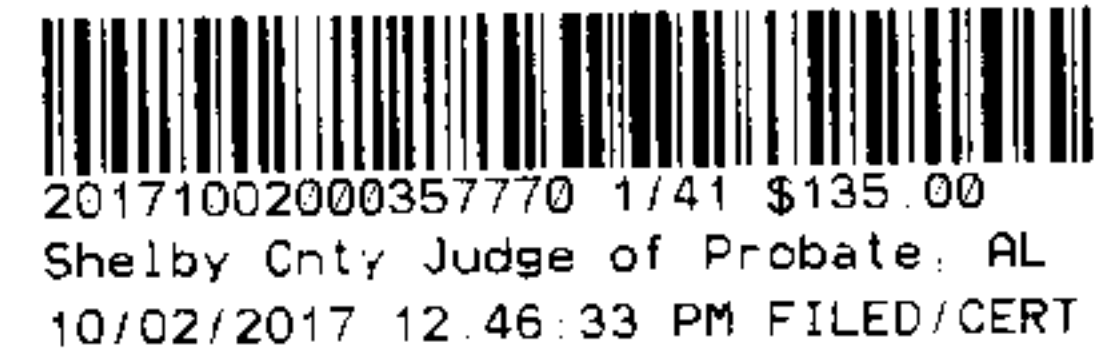


IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

FRANCES W. DAVID aka)
FRANCES WOJICK DAVID,)
Deceased.)

CASE NO. 17BHM 00773



PETITION FOR PROBATE OF WILL

Come the Petitioner, **MARY A. DAVID, CATHERINE DAVID ABIKHALED**
and **DAVID KASSOUF**, and show this Court the following facts:

1. Frances W. David died testate at Birmingham, Alabama on or about the
5th day of April, 2017, and at the time of such death was an inhabitant of Jefferson
County, Alabama.

Real property 2657 Altadena Rd Birmingham, AL 35243

2. Surrendered herewith is the Decedent's Last Will and Testament naming
the Petitioners as Personal Representatives thereof, which was duly signed by the
Decedent when over eighteen (18) years of age, and was attested by the following
witnesses:

NAME

PRESENT ADDRESS

Betty L. Reed

2001 Park Place North, Suite 700
Birmingham, Alabama 35203

Marisa Williams

2001 Park Place North, Suite 700
Birmingham, Alabama 35203

3. The Decedent's Last Will and Testament, as identified in paragraph 2
hereof, was self-proved in a manner substantially in accordance with the requirements of
ALA. CODE § 43-8-132. The name and present address of the officer authorized to
administer oaths before whom said Will was acknowledged are as follows:

Nancy Williams Ball
2001 Park Place North, Suite 700
Birmingham, Alabama 35203

4. Decedent was not survived by a spouse.

5. The following is a true, correct, and complete list of the names, ages, conditions, relationships and addresses of the Decedent's next-of-kin (as determined by application of ALA. CODE § 43-8-42):

W **John P. David**, son, over nineteen (19) years of age and of sound mind, 115 Deer Mountain Circle, Pelham, AL 35124.

Q **Mary A. David**, daughter, over nineteen (19) years of age and of sound mind, 3513 Birchwood Lane, Birmingham, AL 35243.

Q **Catherine David Abikhaled**, daughter, over nineteen (19) years of age and of sound mind, 1597 Woodridge Place, Birmingham, AL 35216.

W **William J. David**, son, over nineteen (19) years of age and of sound mind, 4561 Old Caldwell Mill Road, Birmingham, AL 35243.

W **Teresa Hill Troncale (f/k/a Teresa David Hill)**, daughter, over nineteen (19) years of age and of sound mind, 4423 Camp Horner Road, Birmingham, AL 35243.

✓ **Carol David Christiansen**, daughter, over nineteen (19) years of age and of sound mind, 3852 Timberline Way, Vestavia, AL 35216.

WHEREFORE, the Petitioners pray that this Court will take jurisdiction of this Petition; will cause all such notices or citations to issue to the said next-of-kin as may be proper in the premises; and will cause such proceedings to occur, and such proof to be taken, and render such orders and decrees as will duly and legally effect the probate and record in this Court of said Will as the Last Will and Testament of the Decedent. This Petition is deemed to be verified pursuant to ALA. CODE § 43-8-22.

Mary A. David

MARY A. DAVID

3513 Birchwood Lane

Birmingham, AL 35243



20171002000357770 2/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

Catherine David Abikhaled

CATHERINE DAVID ABIKHALED

1597 Woodridge Place

Birmingham, AL 35216

David Kassouf

DAVID KASSOUF

2101 Highland Avenue South, Suite 300

Birmingham, AL 35205

178HM00973

Attorneys for Petitioner:

C. Fred Daniels, Esq.

Nancy W. Ball, Esq.

Cabaniss, Johnston, Gardner

Dumas & O'Neal LLP

2001 Park Place North, Suite 700

Birmingham, Alabama 35203

(205) 716-5232



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Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

STATE OF ALABAMA)

:

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **MARY A. DAVID**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of April, 2017.

Nancy W. Ball

Notary Public

[SEAL]

My Commission Expires: ~~September 14, 2018~~

August 31, 2019

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **CATHERINE DAVID ABIKHALED**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of April, 2017



Nancy Williams
Notary Public

STATE OF ALABAMA)

JEFFERSON COUNTY)

20171002000357770 4/41 \$135.00
Shelby Cnty Judge of Probate: AL
10/02/2017 12:46:33 PM FILED/CERT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **DAVID KASSOUF** whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18TH day of April, 2017.



Bradley Dupree
Notary Public



17BHM00973

BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered recorded this the 19th day of April, 2017

Shelby C. Friday
Judge of Probate



20171002000357770 5/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

17BHM00973

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

FRANCES W. DAVID, aka)
FRANCES WOJICK DAVID)

CASE NO. _____

17BHM00973

Deceased.

WAIVER OF NOTICE
ON PROBATE OF WILL

TO THE HONORABLE ALAN L. KING,
JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

I, CAROL DAVID CHRISTIANSEN, a resident of Shelby County, State of Alabama, being the next-of-kin as determined by application of the ALA. CODE § 43-8-42, of Frances W. David, aka Frances Wojick David, deceased, and age nineteen (19) years or older, hereby accept service and waive notice of the filing of the Petition to Probate the Last Will and Testament of said Decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will, which bears the date of **October 25 2013**, be admitted to probate without further notice of any kind to me, and the Personal Representatives named in said Will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am **NOT** giving up my right to contest said Will or to make an objection to the administration of the estate of the deceased by the Personal Representatives thereof.

