



20170821000302410 1/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

Last Will & Testament of Marquita Norman Hicks

STATE OF ALABAMA

COUNTY OF SHELBY

I, **Marquita Norman Hicks**, a resident of the County of Shelby, State of Alabama, being over the age of nineteen years and of sound and disposing mind and memory, do hereby make, publish and declare this my Last Will and Testament hereby revoking and annulling any and all former wills and codicils thereto by me at any time heretofore made.

ONE

Funeral Expenses & Un-Paid Debts

I direct that all of my debts, unpaid charitable pledges, funeral expenses, including an appropriate marker, the expenses of my last illness and all administration expenses (including those taxes and expenses payable with respect to assets which do not pass under this Last Will & Testament) be paid as soon as is practicable after my death and shall be charged generally against the principal of my residuary estate, without apportionment.

TWO

Specific Devises & Bequests

I give, devise and bequeath my household furniture and furnishings, automobiles, books, pictures, jewelry, works of art, hobby equipment and collections, and my wearing apparel, together with any insurance on any specific item to my spouse, **Cedric Anthony Hicks**, in fee simple absolute.

CA-
MNH

THREE
Residuary Estate

I give, devise and bequeath to my spouse, **Cedric Anthony Hicks**, the rest, residue and remainder of my property wheresoever situated, whether real, personal or mixed, which I own individually or jointly with others and in which I might have equity at the time of my death, in fee simple absolute.

FOUR
Alternate Beneficiaries

In the event the beneficiary in Paragraph TWO should predecease me or we should die at or about the same time or under circumstances that are such that the order of our deaths cannot be ascertained with reasonable certainty, then in any of such events, and only in any such events, I give, devise and bequeath all of my property wheresoever situated, whether real, personal or mixed, which I own individually or jointly with others and in which I might have an equity at the time of my death, to my son, **Cedric Anthony Hicks, II**, and any after-born or legally adopted children, in equal parts, share and share alike if there are after-born or legally adopted children, pursuant to the terms of the trust fund contained hereinbelow.

FIVE
Trust for Beneficiary under Age Forty-Five

If any share of my estate or of any trust created hereunder becomes distributable to any child beneficiary who is under the age of forty-five (45) years and for whom no other share is then being held in trust, then though his or her share shall be vested in such beneficiary, the Trustee shall hold the same in trust with all of the powers and authority given it with respect to other trust property held hereunder under the terms set out in the following Paragraph Six herein.

SIX
Terms of Trust


20170821000302410 2/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

(a) If my said spouse, **Cedric Anthony Hicks**, shall predecease me, I give, bequeath and devise all of said rest, residue and remainder of my estate to my son,

CG
MMH

Cedric Anthony Hicks, II, in fee simple absolute, unless there are any after-born or legally adopted children, in which case, my estate shall be equally divided between all such persons, under the terms and conditions as hereinafter provided:

(1) In the event that any of said beneficiaries have not attained the age of forty-five (45) years at the time of my death, I give, bequeath and devise unto the trustee hereinafter named the share to which said beneficiary would be entitled if he or she had attained the age of forty-five (45) years at the time of my death, to be held in trust for the use and benefit of said beneficiary and to be distributed under the following terms and conditions:

(i) Until such beneficiary shall attain the age of forty-five (45) years, the trustee shall pay to or apply for the benefit of said beneficiary in monthly or in other convenient installments but not less often than annually, so much of the net income and so much of the principal from his share of the trust estate as the trustee in his discretion deems necessary for his proper health, support, maintenance, and education. At the end of the year the trustee shall accumulate and add to the principal any net income not distributed to the beneficiary hereunder.

(ii) When the beneficiary has successfully graduated from an accredited 4 year brick and mortar university or has successfully graduated from an accredited trade school then the said trustee shall pay to or apply for the benefit of said beneficiary Five Percent (5.00%) of the principal and interest of said trustee estate.

(iii) When the beneficiary shall obtain the age of twenty-five years, the trustee shall immediately distribute to him Ten Percent (10%) of the remaining balance of his share in the trust estate, including any undistributed income.


20170821000302410 3/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

CF-
MWH

(iv) When the beneficiary hereunder shall obtain the age of thirty-five (35) years, the trustee shall immediately distribute to him one half ($\frac{1}{2}$) of the remaining balance of his share in the trust estate, including any undistributed income.

(v) When the beneficiary attains the age of forty-five (45) years, the trustee shall immediately distribute to him the remaining ($\frac{1}{2}$) of the remaining balance of his share in the trust estate UNLESS said beneficiary has children in which case the remaining one half ($\frac{1}{2}$) of the trust estate and all future income resulting thereof shall be continue to be held in trust for the legitimate child(ren) of the original beneficiary under the same terms and conditions of the original trust or until the maximum time permitted without violating the Rule Against Perpetuities.

