

STATE OF ALABAMA


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Shelby COUNTY

Declaration of Trust

Part 1. Trust Name

This revocable living trust shall be known as **The John Thomas Gross and Alice Tolito Gross Revocable Living Trust.**

Part 2. Declaration of Trust

John Thomas Gross (████████████████████) and Alice Tolito Gross (████████████████████) called the grantors, declare that they have transferred and delivered to the trustees all their interest in the property described in Schedules A, B and C attached to this Declaration of Trust. All of that property is called the "trust property." The trustees hereby acknowledge receipt of the trust property and agree to hold the trust property in trust, according to this Declaration of Trust.

Either grantor may add property to the trust.

Part 3. Terminology

The term "this Declaration of Trust" includes any provisions added by valid amendment.

Part 4. Character of Trust Property

While both grantors are alive, property held in this trust shall retain its original character. If the trust is revoked, the trustee shall distribute the trust property to the grantors based on the same ownership rights they had before the property was transferred to the trust.

Part 5. Amendment and Revocation

A. Revocation by Grantor

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Either grantor may revoke this trust at any time, without notifying any beneficiary. Revocation may be made in writing or any manner allowed by law.

B. Amendment by Grantors

While both grantors are alive, this Declaration of Trust may be amended only by both of them acting together. All amendments must be in writing and signed by both grantors.

C. Amendment or Revocation by Other Person

The power to revoke or amend this trust is personal to the grantors. A conservator, guardian or other person shall not exercise it on behalf of either grantor, unless a grantor specifically grants a power to revoke or amend this trust in a Durable Power of Attorney. Any person that is named as a beneficiary of this trust or not so named shall be fully divested of any interest or inheritance herein of any assets of this estate and trust if they challenge the provisions of this trust or its related documents in any court of competent jurisdiction. The trust will be split into two equal parts one half for John's beneficiaries and one half to Alice's beneficiaries. If any person or entity challenges the provisions of this trust or related documents then that persons or entity's interest shall be split between the other beneficiaries within the fifty percent of the trust they were designated.

Part 6. Payment from Trust during Grantors' Lifetimes

The trustees shall pay to or use for the benefit of the grantors as much of the net income and principal of the trust property as the grantors request. Income shall be paid to the grantors at least annually. Income accruing in or paid to trust accounts shall be deemed to have been paid to the grantors.



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Part 7. Trustees

A. Original Trustees

John Thomas Gross and Alice Tolito Gross are the trustees of this trust. Either alone may act for or represent the trust in any transaction.

B. Trustee at Death of Original Trustee

Upon the death of John Thomas Gross or Alice Tolito Gross, the surviving trustee shall serve as co-trustee with the successor trustee, under the same terms and conditions.

C. Trustee's Responsibilities

The trustee in office shall serve as trustee of all trusts created under this Declaration of Trust, including children's subtrusts.

D. Terminology

In this Declaration of Trust, the term "trustee" includes successor trustees or alternate successor trustees serving as trustee of this trust. The singular "trustee" also includes the plural.

E. Successor Trustee

Upon the death or incapacity of the either spouse, or the incapacity of both spouses, Jessica Adams Cooley [REDACTED] shall serve as trustee. In the event Jessica Adams Cooley is unable or unwilling to serve then her successor shall be Cecilia Ann Tolito Garris [REDACTED]

F. Resignation of Trustee

Any trustee in office may resign at any time by signing a notice of resignation. The resignation shall be delivered to the person or institution that is either named in this


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Declaration of Trust, or appointed by the trustee under Section G of this Part, to next serve as the trustee.

G. Power to Appoint Successor Trustee

If no one named in this Declaration of Trust as a successor trustee or alternate successor trustee is willing or able to serve as trustee, the last acting trustee may appoint a successor trustee and may require the posting of a reasonable bond, to be paid for from the trust property. The appointment must be made in writing, signed by the trustee and notarized.

H. Bond

No bond shall be required for any trustee named in this Declaration of Trust.

I. Compensation

There shall be one fee of two percent of the gross value of the estate/trust to be paid to the trustee. Once the value of the trust is determined one percent will be paid on the front end of taking over management of the trust after both original grantors have become deceased and next - when the trust assets are distributed then the second one percent payment shall be made. Likewise two percent for each child's trust managed shall be paid one percent on the initial determination of that trusts value and one percent when the trust assets are fully distributed to that child.

J. Liability of Trustee

With respect to the exercise or non-exercise of discretionary powers granted by this Declaration of Trust, the trustee shall not be liable for actions taken in good faith. Such actions shall be binding on all persons interested in the trust property.

Part 8. Trustee's Management Powers and Duties

A. Powers under State Law


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The trustee shall have all authority and powers allowed or conferred on a trustee under Alabama law, subject to the trustee's fiduciary duty to the grantors and the beneficiaries. Any dispute as to meaning or terms of or in this trust shall be interpreted under the Law of Alabama.