Dated this the 18th day of April, 2017.




CAROL DAVID CHRISTIANSEN

3852 Timberline Way
Vestavia, AL 35216


STATE OF ALABAMA)

JEFFERSON COUNTY)


2017100200035777C 6/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CAROL DAVID CHRISTIANSEN, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of April, 2017.



Notary Public

[SEAL]

My Commission Expires: 1-10-18

FILED IN OFFICE THIS 14th DAY
OF April, 2017
AND ORDERED RECORDED.

(B0952505 1)


JUDGE OF PROBATE

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

FRANCES W. DAVID, aka)
FRANCES WOJICK DAVID)

CASE NO.

17BHM00973

Deceased.

WAIVER OF NOTICE
ON PROBATE OF WILL

TO THE HONORABLE ALAN L. KING,
JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

I, TERESA HILL TRONCALE (f/k/a Teresa David Hill), a resident of Shelby County, State of Alabama, being the next-of-kin as determined by application of the ALA. CODE § 43-8-42, of Frances W. David, aka Frances Wojick David, deceased, and age nineteen (19) years or older, hereby accept service and waive notice of the filing of the Petition to Probate the Last Will and Testament of said Decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will, which bears the date of **October 25 2013**, be admitted to probate without further notice of any kind to me, and the Personal Representatives named in said Will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am **NOT** giving up my right to contest said Will or to make an objection to the administration of the estate of the deceased by the Personal Representatives thereof.

Dated this the 18th day of April, 2017.

Teresa Hill Troncale

TERESA HILL TRONCALE

4132 Camp Horner Road
Birmingham, AL 35243

STATE OF ALABAMA)

JEFFERSON COUNTY)

20171002000357770 7/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **TERESA HILL TRONCALE**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of April, 2017.

May Will Ball
Notary Public

[SEAL]

My Commission Expires: August 31, 2017

(00952502 1)

FILED IN OFFICE THIS 19th DAY
OF April, 2017
AND ORDERED RECORDED.

Sherri C. Friday
CLERK OF PROBATE

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

FRANCES W. DAVID, aka)
FRANCES WOJICK DAVID)

CASE NO. _____

17BHM00973

Deceased.

WAIVER OF NOTICE
ON PROBATE OF WILL



20171002000357770 8/41 \$135.00
Shelby Cnty Judge of Probate AL
10/02/2017 12:46:33 PM FILED/CERT

TO THE HONORABLE ALAN L. KING,
JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

I, WILLIAM J. DAVID, a resident of Shelby County, State of Alabama, being the next-of-kin as determined by application of the ALA. CODE § 43-8-42, of Frances W. David, aka Frances Wojick David, deceased, and age nineteen (19) years or older, hereby accept service and waive notice of the filing of the Petition to Probate the Last Will and Testament of said Decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will, which bears the date of **October 25 2013**, be admitted to probate without further notice of any kind to me, and the Personal Representatives named in said Will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am NOT giving up my right to contest said Will or to make an objection to the administration of the estate of the deceased by the Personal Representatives thereof.

Dated this the 18 day of April, 2017.

William J. David

WILLIAM J. DAVID
4561 Old Caldwell Mill Road
Birmingham, AL 35243

STATE OF ALABAMA)

JEFFERSON COUNTY)

FILED IN OFFICE THIS 19th DAY
OF April, 2017
AND ORDERED RECORDED.

Sherri C. Friday
JUDGE OF PROBATE

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that WILLIAM J. DAVID, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of April, 2017.

Ray Will Hall

Notary Public

[SEAL]

My Commission Expires: August 31, 2019

(B0952501.1)

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

FRANCES W. DAVID, aka)
FRANCES WOJICK DAVID)

CASE NO.

17BHM00973

Deceased.

WAIVER OF NOTICE
ON PROBATE OF WILL

20171002000357770 9/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

TO THE HONORABLE ALAN L. KING,
JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA:

I, **JOHN P. DAVID**, a resident of Shelby County, State of Alabama, being the next-of-kin as determined by application of the ALA. CODE § 43-8-42, of **Frances W. David**, aka **Frances Wojick David**, deceased, and age nineteen (19) years or older, hereby accept service and waive notice of the filing of the Petition to Probate the Last Will and Testament of said Decedent. I do hereby waive notice either by personal service or by publication and consent and request that said Will, which bears the date of **October 25 2013**, be admitted to probate without further notice of any kind to me, and the Personal Representatives named in said Will be appointed as provided therein. I acknowledge that by this Waiver of Notice I am **NOT** giving up my right to contest said Will or to make an objection to the administration of the estate of the deceased by the Personal Representatives thereof.

Dated this the 18th day of April, 2017.

John P. David

JOHN P. DAVID
115 Deer Mountain Circle
Pelham, AL 35124

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **JOHN P. DAVID**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of April, 2017.

May Wil Ball
Notary Public

[SEAL]

My Commission Expires: August 31, 2017

(R0952500.1)

FILED IN OFFICE THIS 19th DAY
OF April, 2017
AND ORDERED RECORDED.

Sherri C. Friday
JUDGE OF PROBATE

LAST WILL AND TESTAMENT

OF

FRANCES W. DAVID

20171002000357770 10/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

I, **FRANCES W. DAVID**, a resident of Jefferson County, State of Alabama, being of sound mind and disposing memory, do make, publish, and declare this instrument as and for my Last Will and Testament, hereby revoking any and all other wills and codicils heretofore made by me.

ARTICLE I MEMBERS OF MY FAMILY

The provisions regarding a child or children of mine refer to my children, **JOHN P. DAVID, MARY A. DAVID, CATHERINE DAVID ABIKHALED, WILLIAM J. DAVID, TERESA DAVID HILL and CAROL DAVID CHRISTIANSEN.**

(a) *Adopted Persons.* Any adopted person and the adopted person's descendants shall be considered descendants of the adoptive parents and of the ancestors of such adoptive parents, for all purposes hereunder, whether such adoption occurs before or after the execution hereof, provided that such adoption occurs prior to the adopted person attaining fourteen (14) years of age.

(b) *Survival of Beneficiaries.* Any person who fails to survive me by ninety (90) days shall be deemed to have predeceased me. One purpose, but not the sole purpose, that I have in imposing this ninety-day survival requirement is to take full advantage of the special rule for certain descendants contained in Treasury Regulation Section 26.2612-1(a)(2)(i), and this provision shall be construed in all respects consistently with such purpose.