(2) If any of said beneficiaries, having survived me, shall die before attaining the age of forty-five (45), the entire remaining share of such beneficiary 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 of 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 share in the share of such beneficiary so dying shall be added to, merged in and administered and disposed of like such other property so held in trust for him or her.

SEVEN
Dissolution of Trust


20170821000302410 4/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

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

cf.
M.H.

all fees and expenses of administration and also to yield a reasonable return to the beneficiaries. In such event, the Trustee shall distribute the assets thereof in its possession to the then current beneficiary or beneficiaries of the income and if more than one beneficiary is so entitled, in the proportions in which they are beneficiaries. If any such beneficiary shall be a minor at the date of such distribution, then his or her share of such trust shall be paid to a parent or relative of such beneficiary as custodian under the Alabama Uniform Gifts to Minors Act.

EIGHT
Appointment of Trustee

(a) With respect to any trust created under the provisions of this Will, I hereby nominate and appoint **Aldophus Hicks** and/or **Rosemary Trammell Norman** as Co-Trustees hereunder. If both of them should die, resign, become incompetent, or otherwise fail or cease to serve, I hereby appoint **Y. Nicole Montgomery, Esq., (832-771-9575)**, as Alternate Trustees hereunder.

(b) No Trustee appointed herein shall be required to give bond or to file an inventory or accounting in any Court or render any report in Court upon final settlement of his acts as Trustee, although he shall make out and keep an inventory and maintain records of all transactions relating hereto and shall exhibit the same to any party in interest at any reasonable time.

(c) Any trustee appointed herein shall serve without compensation, except that he shall be entitled to reasonable compensation for extraordinary services.



20170821000302410 5/14 \$54 00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

CF-
MWH

NINE
Trustee Powers

Without limitation of the powers conferred by statute or general rules of law, my Trustee shall have the following powers and authorities in addition to others now or hereafter conferred by law, with respect to any property contained in my estate:

- (a) To retain any property owned by me at the time of my death;
- (b) To invest any funds in any corporate shares, bonds, or other securities or property, real or personal (including any common or commingled fund or funds), notwithstanding that such investments may not be of the character allowed to trustees by statute or general rules of law and without any duty to diversify investments, it being my intention to confer the broadest investment powers and discretion upon the Trustee;
- (c) To sell (at public or private sale, without application to any court) or otherwise dispose of any property, real or personal, for cash or upon credit, in such manner and on such terms and conditions as he may deem best and no person dealing with him shall be bound to see to the application of any monies paid;
- (d) To manage, operate, repair, improve, mortgage, and lease for any term (whether longer or shorter than the duration of any trust hereunder) any real estate;
- (e) Except to the extent prohibited by law, to cause any securities to be registered in the names of its nominees, or to hold any securities in such condition that same will pass by delivery;
- (f) To employ such attorneys, accountants, custodians, investment counsel, and other persons as he may deem advisable and to pay them such reasonable compensation as he may deem proper;

*cf-
MWH*

(g) To distribute in case or in kind upon termination of any trust hereunder;

(h) To open and maintain one or more bank, custodian or other accounts in any bank or trust company (including a Corporate Trust hereunder), and to deposit to the credit of such account or accounts all of the funds belonging to the trust which may at the time be in the possession of the Trustee; from time to time to withdraw a portion or all of said funds so deposited by check signed by the Trustee, and any such bank or trust company is hereby authorized to pay such checks and also to receive the same for deposit, to the credit of any holder thereof who so signed or endorsed; to delegate to any one or more of its proper agents the right to sign checks against the aforementioned account or accounts for the purpose of the trust, and any bank or trust company in which said account or accounts are maintained is hereby authorized and directed to pay such checks, provided, however, that prior thereto such delegation is evidenced by an appropriate instrument in writing deposited with the said bank or trust company by the Trustee; and

(i) In general, to exercise all powers in the management of any trust hereunder which any individual could exercise in the management of similar property owned in his own right, upon such terms and conditions as it may seem best, and to execute and deliver all instruments and to do all acts which it may deem necessary or advisable in connection with the administration of any trust established hereunder.

TEN

Miscellaneous Tax Provisions

(a) I authorize my Executor to join with my wife in making a joint income tax or gift tax return or to execute a consent to any gift made by my wife for any taxable year that includes the date of my death or for any period prior thereto, and in connection therewith, to pay such amounts of tax, interest and penalties as he may deem advisable, even though not attributable entirely to my own income or gifts.