B. Specified Powers

The trustee's powers include, but are not limited to:


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1. The power to sell trust property, and to borrow money and to encumber trust property, including trust real estate, by mortgage, deed of trust or other method.
2. The power to manage trust real estate as if the trustee were the absolute owner of it, including the power to lease (even if the lease term may extend beyond the period of any trust) or grant options to lease the property, to make repairs or alterations and to insure against loss.
3. The power to sell or grant options for the sale or exchange of any trust property, including stocks, bonds, debentures and any other form of security or security account, at public or private sale for cash or on credit.
4. The power to invest trust property in every kind of property and every kind of investment, including but not limited to bonds, debentures, notes, mortgages, stock options, futures and stocks, and including buying on margin.
5. The power to receive additional property from any source and add it to any trust created by this Declaration of Trust.
6. The power to employ and pay reasonable fees to accountants, lawyers or investment experts for information or advice relating to the trust.
7. The power to deposit and hold trust funds in both interest-bearing and non-

interest bearing accounts.

8. The power to deposit funds in bank or other accounts, whether or not they are insured by the FDIC.

9. The power to enter into electronic fund transfers or safe deposit arrangements with financial institutions.

10. The power to continue any business of either grantor.

11. The power to institute or defend legal actions concerning this trust or the grantors' affairs.

12. The power to execute any documents necessary to administer any trust created by this Declaration of Trust.

13. The power to diversify investments, including authority to decide that some or all of the trust property need not produce income.



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Part 9. Incapacity of Grantors

If either, John Thomas Gross or Alice Tolito Gross, becomes physically or mentally incapacitated, whether or not a court has declared the grantor incompetent or in need of a conservator or guardian, the other spouse shall be the trustee and serve with the successor trustee until the incapacitated grantor is again able to manage his or her affairs.

The determination of a grantor's capacity to manage this trust shall be made by those of the people listed here who are reasonably available when the other grantor or successor trustee requests their opinion. These people are: Each Grantors Primary Physician, and in the alternative, Jessica Lynn Adams Cooley and Cecilia Ann Tolito Garris. If the primary physician states that either Grantor needs assistance in managing their affairs then the successor will step in. If the primary physician refuses to make such a statement then the

two alternates will both state, in writing, that in their opinion a grantor is no longer reasonably capable of serving as trustee, that grantor shall be considered incapacitated for the purposes of this Part. The successor Trustee shall serve when either of the original grantors, John Thomas Gross and Alice Tolito Gross, is unable to serve.

When either grantor become incapacitated, the successor trustee named in Part 7 of this Declaration of Trust shall serve as co-trustee until the incapacitated grantor is again able to manage his or her affairs. The determination of a grantor's capacity to again manage this trust shall be made in the manner specified above. When only one original grantor is unable to serve the co-trustee shall serve as a steward of the assets to help co-manage and safeguard the assets. Once either grantor is incapacitated or deceased no assets of this trust can be removed except with the new co-trustees approval and then for reasonable health, maintenance and welfare only.

When both grantors become unable to serve the successor trustee shall manage the trust property and use any amount of trust income or trust principal necessary for the proper health care, support, maintenance, comfort and welfare of either or both grantors, in accordance with their accustomed manner of living. Income shall be paid to the grantors at least annually. Income accruing in or paid to trust accounts shall be deemed to have been paid to the grantors.

Part 10. Death of a Grantor

The first grantor to die shall be called the "deceased spouse." The other grantor shall be called the "surviving spouse."

Upon the deceased spouse's death, the trustee shall divide the property of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust listed on Schedules A, B and C into two separate trusts, Trust #1 and Trust #2. The trustee shall serve as trustee of Trust #1 and Trust #2.

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Trust #1 shall contain all the property of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust owned by the deceased spouse before it was held in trust, plus accumulated income, except trust property left by the terms of this trust to the surviving spouse. Trust #1 shall become irrevocable at the death of the deceased spouse. The trustee shall distribute the property in Trust #1 to the beneficiaries named in Part 11 of this Declaration of Trust.

Trust #2 shall contain all the property of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust owned by the surviving spouse before it was held in trust, plus accumulated income, and any trust property left by the deceased spouse to the surviving spouse. It shall remain revocable until the death or incapacity of the surviving spouse. The trustee may pay out of trust property such amounts as necessary for payment of debts, estate taxes and expenses of the last illness and funeral of the deceased or surviving spouse.