ARTICLE II PERSONAL REPRESENTATIVES

(a) *Designation of Personal Representatives.* I designate and appoint my daughter, **MARY A. DAVID**, my daughter, **CATHERINE DAVID ABIKHALED**, and my accountant, **DAVID KASSOUF**, as my Co-Personal Representatives (*i.e.*, my Co-Executors). If **DAVID KASSOUF** should resign or for any reason fail or cease to serve as my Personal Representative, then my accountant, **GERARD J. KASSOUF**, shall serve with my children as the successor Co-Personal Representative to **DAVID**

KASSOUF. If any of my named children should die, become incapacitated, or otherwise fail or cease to serve as my Co-Personal Representative, then I appoint one of my other children, in the following order, to serve with my accountant and other child so named:


- (1) my son, **WILLIAM J. DAVID**, then
- (2) my son, **JOHN P. DAVID**, then
- (3) my daughter, **TERESA DAVID HILL**, then
- (4) my daughter, **CAROL DAVID CHRISTIANSEN**.

If any five (5) of my children become incapacitated, or otherwise fail or cease to serve as my Co-Personal Representative, then I appoint my remaining child to serve with my accountant named above as Co-Personal Representative.

(b) ***Successors to Gerard J. Kassouf and David Kassouf.*** In the event that both **GERARD J. KASSOUF** and **DAVID KASSOUF**, should resign, become incapacitated or for any other reason fail or cease to serve as Co-Personal Representative hereunder, then the chairman of **KASSOUF & CO.** (or any successor entity thereto whether by purchase, merger, consolidation, change of name or otherwise), shall appoint as successor Co-Personal Representative, any bank or trust company or any one or more individuals, including an accountant employed by **KASSOUF & CO.** Such appointment of a successor Co-Personal Representative shall be by a writing signed by the chairman of **KASSOUF & CO.**, properly notarized, and filed in the Probate Court in which my Will is being administered. Likewise, the chairman of **KASSOUF & CO.** may, in the same manner, appoint any number of successor Co-Personal Representative.

(c) ***Gender and Number.*** Whenever the words "Personal Representative" or "Personal Representatives" are used, they shall be construed either as singular or plural, and masculine, feminine or neuter, whichever is proper in accordance with the context.

(d) ***Conflict of Interest.*** Neither of my accountants named above shall be precluded from future or continued professional representation of members of my family or any trusts which benefit a member of my family or of which a member of my family serves as trustee, or any corporations, partnerships or other business entities in which a member of my family may have an interest. Accordingly, any continued or future representation of the parties shall not be deemed a conflict of interest.


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**ARTICLE III
PAYMENT OF DEBTS AND EXPENSES**

I direct that my debts, the expenses of my last illness, my funeral expenses, and the cost of a suitable marker shall be generally paid out of and charged against the residue of my estate, without apportionment. The costs of administering my estate shall, to the extent possible, not be charged against or paid from property that is exempt from federal estate tax, or for which there is a federal estate tax deduction or exclusion (such as the marital and charitable deductions). The reasonable costs of safeguarding, insuring, packing, and storing my tangible personal property before its distribution, and of delivering each item thereof to the residence of the beneficiary of that item, shall be paid as administration costs of my estate.

**ARTICLE IV
PERSONAL ITEMS**

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Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

I give and bequeath my wearing apparel, jewelry, books, pictures, art objects, hobby equipment, collections, automobiles, and all other objects of my personal use or ornament, including any household furniture and furnishings which I own, together with any insurance thereon, all club memberships, stadium certificates, and airline frequent flyer miles and other loyalty program benefits, to my descendants who survive me, *per stirpes*. I may leave a memorandum containing suggestions for division or the ultimate disposition of certain of the property bequeathed under this Article, but such memorandum shall not affect the absolute nature of this bequest. My Personal Representative shall have full power and authority to determine what objects of property are included in the foregoing descriptions. If any property bequeathed under this Article is distributable to a descendant of mine who has not attained the age of nineteen (19) years, my Personal Representative may, in the sole discretion of my Personal Representative, deliver the same directly to such descendant or to the parent, guardian, or other person having custody of such descendant.

**ARTICLE V
EXERCISE OF POWER OF APPOINTMENT UNDER ITEM V OF
THE LAST WILL AND TESTAMENT OF
MY HUSBAND, BENJAMIN P. DAVID**

ITEM V of the Last Will and Testament of my husband, Benjamin P. David ("my husband's Will"), which Will was duly probated and admitted to record in the Probate Court of Jefferson County, Alabama, sets forth the provisions of a trust titled therein as "Trust Estate 'A'". By an instrument dated January 1, 2005, and in accordance with


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ALA. CODE § 19-5-3 (1997 Repl.), the Executors of my husband's estate and the Trustees of Trust Estate "A" divided Trust Estate "A" into two separate trusts in order to create one trust entirely exempt from the generation-skipping transfer tax imposed by Chapter 13 of the Internal Revenue Code, and a second trust entirely subject to the generation-skipping transfer tax. The trust that is entirely exempt from the generation-skipping transfer tax is now known as the "Benjamin P. David GST Exempt Marital Trust".

Subsection (c)(2) of ITEM V of my husband's Will provides that upon my death, the property remaining in the Trust Estate "A" after payment of certain expenses and taxes is to be paid over and merged with the funds held in a trust titled therein as "Trust Estate 'B'", the provisions of which are set forth in ITEM VI of my husband's Will.

Section (e) of ITEM VI of my husband's Will provides the following with regard to the distribution of Trust Estate "B" upon my death:

(e) Notwithstanding any contrary provisions contained in this Item of my Will, my said wife, by specific reference thereto in her valid Last Will and Testament, shall have the power to direct the Trustee named herein to alter the foregoing division of said Trust Estate "B" among my lineal descendants by dividing it among my lineal descendants in such manner and in such equal or unequal proportions, in trust or otherwise, as my said wife may see fit, whether or not the parent of such lineal descendant shall be living. I recognize that my said wife, if she should survive me, may be better able, based on conditions which may prevail after my death, to make a more appropriate division of said Trust Estate "B" among my said descendants than I have directed, and accordingly, I desire her to have the above limited special power of appointment, in order that she may change the method of distribution of my estate as set out hereinabove, in such manner as she considers desirable, taking into consideration the financial condition of each of my said descendants and any other circumstances which may exist at said particular time. Anything above to the contrary notwithstanding, under no conditions may my said wife appoint any part of said Trust Estate "B" to herself, to her estate, to her creditors or to the creditors of her estate. In exercising the limited power of appointment given to my wife by creating a trust for the benefit of any of my lineal descendants, she is hereby expressly prohibited from including in any such trust any provisions which may be interpreted as violating the common-law rule against perpetuities as applicable in the State of Alabama.