20170821000302410 7/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

Handwritten signature and initials, possibly "JH" and "MTH".

(b) Furthermore, my Executor is hereby authorized, to the extent permitted by law, to deduct administration expenses and commissions whether against the gross estate in computing estate income tax, as my Executor, in his sole discretion, shall elect, and my Executor shall not be required to make any adjustment on account thereof in setting up any of the trusts herein provided for.

ELEVEN
Perpetuities - Termination

Each trust under this Will shall in any event terminate twenty-one (21) years after the death of the last survivor of such of the beneficiaries thereunder as shall be living at the time of my death, and thereupon the property held in that trust shall be distributed, discharged of trust, to the persons then entitled to the income and in the proportions to which they are entitled to the income.

TWELVE
Miscellaneous

The following provisions shall govern for all purposes of this Will, wherever they may be applicable:

(a) If any beneficiary of my estate or of any trust created hereunder shall be a minor, or under any legal disability, or in the sole judgment of the Trustee, or Executor, shall otherwise be unable to apply the proceeds of his or her trust or share of my estate to his or her own best interests and advantage, the Trustee or Executor may in his sole discretion, pay or apply income or principal which the Trustee or Executor is authorized or directed to pay to or for the benefit of such beneficiary in any one or more of the following ways:

- (1) Directly to such beneficiary;
- (2) To the legal guardian, conservator, or custodian of such beneficiary for the use and benefit of such beneficiary;
- (3) To a relative of such beneficiary to be expended by such relative for the benefit of such beneficiary;



20170821000302410 8/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

CF.
MWH

(4) By the trustee or Executor expending any such income or principal for the benefit of such beneficiary;

(b) Upon making any payment or transfer hereunder, the executor and Trustee shall be discharged as to such payment or transfer without liability for the subsequent application thereof, and when the final payment or transfer is made from the principal of any trust, such trust shall terminate and the Trustee shall be fully discharged as to such trust.

(c) Throughout this Will, the masculine gender shall be deemed to include the feminine and the singular the plural, and vice-versa, whenever the context admits such construction.

(d) In the Will, references to my "child," "son," or "children" mean **Cedric Anthony Hicks, II** and any other children born to or adopted by me after the date of this Will. References to "descendants" mean legitimate descendants of the ancestor designated, provided always, however, that an adopted child, whether of myself or of any other person, shall, for all purposes under this Will, whether for the determination of relationships or otherwise, be considered to have and shall be given exactly the same status as a legitimately born child.

(e) I acknowledge that my husband, **Cedric Anthony Hicks**, could have fathered another child or children with **Lynn Gibson**, an ex-girlfriend, in approximately 1991 or 1992. In the event that he did father such child(ren) it is my desire for said child(ren) NOT to inherit under this Last Will & Testament.

(f) All headings and captions contained in this Will have been included for convenience of reference only, shall not be construed as part of this Will and shall in no way be construed as defining, limiting or affecting the scope or intent of the provisions of this Will.



20170821000302410 9/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

cf-
MHA

THIRTEEN

Representation of Minor or Incompetent Beneficiaries

If any beneficiary under this Last Will & Testament has not reached the legal age of majority under the law of the jurisdiction in which that person is domiciled at the time set for distribution under any provision of this Last Will & Testament, or if the named beneficiary is under any type of disability or incapacitation, whether temporary or permanent, then the person having legal custody of the minor beneficiary or holding a valid appointment by a Court of competent jurisdiction, as Guardian/Conservator, (i) shall represent the beneficiary in any division of such property, (ii) may give a binding receipt for and hold the beneficiary's share for his or her benefit as custodian under the Alabama Uniform Transfers to Minors Act, and (iii) shall deliver the share or sale proceeds to the beneficiary before or when the beneficiary reaches legal age or upon the cessation of said disability or incompetence rendering condition.

FOURTEEN

Appointment of Guardian

In the event that my spouse pre-deceased me or we died in such a manner that the order of our deaths cannot be determined and property under this said Last Will & Testament should vest in any of my child(ren) who are under the age of majority, or who are under some form of disability, or incompetency, or who are otherwise incapacitated, whether temporary or permanent, under the laws of whatever jurisdiction that they are domiciled in, I hereby nominate, constitute and appoint **Marguerite Norman-Flannigan**, as Guardian(s) over the person of said children while they are under the age of majority unless another person(s) has already been appointed as Guardian/Conservator by a Court of competent jurisdiction for any incompetent or incapacitated person. It is my intention by the appointment of such Guardian that the Guardian shall have custody of the person of said minor or



20170821000302410 10/14 \$54.00
Shelby Cnty Judge of Probate: AL
08/21/2017 09:48:33 AM FILED/CERT

Handwritten signature/initials in the bottom right corner, appearing to be "J. M. H."

incompetent/incapacitated person, being responsible for furnishing a proper home environment and seeing to the education of such person. In the event that the above named Guardians cannot serve as such or are unable or unwilling to serve as such, I nominate, constitute and appoint **Chandra Hicks**, as Alternate Guardians to act in their behalf.