Part 11. Beneficiaries

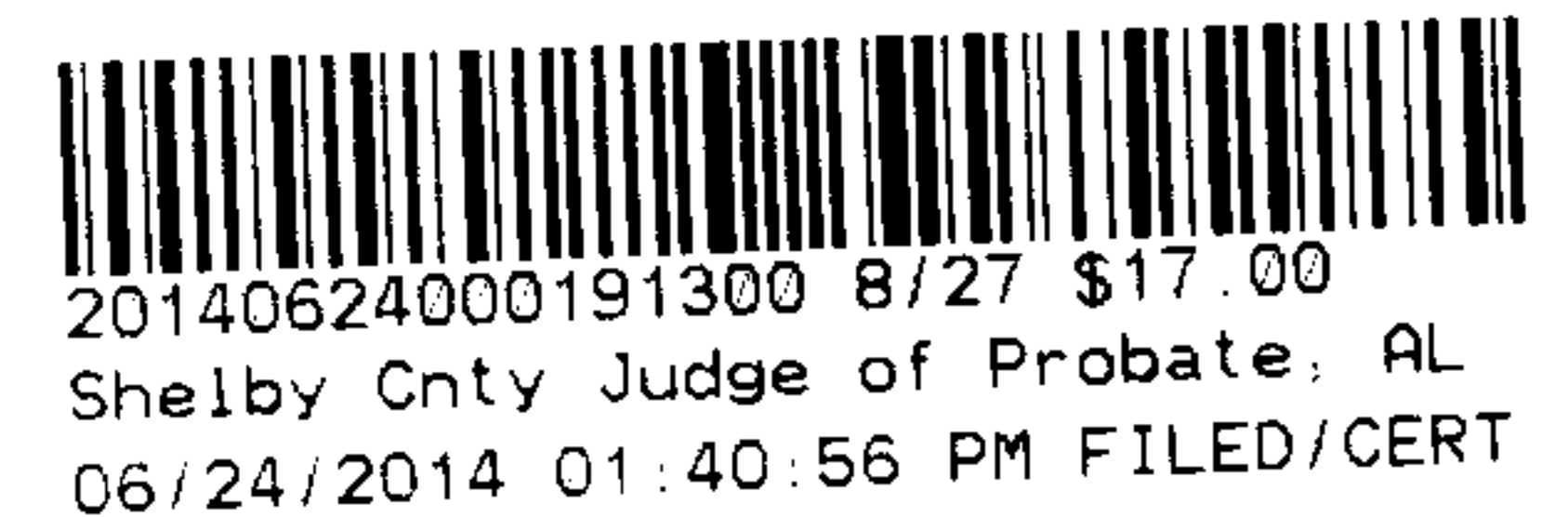
A. Husband's Beneficiaries

At the death of John Thomas Gross, the trustee shall distribute the trust property listed on Schedule C, plus accumulated interest; the share of the property on Schedule A owned by John Thomas Gross before it was transferred to the trustee, plus accumulated interest; and if John Thomas Gross is the second spouse to die, any property listed on Schedule B left to him by the deceased spouse, plus accumulated interest; as follows:

1. Alice Tolito Gross shall be given John Thomas Gross's one-half interest in the trust property during her lifetime. If Alice Tolito Gross does not survive John Thomas Gross, that property/interest of Johns shall be given one-half to St.
2. Jude Children's Research Hospital and one-half to Children's Hospital of Alabama.

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B. Wife's Beneficiaries

At the death of Alice Tolito Gross, the trustee shall distribute the trust property listed on Schedule B, plus accumulated interest; her one-half share of the property on Schedule A owned by Alice Tolito Gross before it was transferred to the trustee, plus accumulated interest; and if Alice Tolito Gross is the second spouse to die, any property listed on Schedule C left to her by the deceased spouse, John Thomas Gross, plus accumulated interest; as follows:

1. John Thomas Gross shall be given Alice Tolito Gross's interest in the trust property for his lifetime. If John Thomas Gross does not survive Alice Tolito Gross then her one-half interest in the complete or full estate/ trust assets, shall be given as follows: 25 percent to Jeffrey Lee McKasson, Jr. [REDACTED], 25 percent to Jonathan Lee McKasson [REDACTED], 10 percent to Madeline Ann McKasson [REDACTED], 10 percent to Aubrey Leigh McKasson [REDACTED], 10 percent to Lilyanna Rose McKasson (DOB - 1-2-2009), 10 percent to Jacob Hurley McKasson [REDACTED] and 10 percent to Hannah Elyse McKasson [REDACTED] in equal shares. If any heir or person that claims an interest in the assets of this trust/estate and challenges the provisions herein in a court of competent jurisdiction then that person or entity shall be automatically disinherited from receiving any assets of any nature of this trust/estate.


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C. Property Left to the Surviving Spouse

Any trust property left by the deceased spouse to the surviving spouse shall remain in the surviving spouse's revocable trust, Trust #2. However, once either spouse dies or is incapacitated the successor trustee shall step into the shoes of that grantor for all legal purposes to assist in managing the assets of the trust. The purpose in having the successor trustee step into that grantors position is to be certain that the assets remain protected and under proper management after either of the original grantors is unable

to serve. It is imperative that no person is allowed to come into the life of the surviving grantor whether they are a health care provider, a sitter, or a romantic interest or other interested party to take control or influence the management of the assets in the trust.