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Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

I hereby make specific reference to the foregoing provisions of my husband's Will and provide that upon my death, the Benjamin P. David GST Exempt Marital Trust shall be held or disposed of by the Trustees thereof in accordance with the following:

**SECTION ONE
DIVISION OF BENJAMIN P. DAVID
GST EXEMPT MARITAL TRUST**

Upon my death, the Trustees shall not merge the property of the Benjamin P. David GST Exempt Marital Trust with the funds held in Trust Estate "B", but instead shall divide the property of the Benjamin P. David GST Exempt Marital Trust into so many equal shares that there will be one share for each child of my husband and me who is then living and one share for each deceased child of my husband and me with descendants then living. Any share allocated with respect to a deceased child shall be divided further into shares for the deceased child's then-living descendants, *per stirpes*.

(a) *Gifts of Shares for Mary A. David, Catherine David Abikhaled, William J. David, Teresa David Hill or Carol David Christiansen.* Any share apportioned for the children of my husband and me, **MARY A. DAVID, CATHERINE DAVID ABIKHALED, WILLIAM J. DAVID, TERESA DAVID HILL or CAROL DAVID CHRISTIANSEN**, shall be transferred and paid over to the Trustee of the GST Exempt Trusts for Children, the provisions of which are set forth in **SECTION TWO** hereof, to be held or disposed of as a separate trust for such child in accordance with the provisions thereof.

(b) *Gift of Share for John P. David.* Any share apportioned for the son of my husband and me, **JOHN P. DAVID**, shall be transferred and paid over to the Trustee of the John P. David Trust, the principal provisions of which are set forth in **SECTION THREE** hereof, to be held or disposed of as a separate trust for John P. David and his descendants in accordance with the provisions thereof.

(c) *Gifts of Shares for Grandchildren and Other Descendants.* Any share set aside for a grandchild or other descendant of my husband and me who is age twenty-eight (28) or older shall be transferred and paid over to such

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Shelby Cnty Judge of Probate, AL
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grandchild or other descendant, outright and free of trust. Any share set aside for a grandchild or other descendant of my husband and me who is under the age of twenty-eight (28) shall be transferred and paid over to the Trustee of the Trusts for Grandchildren and Other Descendants, the principal provisions of which are set forth in **SECTION FOUR** hereof, to be held or disposed of as a separate trust for such grandchild or other descendant in accordance with the provisions thereof.

SECTION TWO GST EXEMPT TRUSTS FOR CHILDREN

The following provisions govern the GST Exempt Trusts for Children. Property allocated for a child of my husband and me to be held or disposed of in accordance with the provisions of this Section shall be held or disposed of by the Trustee hereof as a separate trust for the child (who is referred to in this Section as the "Beneficiary"). The Trustee shall be directed as follows with respect to each such trust:

(a) ***Sprinkle Trust for Benefit of the Beneficiary and the Beneficiary's Descendants.*** During the lifetime of the Beneficiary, the Trustee shall from time to time pay to or use and apply for the health, maintenance, support, and education of such one or more or all or none of the Beneficiary and the Beneficiary's descendants as shall be living at the time of such payment, so much of the income of the trust and the principal thereof, in such amounts and proportions, equal or unequal, as the Trustee, in the sole discretion of the Trustee, shall deem necessary or desirable for said purposes. Any part of the net income not so paid shall be accumulated and added to the principal of this trust.

(1) ***Tangible Property Owned by the Trust.***
In further explanation of my intent with respect to distributions for the benefit of the Beneficiary and the Beneficiary's descendants, it is my intent that the Trustee may make available for the use of the Beneficiary and the Beneficiary's descendants rent-free any tangible real or personal property owned by the trust.



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Shelby Cnty Judge of Probate, AL
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(2) *Availability of Other Resources.* The Trustee is encouraged to consider, but shall not be bound by, income, resources, or other financial assistance available to the Beneficiary and the Beneficiary's descendants from other sources and such other circumstances and factors as are reasonably known to the Trustee.

(3) *My Primary Concern.* My primary concern during the life of the Beneficiary is the health, maintenance, support, and education of the Beneficiary, and the Trustee need not consider the interest of any other person in making distributions to the Beneficiary for these purposes.

(4) *Pro Rata Distributions not Required.* The Trustee may pay all or part or none of the income or principal or both, may make unequal payments, may from time to time exclude one or more of such persons from payment hereunder, may make payment to a person even though payment could be made to the parent or ancestor of such person, and may make payment to a person even though such person is not living at the time of the creation of this trust.

(5) *Consideration of the Beneficiary's Suggestions.* I wish, but do not require, that the Trustee consider the suggestions of the Beneficiary as to the needs of each person (including the Beneficiary) to whom payments may be made, although the Trustee shall not in any event be obligated to follow such suggestions.

(b) *Limited Power of Appointment Upon the Death of Beneficiary.* The Trust for the Beneficiary shall terminate upon the death of the Beneficiary. Upon termination, the Trustee shall transfer and pay over the remainder of the trust to such of my husband's and my then-living descendants (other than the Beneficiary), in such manner and proportions as the Beneficiary may appoint and direct pursuant to this limited power of appointment hereby granted.



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Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

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(1) *Division of Unappointed Portion of the Trust.* The Trustee shall divide any unappointed portion of the trust into shares for the Beneficiary's then-living descendants, *per stirpes*, or if none, then into shares for such then-living descendants of my husband and me as would be entitled to inherit said property from the Beneficiary under the laws of Alabama then in force, and in such proportions as they would be entitled to inherit the same, had the Beneficiary owned said property and died at said time a resident of Alabama, intestate, survived only by heirs who are my husband's and my descendants.

(2) *Gifts of Shares for Grandchildren and Other Descendants.* Any share set aside for a grandchild or other descendant of my husband and me who is age twenty-eight (28) or older shall be transferred and paid over to such grandchild or other descendant, outright and free of trust. Any share set aside for a grandchild or other descendant of my husband and me who is under the age of twenty-eight (28) shall be transferred and paid over to the Trustee of the Trusts for Grandchildren and Other Descendants, the principal provisions of which are set forth in **SECTION FOUR** hereof, to be held or disposed of as a separate trust for such grandchild or other descendant in accordance with the provisions thereof.

