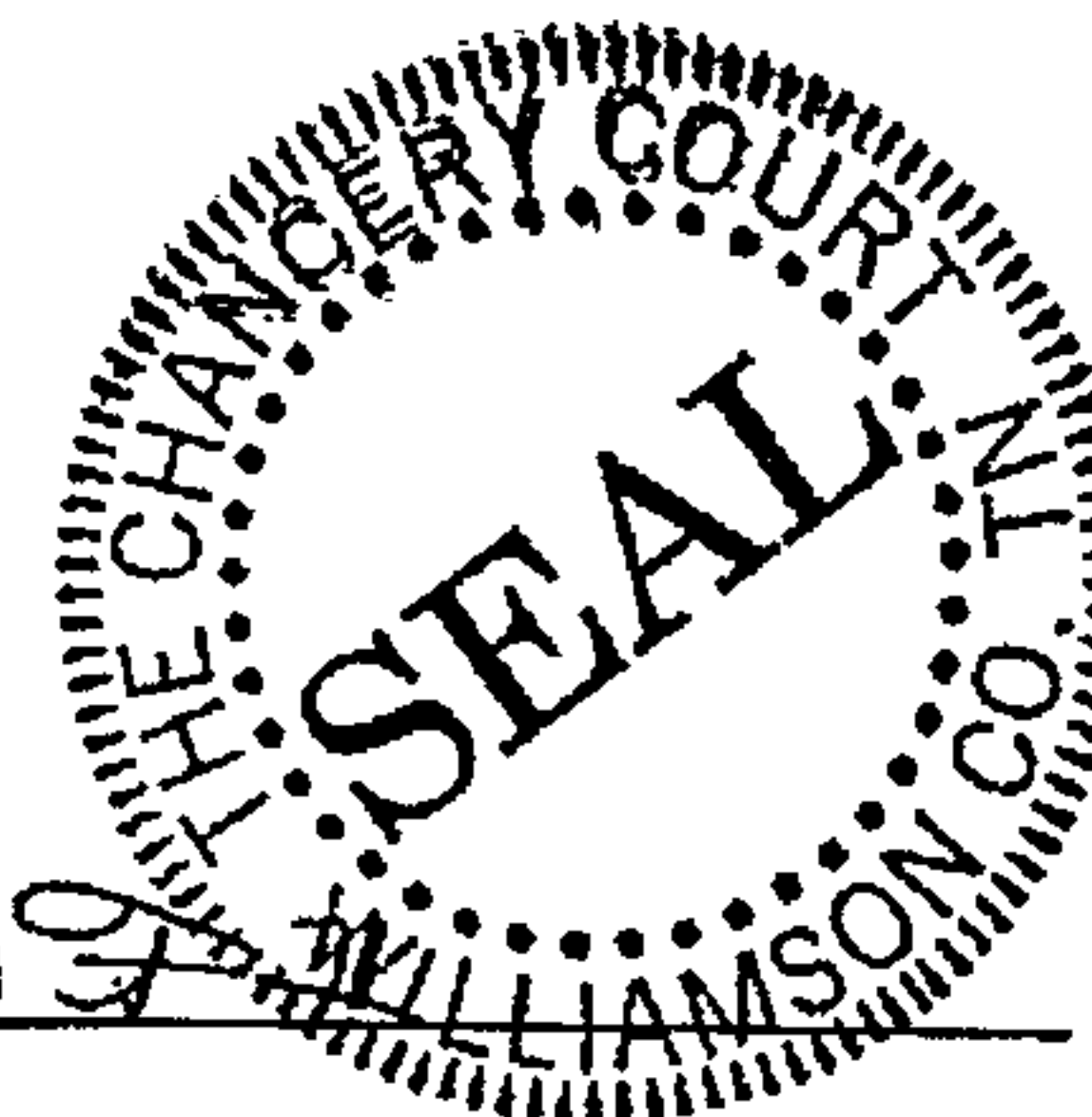
Traie B. Hoss  
Michelle Lucker  
\_\_\_\_\_

Franklin TN  
College Grove, TN  
\_\_\_\_\_



20131025000422100 9/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

STATE OF TENNESSEE  
WILLIAMSON COUNTY  
I, THE UNDERSIGNED CLERK & MASTER, DO  
HEREBY CERTIFY THIS TO BE A TRUE COPY  
OF THE ORIGINAL OF THIS INSTRUMENT  
FILED IN THIS CAUSE.  
Elaine B. Beeler  
ELAINE B. BEELER, Clerk & Master



mt/uh

Page 8 of My Will

STATE OF TENNESSEE  
COUNTY OF WILLIAMSON


Tracie D. Hoss and Michelle Hoss, after first being duly sworn or affirmed, make oath and affirm that the foregoing Last Will and Testament was signed, acknowledged, published and declared by Emily Catherine Frost Hughes to be her Last Will and Testament, in the sight and presence of us, the undersigned, who at her request and in her sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses on the 14<sup>th</sup> day of June, 2002; and we further make oath or affirm that the Testatrix was of sound mind and disposing mind and memory and not acting under fraud, menace, or under influence of any person, and was more than eighteen (18) years of age, and that each of the attesting witnesses is more than eighteen (18) years of age.

Tracie D. Hoss  
Michelle Hoss

Sworn to and subscribed before me this 14<sup>th</sup> day of June, 2002

My Commission Expires: 11-16-2002

[Signature]  
NOTARY PUBLIC

  
20131025000422100 10/10 \$41.00  
Shelby Cnty Judge of Probate, AL  
10/25/2013 10:12:55 AM FILED/CERT

mtt/th

Page 9 of My Will ES

37 214