D. Terms of Property Distribution

All distributions are subject to any provision in this Declaration of Trust that creates a child's subtrust or a custodianship under the Uniform Transfers to Minors Act. A beneficiary must survive the grantor for 120 hours to receive property under this Declaration of Trust. As used in this Declaration of Trust, to survive means to be alive or in existence as an organization. If any person or entity does not survive the grantors then their share shall be distributed to the remaining members of their fifty percent class/half of the trust.

All personal and real property left through this trust shall pass subject to any encumbrances or liens placed on the property as security for the repayment of a loan or debt. If property is left to two or more beneficiaries to share, they shall share it as declared in this Declaration of Trust. If any of them does not survive the grantor, the other named beneficiaries shall take that beneficiary's share equally distributed.

Part 12. Children's Subtrusts

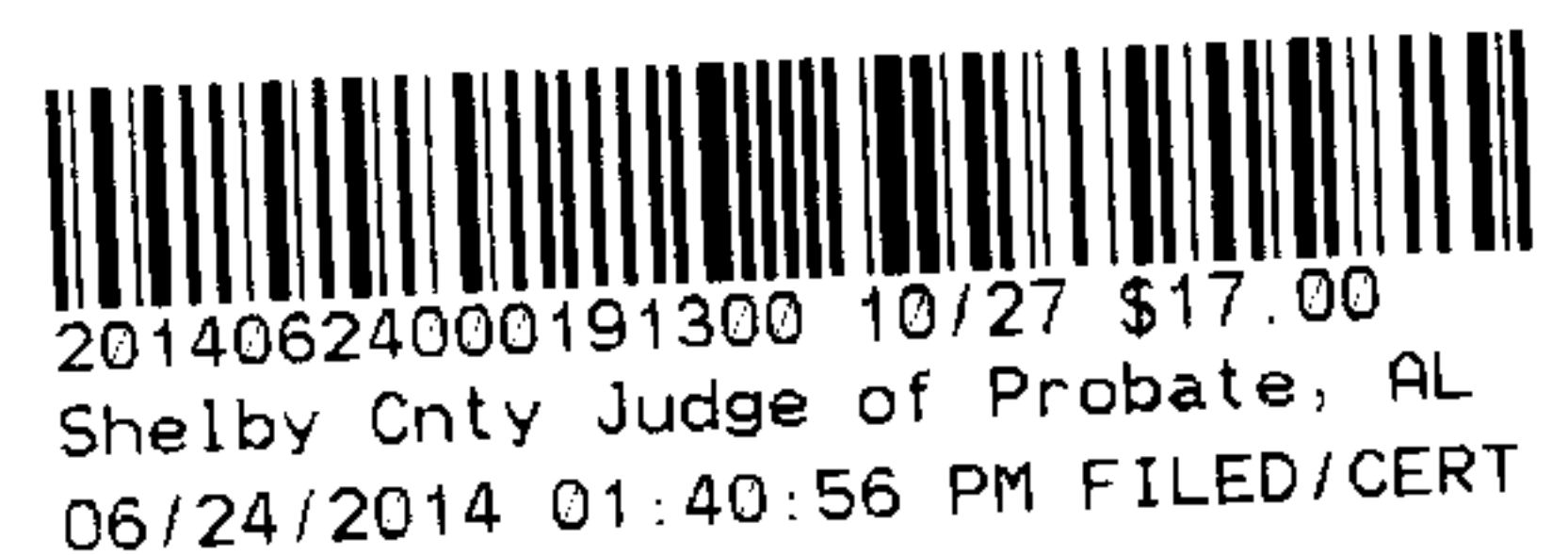
A. Beneficiaries for Whom Subtrusts May Be Created

1. Ten percent to Madeline Ann McKasson [REDACTED] but if she becomes entitled to any trust property under Part 11.B before reaching the age of 30, that trust property shall be kept in a separate child's subtrust, under the provisions of this Part, until Madeline Ann McKasson reaches the age of 30. The subtrust shall be known as the **"John Thomas Gross and Alice Tolito Gross Revocable Living Trust, 10 percent to the Madeline Ann McKasson Subtrust."**

2. Ten percent to Aubrey Leigh McKasson [REDACTED] but if she becomes

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entitled to any trust property under Part 11.B before reaching the age of 30, that trust property shall be kept in a separate child's subtrust, under the provisions of this Part, until Aubrey Leigh McKasson reaches the age of 30. The subtrust shall be known as the **"John Thomas Gross and Alice Tolito Gross Revocable Living Trust, 10 percent to the Aubrey Leigh McKasson Subtrust"**.