(3) *Gifts of Shares for Mary A. David, Catherine David Abikhaled, William J. David, Teresa David Hill or Carol David Christiansen.* Any share apportioned for the children of my husband and me, **MARY A. DAVID, CATHERINE DAVID ABIKHALED, WILLIAM J. DAVID, TERESA DAVID HILL or CAROL DAVID**



CHRISTIANSEN, shall be held and disposed of as a separate trust for such child, which trust shall be governed in accordance with the foregoing provisions of this Section, and such child shall become the Beneficiary with respect to such trust.

(4) *Gift of Share for John P. David.*

Any share apportioned for the son of my husband and me, **JOHN P. DAVID**, shall be transferred and paid over to the Trustee of the John P. David Trust, the principal provisions of which are set forth in **SECTION THREE** hereof, to be held or disposed of as a separate trust for John P. David and his descendants in accordance with the provisions thereof.

SECTION THREE
JOHN P. DAVID TRUST

The following provisions govern the John P. David Trust. Property allocated with respect to the son of my husband and me, John P. David, to be held or disposed of in accordance with the provisions of this Section shall be held or disposed of by the Trustee hereof as a separate trust with respect John P. David (who is referred to in this Section as my "Son"). The Trustee shall be directed as follows with respect to each such trust:

(a) *Sprinkle Trust for Benefit of My Son and My Son's Descendants.* During the lifetime of my Son, the Trustee shall from time to time pay to or use and apply for the benefit of such one or more or all or none of my Son and my Son's descendants as shall be living at the time of such payment, so much of the income of the trust and the principal thereof, in such amounts and proportions, equal or unequal, as the Trustee, in the sole discretion of the Trustee, shall deem desirable. Any part of the net income not so paid shall be accumulated and added to the principal of this trust.

(1) *Consideration of Circumstances and Factors.* The Trustee is encouraged to consider such circumstances and factors as are reasonably known to the Trustee.



178HM00973

(2) ***Availability of Other Resources.***

The Trustee is encouraged to consider, but shall not be bound by, income, resources, or other financial assistance available to my Son and my Son's descendants from other sources and such other circumstances and factors as are reasonably known to the Trustee.

(3) ***Pro Rata Distributions not***

Required. The Trustee may pay all or part or none of the income or principal or both, may make unequal payments, may from time to time exclude one or more of such persons from payment hereunder, may make payment to a person even though payment could be made to the parent or ancestor of such person, and may make payment to a person even though such person is not living at the time of the creation of this trust.

(b) ***Withholding of Distributions.*** Notwithstanding the preceding paragraph (a) hereof, the Trustee shall not make distributions to my Son or a descendant of my Son pursuant to paragraph (a) to the extent that the Trustee, in the sole discretion of the Trustee determines that such distributions are not in the best interest of my Son or the descendant of my Son based upon the Trustee's consideration of whether my Son or the descendant of my Son (i) is suffering from any physical, mental, emotional or other condition that might adversely affect my Son's or the descendant of my Son's ability to manage, invest or conserve property, (ii) is at such time, or previously has been, involved in the use or sale of or addicted to any substance (including without limitation drugs, chemicals, or alcohol) which might adversely affect my Son's or the descendant of my Son's ability to manage, invest or conserve property, (iii) has demonstrated financial instability or an inability to manage, invest or conserve his or her property, or (iv) is then under the influence of one or more individuals or organizations who or which, in the opinion of the Trustee, may affect my Son's or the descendant of my Son's ability to manage, invest or conserve the property. In

178HM00973

making its determination, the Trustee may require my Son or the descendant of my Son to submit such documents or information as the Trustee requests or to submit to one or more examinations or laboratory tests as determined by the Trustee in the Trustee's sole discretion. The Trustee may totally or partially suspend all distributions (including distributions upon partial or complete termination of the trust) until my Son or the descendant of my Son consents to the examination, tests, and disclosure to the Trustee. Distributions shall resume when the Trustee, in the sole discretion of the Trustee, determines that my Son or the descendant of my Son is capable of caring for himself or herself and is no longer likely to dissipate my Son's or the descendant of my Son's financial resources. It is not my intention to make the Trustee responsible or liable to anyone for my Son's or the descendant of my Son's actions or welfare. The Trustee shall have no duty to inquire whether my Son's or the descendant of my Son's ability to manage, invest or conserve property has been adversely affected or whether my Son or the descendant of my Son uses, deals in or is addicted to any substance. The Trustee shall be indemnified from the trust and held harmless from any liability of any nature in exercising its judgment and authority hereunder, including any decisions to or not to suspend or withhold distributions or the failure to request that my Son or the descendant of my Son furnish documents or information or to submit to any examination or tests.

(c) ***Limited Power of Appointment Upon the Death of My Son.*** The John P. David Trust shall terminate upon the death of my Son. Upon termination, the Trustee shall transfer and pay over the remainder of the trust to such descendants of my husband and me (other than my Son), in such manner and proportions as my Son may appoint and direct pursuant to this limited power of appointment hereby granted.

(1) ***Division of Unappointed Portion of the Trust.*** The Trustee shall divide any unappointed portion of the trust into shares for my Son's then-living descendants, *per stirpes*, or if none, then into shares for such then-living

descendants of my husband and me as would be entitled to inherit said property from my Son under the laws of Alabama then in force, and in such proportions as they would be entitled to inherit the same had my Son owned said property and died at said time a resident of Alabama, intestate, survived only by heirs who are my descendants.

(2) *Gifts of Shares for Grandchildren and Other Descendants.* Any share set aside for a grandchild or other descendant of a child of my husband and me who is age twenty-eight (28) or older shall be transferred and paid over to such grandchild or other descendant, outright and free of trust. Any share set aside for a grandchild or other descendant of a child of my husband and me who is under the age of twenty-eight (28) shall be transferred and paid over to the Trustee of the Trusts for Grandchildren and Other Descendants, the principal provisions of which are set forth in **SECTION FOUR** hereof, to be held or disposed of as a separate trust for such grandchild or other descendant in accordance with the provisions thereof.

(3) *Gifts of Shares for Mary A. David, Catherine David Abikhaled, William J. David, Teresa David Hill or Carol David Christiansen.* Any share apportioned for the children of my husband and me, **MARY A. DAVID, CATHERINE DAVID, ABIKHALED, WILLIAM J. DAVID, TERESA DAVID HILL or CAROL DAVID CHRISTIANSEN**, shall be transferred and paid over to the Trustee of the GST Exempt Trusts for Children, the provisions of which are set forth in **SECTION TWO** hereof, to be held or disposed of as a separate trust for such child in accordance with the provisions thereof.