FIFTEEN

Appointment of Executor & Alternate Executor

I nominate, constitute and appoint my spouse, **Cedric Anthony Hicks**, as Executor of this my Last Will and Testament if he should survive me and is capable of so acting. If he should predecease me, or for some reason does not desire to act as such Executor or is incapable of so acting, then in this event, I nominate, constitute and appoint, **Rosemary Trammell Norman**, as Alternate Executrix(s) of this my Last Will and Testament to act in his stead.

SIXTEEN

Executor's, Guardian's, Conservator's & Trustee's Bond, Inventory & Accounting

I request that no Executrix, Executor, Guardian, Conservator, Trustee or other fiduciary hereunder be required to give bond for the performance of his or her duties arising hereunder and that notwithstanding this request, any bond required by law, statute or rule of court shall have no sureties required thereon. I further exempt my said Executrix, Executor, Guardian or Conservator from having to file any inventory of assets coming into his or her hands as such Executrix, Executor, Guardian or Conservator and from having to file any accounting, report or settlement with any court.


20170821000302410 11/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

SEVENTEEN

Executor's & Guardian's Powers

I hereby grant to my Executrix, Executor, Guardian and/or Trustee the absolute discretionary power to deal with any of my property, real, personal or mixed,

CF
MWH

owned individually or jointly with others, the authority to do all acts which I could do if I were living, in the handling of my affairs. Such power may be exercised independently and without prior or subsequent approval of any court, and no person dealing with any said fiduciary of mine shall be required to inquire into the propriety of any of his or her actions. Without in any way limiting the generality of the foregoing, I hereby grant to my Executrix or Executor the following specific powers in addition to, and not in substitution of powers conferred by law: [A] to comprise, settle or adjust any claim or demand by or against my Estate and to rescind or modify any contract or agreement of which I am a party; [B] to retain any security or other property owned by me at the time of my death so long as such retention appears advisable and to exchange any such security or property for other securities or properties and to retain such items received in exchange; [C] to sell, exchange, partition, divide, assign, transfer, lease and convey any of my property, real, personal or mixed, owned individually or jointly with others, at public or private sale, at such time and price and upon such terms and conditions, including financing thereof, as my fiduciary may determine; [D] to invest and re-invest in such stocks, bonds and other securities as my fiduciary may deem advisable, all without diversification as to kind or amount and without being restricted in any way by the Constitution of Alabama and any statute or court decision now or hereafter existing which regulates or limits the investment authority of fiduciaries; [E] to employ accountants, attorneys and such other agents as my fiduciary may deem advisable and to pay reasonable compensation for their services and to charge same to my Estate; [F] to distribute property "in-kind."

I, **Marquita Norman Hicks**, the testator, sign my name to this instrument this 18 day of JAN., 2016, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly, that I execute it as my free and voluntary act


20170821000302410 12/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

Handwritten signature
1/11/16

for the purposes therein expressed, and that I am nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Marquita Norman Hicks
Marquita Norman Hicks (Testator)

We, Tomika Lilly Catherine Lilly, 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 nineteen years of age or older, of sound mind, and under no constraint or undue influence.

Tomika Lilly
Witness

Catherine Lilly
Witness

535 Hicks St Apt 6E
address Montevallo, AL 35115

1015 Sprungreech Rd
address Montevallo, AL 35115

STATE OF ALABAMA)
COUNTY OF SHELBY)


20170821000302410 13/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

Subscribed, sworn to and acknowledged before me by Marquita Norman Hicks, the testator, and subscribed and sworn to before me by

[Handwritten signature]

Jamika Lilly, and Catherine Lilly,
witness, this 18 day of JAN., 2016.


Notary Public
My Commission Expires: 09 March, 2016

This Instrument Prepared By:

Clint C. Thomas, P.C.
Attorney at Law
P.O. Box 1422
Calera, AL 35040



20170821000302410 14/14 \$54.00
Shelby Cnty Judge of Probate, AL
08/21/2017 09:48:33 AM FILED/CERT

CF
MUT