3. Ten 10 percent to Lilyanna Rose McKasson [REDACTED] but if she becomes entitled to any trust property under Part 11.B before reaching the age of 30, that trust property shall be kept in a separate child's subtrust, under the provisions of this Part, until, Lilyanna Rose McKasson, reaches the age of 30. The subtrust shall be known as the **"John Thomas Gross and Alice Tolito Gross Revocable Living Trust, 10 percent to the Lilyanna Rose McKasson Subtrust."**

4. Ten 10 percent to Jacob Hurley McKasson [REDACTED] but if he becomes entitled to any trust property under Part 11.B before reaching the age of 30, that trust property shall be kept in a separate child's subtrust, under the provisions of this Part, until he, Jacob Hurley McKasson, reaches the age of 30. The subtrust shall be known as the **"John Thomas Gross and Alice Tolito Gross Revocable Living Trust, 10 percent to the Jacob Hurley McKasson Subtrust."**

5. Ten percent to Hannah Elyse McKasson [REDACTED] but if she becomes entitled to any trust property under Part 11.B before reaching the age of 30, that trust property shall be kept in a separate child's subtrust, under the provisions of this Part, until, Hannah Elyse McKasson, reaches the age of 30. **The subtrust shall be known as the "John Thomas Gross and Alice Tolito Gross Revocable living Trust, 10 percent to Hannah Elyse McKasson Subtrust.""**

B. Powers of Subtrust Trustee

The trustee may distribute as much of the net income or principal of the child's


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subtrust as the trustee deems necessary for the beneficiary's health, support, maintenance or education. Education includes, but is not limited to; college, graduate, postgraduate and vocational studies, and reasonably related living expenses. In deciding whether or not to make a distribution, the trustee may take into account the beneficiary's other income, resources and sources of support. Any subtrust income not distributed by the trustee shall be accumulated and added to the principal of the subtrust.

The trustee is not required to make any accounting or report to the subtrust beneficiary.

C. Assignment of Subtrust Assets

The interests of the beneficiary of a child's subtrust shall not be transferable by voluntary or involuntary assignment or by operation of law before receipt by the beneficiary. They shall be free from the claims of creditors and from attachments, execution, bankruptcy or other legal process to the fullest extent permitted by law.

D. Compensation of Trustee

Any trustee of a child's subtrust created under this Declaration of Trust is entitled to reasonable compensation of 2%(two percent), without court approval, out of the subtrust assets for ordinary and extraordinary services, and for all services in connection with the termination of any subtrust, as well as, reasonable and necessary expenses incurred.

E. Termination of Subtrust

A child's subtrust shall end when any of the following events occurs:

1. The beneficiary reaches the age specified in Section A of this Part. If the subtrust ends for this reason, the remaining principal and accumulated income


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of the subtrust shall be given outright to the beneficiary.

2. The beneficiary dies. If the subtrust ends for this reason, the subtrust property shall pass to the beneficiary's heirs, per stirpes.

3. The trustee distributes all subtrust property under the provisions of this Declaration of Trust.

Part 13. Homestead Rights

If the grantors' principal residence is held in this trust, the grantors have the right to possess and occupy it for life, rent-free and without charge, except for taxes, insurance, maintenance and related costs and expenses. This right is intended to give the grantors a beneficial interest in the property and to ensure that the grantors, or either of them, do not lose eligibility for a state homestead tax exemption for which either grantor otherwise qualifies.

Part 14. Severability of Clauses

If any provision of this Declaration of Trust is ruled unenforceable, the remaining provisions shall stay in effect. The meaning and effect of this revocable living trust shall be determined by the laws of the State of Alabama.

Certification of Grantors

We certify that we have read this Declaration of Trust and that it correctly states the terms and conditions under which the trust property is to be held, managed and disposed of by the trustees, and we approve the Declaration of Trust.


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John Thomas Gross, Grantor and Trustee
Grantor and Trustee

Dated: 11-15-13

Alice Tolito Gross
Grantor and Trustee
Alice Tolito Gross, Grantor and Trustee

Dated: 11-15-13

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Alabama)

)

County of Shelby)

On November 15, 2013 before me, Gabe S Whited, a notary public for said state, personally appeared John Thomas Gross and Alice Tolito Gross, personally known to me (or proved on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Gabe S Whited

Notary Public for the State of Alabama

[NOTARIAL SEAL]

My commission expires: 8-15-17


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SCHEDULE A

SHARED PROPERTY PLACED IN TRUST

Item # and description	date in or out of trust
1. 2012 Toyota Highlander [REDACTED]	
2. 2013 Toyota Highlander [REDACTED]	
3. Regions Bank – [REDACTED]	
4. America's First Federal Credit Union – [REDACTED]	
5. Funeral arrangements prepaid with the costs of the accompanying mausoleum space for each at Cullman Heritage Funeral Home, 255 County Road 1435, Cullman, Alabama, 35058 – [REDACTED]	
6. Lot and trailer in Gulf Shores, Alabama having a tax id from Baldwin County of [REDACTED] and a [REDACTED]	
7. The home at 1131 Stagg Run Trail in Pelham, Alabama_	

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SCHEDULE B

ALICE TOLITO GROSS SEPARATE PROPERTY PLACED IN TRUST

Dated placed in or taken out of trust

1. Raymond James — [REDACTED] Date->
2. T. Rowe Price — [REDACTED] Date->
3. T. Rowe Price — [REDACTED] Date->
4. Morgan Stanley — [REDACTED] Date