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SECTION FOUR
TRUSTS FOR GRANDCHILDREN AND OTHER DESCENDANTS

The following provisions govern the Trusts for Grandchildren and Other Descendants. Property allocated for a descendant of a child of my husband and me to be held or disposed of in accordance with the provisions of this Section shall be held or disposed of by the Trustee hereof as a separate trust for the descendant (who is referred to in this Section as the "Beneficiary"). The Trustee shall be directed as follows with respect to each such trust:

(a) *Distributions to Beneficiary During Continuance of Trust.* During the continuance of a Trust for a Beneficiary, the Trustee shall pay to or for the benefit of the Beneficiary so much of the income and principal of the trust as the Trustee, in the sole discretion of the Trustee, shall deem necessary or desirable to provide for the health, maintenance, support, and education of the Beneficiary. Any part of the net income not so used shall be accumulated and added to the principal of said trust, being thereafter invested and treated in all respects as a part thereof.

(1) *Tangible Property Owned By the Trust.* In further explanation of my intent with respect to distributions for the benefit of the Beneficiary, it is my intent that the Trustee may make available for the use of the Beneficiary rent-free any tangible real or personal property owned by the trust.

(2) *Availability of Other Resources.* The Trustee is encouraged to consider, but shall not be bound by, income, resources, or other financial assistance available to the Beneficiary from other sources and such other circumstances and factors as are reasonably known to the Trustee.

(3) *Additional Guidance Regarding Distributions.* In furtherance of these purposes, I authorize, but do not require, the Trustee to make such distributions of the income and

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principal of said trust as the Trustee shall deem desirable, in the sole discretion of the Trustee, to permit the Beneficiary to (i) make a reasonable down payment on a personal residence consistent with the Beneficiary's standard of living; (ii) invest a reasonable amount in business enterprises in which the Beneficiary would be an active participant, including the purchase by the Trustee of such enterprises as investments of the trust; and (iii) pay for a wedding and honeymoon, or other special trip at any time.

(4) *My Primary Concern.* My primary concern during the continuation of the Trust for the Beneficiary is the health, maintenance, support, and education of the Beneficiary rather than the preservation of principal for ultimate distribution to the remaindermen.

(b) *Termination of Trust for Beneficiary.* The Trust for the Beneficiary shall terminate upon the date the Beneficiary attains the age of twenty-eight (28) years, and the Trustee shall transfer and pay over the remainder of the trust to the Beneficiary at that time. Notwithstanding the foregoing times for distribution, each Trust for a Beneficiary shall terminate no later than the end of the applicable rule against perpetuities period based upon the lives of those of my descendants who are living at my death. Upon such termination, the remainder of the trust shall be transferred and paid over to the Beneficiary, subject to **SECTION FIVE**, which concerns Contingent Trusts for Persons Under Twenty-Eight.

(c) *Withholding of Distributions.* Notwithstanding the preceding paragraphs (a) and (b) hereof, the Trustee shall not make distributions to the Beneficiary pursuant to paragraphs (a) and (b) to the extent that the Trustee, in the sole discretion of the Trustee determines that such distributions are not in the best interest of the Beneficiary based upon the Trustee's consideration of whether the Beneficiary (i) is

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Shelby Cnty Judge of Probate. AL
10/02/2017 12:46:33 PM FILED/CERT

suffering from any physical, mental, emotional or other condition that might adversely affect the Beneficiary's ability to manage, invest or conserve property, (ii) is at such time, or previously has been, involved in the use or sale of or addicted to any substance (including without limitation drugs, chemicals, or alcohol) which might adversely affect the Beneficiary's ability to manage, invest or conserve property, (iii) has demonstrated financial instability or an inability to manage, invest or conserve his or her property, or (iv) is then under the influence of one or more individuals or organizations who or which, in the opinion of the Trustee, may affect the Beneficiary's ability to manage, invest or conserve the property. In making its determination, the Trustee may require the Beneficiary to submit such documents or information as the Trustee requests or to submit to one or more examinations or laboratory tests as determined by the Trustee in the Trustee's sole discretion. The Trustee may totally or partially suspend all distributions (including distributions upon partial or complete termination of the trust) until the Beneficiary consents to the examination, tests, and disclosure to the Trustee. Distributions shall resume when the Trustee, in the sole discretion of the Trustee, determines that the Beneficiary is capable of caring for himself or herself and is no longer likely to dissipate the Beneficiary's financial resources. It is not my intention to make the Trustee responsible or liable to anyone for the Beneficiary's actions or welfare. The Trustee shall have no duty to inquire whether the Beneficiary's ability to manage, invest or conserve property has been adversely affected or whether the Beneficiary uses, deals in or is addicted to any substance. The Trustee shall be indemnified from the trust and held harmless from any liability of any nature in exercising its judgment and authority hereunder, including any decisions to or not to suspend or withhold distributions or the failure to request that the Beneficiary furnish documents or information or to submit to any examination or tests.

(d) ***Limited Power of Appointment Upon the Death of Beneficiary.*** Unless the Trust for the Beneficiary is sooner terminated pursuant to law or other provisions hereof, the Trust for the Beneficiary shall terminate upon the death of the Beneficiary if the Beneficiary dies prior to attaining the age for

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final distribution of the Beneficiary's trust. Upon termination, the Trustee shall transfer and pay over the remainder of the trust to such descendants of my husband and me (other than the Beneficiary), in such manner and proportions as the Beneficiary may appoint and direct pursuant to this limited power of appointment hereby granted.

(1) ***Division of Unappointed Portion of the Trust.*** The Trustee shall divide any unappointed portion of the trust into shares for the Beneficiary's then-living descendants, *per stirpes*, or if none, then into shares for such then-living descendants of my husband and me as would be entitled to inherit said property from the Beneficiary under the laws of Alabama then in force, and in such proportions as they would be entitled to inherit the same had the Beneficiary owned said property and died at said time a resident of Alabama, intestate, survived only by heirs who are my descendants.

(2) ***Gifts of Shares for Grandchildren and Other Descendants.*** Any share set aside for a grandchild or other descendant of a child of my husband and me who is age twenty-eight (28) or older shall be transferred and paid over to such grandchild or other descendant, outright and free of trust. Any share set aside for a grandchild or other descendant of a child of my husband and me who is under the age of twenty-eight (28) shall be held and disposed of as a separate trust for such grandchild or other descendant, which trust shall be governed in accordance with the foregoing provisions of this Section, and such grandchild or other descendant shall become the Beneficiary with respect to such trust.