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SCHEDULE C

JOHN THOMAS GROSS' SEPARATE PROPERTY PLACED IN TRUST

1. 2003 GMC Sonoma [REDACTED]
2. 22 rifle model 62 SA Interarms – [REDACTED]
3. 410 Remington shotgun model 1100
[REDACTED] improved, full choked, modified
4. Interarms – Rossi 38 [REDACTED]
5. Interarms Rossi 22 [REDACTED]
6. American Arms, Inc. 22 automatic
a. N K C – MO [REDACTED]
7. Charter Arms 38 special [REDACTED]
8. Raymond James [REDACTED]


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Assignment of Property

We, John Thomas Gross and Alice Tolito Gross, as grantors of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust, dated _____, _____, hereby assign and transfer all of our rights, title and interest in the following property:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

to John Thomas Gross and Alice Tolito Gross, as trustees of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust, dated _____, _____.

Executed at _____, _____, on _____, _____.

John Thomas Gross, Grantor and Trustee

Alice Tolito Gross, Grantor and Trustee


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Assignment of Property

We, John Thomas Gross and Alice Tolito Gross, as grantors of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust, dated _____, _____, hereby assign and transfer all of our rights, title and interest in the following property:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

to John Thomas Gross and Alice Tolito Gross, as trustees of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust, dated _____, _____.

Executed at _____, _____, on _____, _____.

John Thomas Gross, Grantor and Trustee

Alice Tolito Gross, Grantor and Trustee


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Assignment of Property

We, John Thomas Gross and Alice Tolito Gross, as grantors of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust, dated _____, _____, hereby assign and transfer all of our rights, title and interest in the following property:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

to John Thomas Gross and Alice Tolito Gross, as trustees of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust, dated _____, _____.

Executed at _____, _____, on _____, _____.

John Thomas Gross, Grantor and Trustee

Alice Tolito Gross, Grantor and Trustee


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Property You Must Transfer Into the Trustees' Names

You must transfer the following items to yourself and your spouse in your capacity as trustees of your living trust. If you don't, the items won't pass under the terms of the trust document.

For each item, you must use the appropriate transfer document—for example, to transfer real estate, you must use a deed.

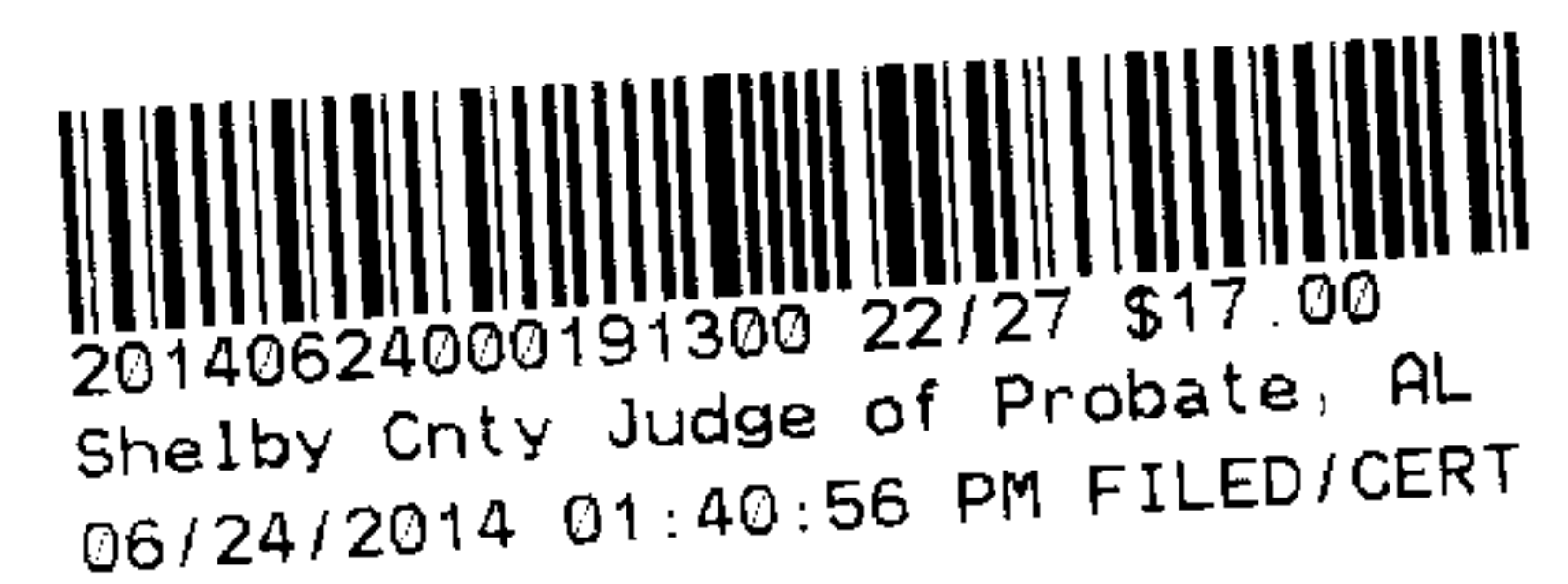
1. Home on Stagg Run Trail (transfer to trust as trustee with trust being the owner)
2. All financial Accounts/assets (transfer to trust as trustee with trust being the owner)
3. Vehicles (transfer to trust as trustee with trust being the owner)
4. Insurance policies that name trust as beneficiary (transfer to trust as trustee with trust being beneficiary)