(3) ***Gifts of Shares for Mary A. David, Catherine David Abikhaled, William J. David, Teresa David Hill or Carol David Christiansen.*** Any share apportioned for the children of my husband and me, MARY A.

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DAVID, CATHERINE DAVID
ABIKHALED, WILLIAM J. DAVID,
TERESA DAVID HILL or CAROL DAVID
CHRISTIANSEN, shall be transferred and paid
over to the Trustee of the GST Exempt Trusts
for Children, the provisions of which are set
forth in **SECTION TWO** hereof, to be held or
disposed of as a separate trust for such child in
accordance with the provisions thereof.

(4) *Gift of Share for John P. David.*
Any share apportioned for the son of my
husband and me, **JOHN P. DAVID**, shall be
transferred and paid over to the Trustee of the
John P. David Trust, the principal provisions of
which are set forth in **SECTION THREE**
hereof, to be held or disposed of as a separate
trust for John P. David and his descendants in
accordance with the provisions thereof.

SECTION FIVE

CONTINGENT TRUSTS FOR PERSONS UNDER TWENTY-EIGHT

If any share of any trust hereunder upon the termination of such trust, becomes distributable by the terms hereof to a descendant of my husband and me who is under the age of twenty-eight (28) years, then though such descendant's share shall be vested in such descendant, the Trustee shall hold or continue to hold the same in trust with all of the powers and authority given to the Trustee with respect to other trust property held hereunder, until such descendant attains the age of twenty-eight (28) years, using and applying for such descendant's health, maintenance, support, and education such part of the income and principal of such share as the Trustee shall deem necessary or desirable for said purposes, accumulating and adding to principal any income not so used. When such descendant attains the age of twenty-eight (28) years, the Trustee shall transfer and pay over said share to such descendant outright and free of trust. If such descendant shall die prior to attaining the age of twenty-eight (28) years, the Trustee shall transfer and pay over the share to such descendant's personal representative.


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**SECTION SIX
PROVISIONS OF MY HUSBAND'S WILL**

The provisions of my husband's Will shall govern the foregoing trusts to the extent my husband's Will is not in conflict or otherwise inconsistent herewith. By way of illustration and not limitation, the Trustee of the foregoing trusts and their powers shall be determined by application of the provisions of my husband's Will.

**ARTICLE VI
RESIDUARY ESTATE**

I give, devise, and bequeath all of the rest, residue and remainder of my property, of whatever kind and character and wherever situated (the "residue") as follows:

(a) ***Gift to Trust.*** The residue shall be transferred and paid over to the trustee of the **FRANCES W. DAVID TRUST**, dated the 25th day of October, 2013. Any property passing hereunder shall be apportioned, held in trust, or distributed as provided therein. Upon delivery of any property to said trustee, my Personal Representative shall be fully and completely discharged as to such property so delivered.

(b) ***Gift If Trust Is Not in Existence.*** In the event said trust shall terminate, be revoked or cease to exist for any reason prior to my death, the residue shall be disposed of in accordance with the terms of said trust as if such terms were set forth in full herein and made a part hereof. If said trust is, pursuant to its terms, immediately subjected to final distribution and termination upon receipt of the residue, the residue may be distributed by my Personal Representative directly to the beneficiaries of said trust in order to avoid the transfer of the residue to the trustee thereof as a preliminary step to distribute to the ultimate beneficiaries.

**ARTICLE VII
PROVISIONS CONCERNING TAXES**

(a) ***Payment of Estate and Similar Taxes.*** All estate, inheritance, transfer, legacy, succession, or other death taxes, including interest and penalties thereon (the "estate taxes") payable by reason of my death shall be paid out of, and shall be a charge against, the property comprising my estate for such estate tax purposes, with full right of reimbursement from the recipients of such property, in the manner herein provided. Such estate taxes shall not include generation-skipping transfer taxes. Where I provide that a Pro Rata Share of the estate taxes shall be charged against and paid out of certain



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Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

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property, the recipient of such property shall pay that portion of the total estate taxes paid or payable as the net value of such property bears to my taxable estate. I waive any statutory or other rights of recovery of estate taxes (such as Sections 2206, 2207, 2207A and 2207B of the Internal Revenue Code) only to the extent they are inconsistent with the provisions hereof. It is my intent that this **ARTICLE VII** be a provision directing the apportionment of an estate tax within the meaning of ALA. CODE § 40-15B-3, or any similar applicable law, and that the provisions of the Alabama Uniform Estate Tax Apportionment Act, and any similar applicable law, shall apply except to the extent that such provisions are inconsistent with this **ARTICLE VII**.

(1) ***Apportionment to Property Passing Outside My Will.*** I direct that a Pro Rata Share of the estate taxes be charged against and paid out of the property that does not pass under my Will but is included in my estate for estate tax purposes, unless I specifically provide otherwise in other provisions of this **ARTICLE VII(a)**. I intend that such estate taxes be charged against and paid out of such property whether such property is taxed because it (i) is subject to a general power of appointment; (ii) was transferred prior to my death; or (iii) passes under a trust, through life insurance, by joint ownership, by operation of law, or otherwise. If I have a power of appointment with respect to such property, then I hereby exercise such power of appointment in favor of my estate to the extent necessary for my estate to recover such taxes.

(2) ***Payment of Remaining Taxes.*** All other estate taxes shall be charged against and paid out of the residue of my estate.

(3) ***Property Exonerated from Taxes.*** Notwithstanding the foregoing provisions, to the extent possible, no estate taxes shall be charged against or paid out of:

(i) ***Personal Items.*** Any property passing under **ARTICLE IV**.

(ii) ***Adjusted Taxable Gifts.*** Any adjusted taxable gifts (within the meaning of Section 2001 of the Internal Revenue Code).

(iii) ***Qualified Benefits.*** Any individual retirement accounts; qualified pension, profit sharing, stock bonus, Keogh, or other qualified retirement plan benefits; section 403 benefits; or similar benefits subject to section 401(a)(9).