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INSTRUCTIONS: Letter to the Successor Trustee

Accompanying these instructions is a document called "Letter to the Successor Trustee," which outlines the tasks your successor trustee will be asked to handle. You may use this document in a couple of ways. You may show it to your proposed choice for successor trustee so that he or she will have an idea of what is involved. You may also want to attach it to your trust document, for your successor trustee to read when it comes time to deal with your trust.

Please understand that using this document is strictly up to you. It in no way will affect the validity of your trust or what you hope to accomplish with it.



Letter to the Successor Trustee

You have been nominated to serve as successor trustee for John Thomas Gross and Alice Tolito Gross, the grantors, to be in charge of carrying out the plan expressed in their revocable living trust. To perform this role well, you do not need special financial or legal knowledge. Common sense, conscientiousness and honesty are the main requirements.

Your Duties

While the grantors are alive and well, they serve as the trustees of their trust. You won't have any responsibilities until both of them have died or can no longer manage their affairs.

Your Duties If a Spouse Becomes Incapacitated

If one spouse becomes unable to manage his or her affairs—for example, because of illness or hospitalization—the other will serve as sole trustee. But if one spouse has died, and the survivor becomes incapacitated (or if both spouses become incapacitated), you'll have to step in as trustee. Before you can assume authority, you must ask the three people named in Part 9 of the trust document to give you, in writing, their opinion of whether or not the grantor is capable of managing the trust. (If you make reasonable efforts to contact all of them, but one or more isn't available, you may rely on the opinions of the ones you can reach.) If a majority of them (or if you can reach only one of them, that person) think the grantor can no longer manage the trust, you are authorized to begin serving as trustee.

The people should sign a single document recording their decision about the grantor's capacity, so you have some documentation that shows your authority to act on behalf of the trust. There is no standard form for this document, but you'll want them to sign something along these lines:

"Each of the signers below has determined that John Thomas Gross, surviving grantor of the John Thomas Gross and Alice Tolito Gross Revocable Living Trust dated _____, 2013, has become incapacitated and is no longer reasonably able to manage trust matters. Each signer's determination was made on the basis of his or her knowledge of the grantor's circumstances and condition. Under the terms of the trust document, this determination allows the successor trustee named in that document to serve as trustee."

In this situation, you have broad authority to manage the property in the living trust and use it for the spouses' health care, support and welfare. The law requires you to act honestly and prudently and in the grantors' best interests. And because the spouses are no longer the trustees, you must file an annual income tax return for the trust. If you need professional help—from an accountant, lawyer or tax preparer, perhaps—you can pay for it out of trust assets.

Your Duties after Both Spouses' Deaths

After the second spouse has died, you will take over as trustee. Your primary responsibility is to distribute trust property to the beneficiaries named in the trust document. That is usually a straightforward process that can be completed in a few weeks. For example, you might need to prepare, sign and file a deed, transferring trust real estate to its new owner.

Your Duties If You Must Manage a Child's Subtrust

The trust document may direct that if any of the trust beneficiaries are under 35 when they become entitled to inherit, a separate child's subtrust be created for each young beneficiary. Your job would be to manage the trust property, and use it for the beneficiary's health and welfare. The subtrust will end when the beneficiary reaches the age set out in the trust document.

Your Duties If There Is No Executor

If the deceased person didn't leave a will appointing an executor, or no one has taken on the responsibility of distributing the person's non-trust property, that job will fall to you. You'll also need to make sure that debts are paid (from the deceased person's assets) and that final tax returns are filed.

Payment

You are entitled to two percent of the gross value of the estate as payment for serving as successor trustee and assuming you manage the property in a child's subtrust two percent of each of those trusts plus any reasonable and necessary expenses.

If You Cannot Serve, or Choose Not To

Being named as a successor trustee does not obligate you to serve. When it comes time, you can choose whether to accept this responsibility. And even if you do agree to serve as successor trustee, you can resign at any time.

If you do not serve, for whatever reason, the person named as alternate in the trust document will become trustee. If no one named in the trust document can serve, the last trustee to serve can appoint another successor trustee.

If There Is More Than One Successor Trustee

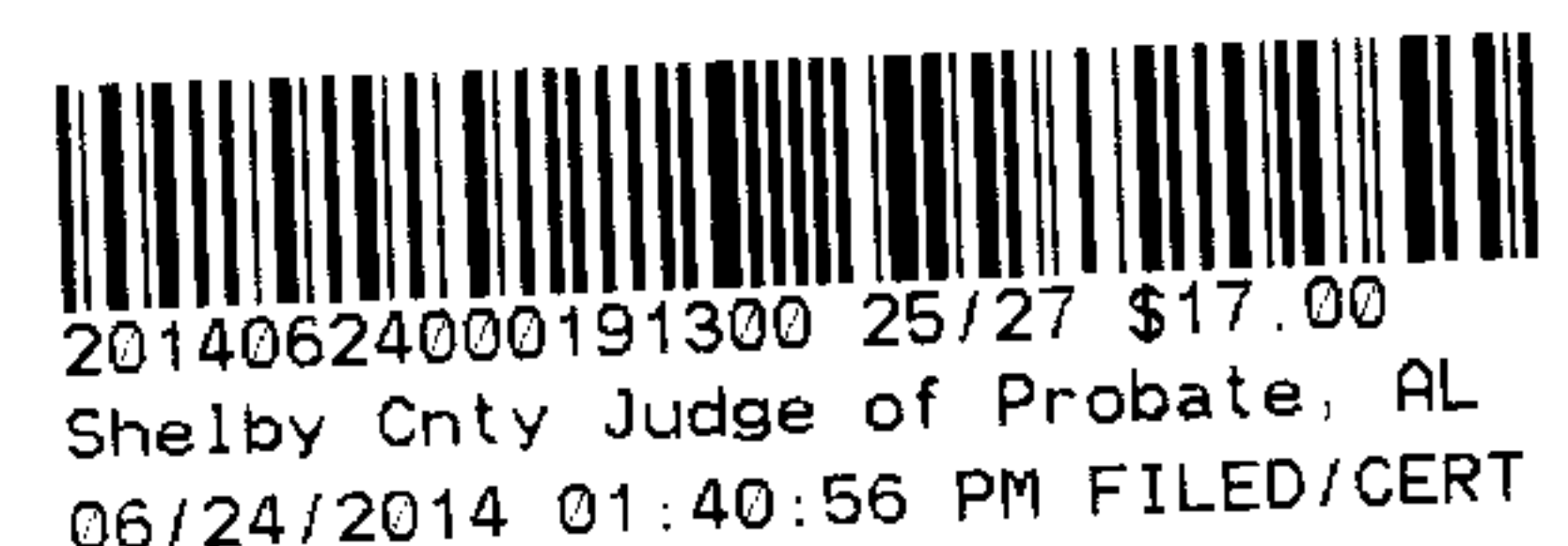
All co-trustees must agree before any of you can act on behalf of the trust. If one of you cannot serve, the others will serve. If none of you can serve, the alternate will take over.

Getting Help

Many successor trustees handle the paperwork themselves with little difficulty. But you may want some expert help, at least once in a while.

Self-Help Resources

The Executor's Guide: Settling a Loved One's Estate or Trust, by Mary Randolph



(Nolo). This book is a thorough guide to an executor's or trustee's duties. It explains how to wrap up someone's affairs with a minimum of heartache and hassle, from finding and protecting assets to transferring property to beneficiaries with or without formal probate.

Experts

It might be useful to hire a lawyer to act as a coach, answering your legal questions as they come up. You might also want the lawyer to do some research for you or look over documents. And if you must prepare and file an estate tax return or other complicated document, it is a good idea to work with an experienced lawyer or CPA.

Names Mentioned in the Trust

Here are the people and organizations mentioned in the trust. (If the original document has been amended, this list may no longer be accurate.) If address and phone information was entered, it appears after the name.

Jessica Adams Cooley

Successor trustee

Primary Physician

Incapacity committee member

Cecilia Ann Tolito Garris

Incapacity committee member

25 percent to Jeffrey Lee McKasson

Alternate beneficiary for twenty-five percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

25 percent to Jonathan Lee McKasson

Alternate beneficiary for twenty-five percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

10 percent to Madeline Ann McKasson [REDACTED]

Alternate beneficiary for ten percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

10 percent to Aubrey Leigh McKasson [REDACTED]

Alternate beneficiary for ten percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

10 percent to Lilyanna Rose McKasson [REDACTED]

Alternate beneficiary for ten percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

10 percent to Jacob Hurley McKasson [REDACTED]

Alternate beneficiary for ten percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

10 percent to Hannah Elyse McKasson [REDACTED]

Alternate beneficiary for ten percent of one-half of the estate that remains after the second of both John Thomas Gross and Alice Tolito Gross becomes deceased.

St Jude Children's Research Hospital & Children's Hospital of Alabama

John Thomas Gross designates (after the second of he and his wife, Alice Tolito Gross becomes deceased) his half of the entire estate to be divided into two beneficiaries: namely: St Jude Children's Research Hospital in Memphis, Tennessee and Children's Hospital of Alabama in Birmingham.


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Shelby Cnty Judge of Probate, AL
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