(4) ***Exclusions and Recapture.*** In determining the estate taxes to be charged against and paid out of specific property, the Pro Rata Share of the total taxes paid or payable shall first be determined without any reduction in estate tax



attributable to any election for (i) a reduced valuation of the specific property (e.g., Section 2032A of the Internal Revenue Code, which relates to the special valuation of certain real property), (ii) a deduction from the gross estate (other than a marital or charitable deduction) allowed for the specific property, or (iii) an exclusion of the specific property from the gross estate. If such election is made, the benefit of the reduction in tax attributable to the election shall inure to the property or the holders of interests in the property in the proportion that the amount of deduction, reduced valuation, or exclusion attributable to the property or each holder's interest bears to the aggregate amount of the deductions, reduced valuations, and exclusions obtained from the election with respect to the property. If the estate tax initially apportioned to the specified property or the holder of an interest in the specified property is reduced to zero, any excess amount of the reduction shall reduce ratably the estate tax apportioned to other property or persons who receive interests in the estate. Any additional tax or interest imposed to recapture all or some of the reduction in estate tax (whether due to the disposition, failure to use, or failure to materially participate in the property or business generating the reduction in tax or due to any other reason) shall be charged against and paid by the holders of interests in the property or out of the property generating such additional tax.

(5) ***Deferred Payments and Interest Thereon.*** Notwithstanding any other provision of this ARTICLE VII(a), if payment of a portion of the estate tax is deferred because of the inclusion in the gross estate of a particular interest in property, the benefit of the deferral shall inure ratably to the persons to which the estate tax attributable to the interest is apportioned. The burden of any interest charges incurred on the deferral of estate tax and the benefit of any tax deduction associated with the accrual or payment of the interest charge shall be allocated ratably among the persons receiving an interest in the property.

(b) ***Generation-Skipping Taxes.*** Any generation-skipping transfer tax shall be charged in the manner provided by applicable law. My Personal Representative shall make all decisions concerning generation-skipping transfer taxes. No adjustments shall be made between principal and income, or in the interests of the beneficiaries, to compensate for the effects of such elections and allocation. Any decision by my Personal Representative with respect to the exercise of any tax election or the allocation of my generation-skipping tax exemption shall be final and binding on all persons.

(c) ***Tax Elections.*** My Personal Representative shall make, in the sole discretion of my Personal Representative, all elections or decisions with regard to taxes involving my estate. No adjustment between principal and income, nor any other adjustment, shall be required as the result of any such election or decision. Such elections shall include, but not be limited to, the decision as to whether any deduction



shall be taken as an income tax deduction or an estate tax deduction, the decision to elect for property to be treated as qualified terminable interest property, the decision to elect or not to elect the alternate valuation date for federal estate tax purposes, the decision to elect or not to elect special use valuation, the allocation of adjustments to the basis of property irrespective of whether such property is an asset subject to administration by my Personal Representative, and the decision to elect or not to elect the family-owned business interest deduction.

(d) **References to the Internal Revenue Code.** All references herein to the Internal Revenue Code refer to the Internal Revenue Code of 1986, as the same may be amended from time to time, together with the Regulations issued thereunder.

ARTICLE VIII GENERAL PROVISIONS

(a) **Bond and Inventory Not Required.** I direct that my Personal Representative shall not be required to give bond or to file an inventory or appraisal of my estate or share thereof in any court, though the Personal Representative shall make out and keep an inventory and shall exhibit the same to any party in interest at any reasonable time, and I direct that the Personal Representative shall be free from the control and supervision of any court.

(b) **Decisions By Majority of Personal Representatives.** Except as otherwise specifically provided in this Will, the act, determination or decision of a majority of my Personal Representatives with respect to all matters, shall be deemed the act of all of them for all purposes and shall have the same force and effect and be legally binding as if all of them had joined therein. A dissenting Personal Representative shall not be liable, responsible or accountable for any act of the majority, save for such Personal Representative's own misconduct or failure to exercise reasonable care, diligence and prudence.

(c) **Ancillary Administration.** If it becomes necessary to have administration of my estate or of any share thereof in any state in which my Personal Representative shall not be qualified to serve, my Personal Representative may nominate and appoint any person or organization as ancillary administrator thereof, and may compensate such administrator for said services. Such administrator shall complete the administration and make such disposition of the property so administered as my Personal Representative may require, and in doing so shall have the same rights, powers, duties and discretion herein conferred upon my Personal Representative.

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(d) **Compensation.** No person who is related to me by blood or marriage shall receive compensation for his or her services in any fiduciary capacity hereunder, unless he or she elects to do so within a reasonable period of time after commencing to render such services, in which event, he or she shall receive reasonable compensation for his or her services. Any other fiduciary shall be entitled to reasonable compensation for its services hereunder. Such compensation may be paid without prior approval of any court. I do not intend for this provision to preclude a review of the reasonableness of such compensation by a court of competent jurisdiction in an appropriate proceeding.

(e) **Powers of Personal Representative.** I hereby vest in my Personal Representative and any successor thereto full power to sell, convey, exchange, lease for a period beyond the termination of the administration of my estate or for a lesser period, improve, borrow on the security of, encumber or otherwise dispose of all or any part of the property in my estate (whether tangible or intangible, real or personal) in such manner and upon such terms and conditions as the Personal Representative may approve; to employ and compensate such attorneys, accountants and agents, individual or corporate, as my Personal Representative shall deem necessary or desirable in the administration of my estate; and to invest and reinvest my estate and the proceeds of sale or any portion thereof in such loans, bonds, notes, stocks or other securities, mortgages, common trust funds or other property as the Personal Representative shall deem necessary or suitable, without regard to any statutory or constitutional limitation applicable to the investment of trust funds and to make new investments from time to time as to my Personal Representative may seem necessary or desirable.

(f) **Environmental Losses and Powers.** No Personal Representative shall be liable for any loss or depreciation in value sustained by my estate or any trust hereunder as a result of the Personal Representative retaining any property upon which there is later discovered to be hazardous materials or substances requiring remedial action pursuant to any federal, state or local environmental law, unless the Personal Representative contributed to the loss or depreciation in value through willful default, willful misconduct, or negligence. My Personal Representative and any successor thereto shall have full power to (i) conduct environmental assessments, audits, and site monitoring to determine compliance with any environmental law or regulation thereunder; (ii) take all appropriate remedial action to contain, clean up or remove any environmental hazard including a spill, release, discharge or contamination, either on its own accord or in response to an actual or threatened violation of any environmental law or regulation thereunder; (iii) institute legal proceedings concerning environmental hazards or contest or settle legal proceedings brought by any local, state or federal agency concerned with environmental compliance, or by a private litigant; (iv) comply with any local, state or federal agency order or court order directing an assessment, abatement or cleanup of any environmental hazards; and (v) employ agents, consultants and legal counsel to assist or perform the above undertakings or actions.

IN WITNESS WHEREOF, I, FRANCES W. DAVID, the Testatrix, sign my name to this instrument this 25th day of October, 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 that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

Frances W. David

FRANCES W. DAVID

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Betty L. Reed

Address: 2001 Park Place North, Suite 700
Birmingham, AL 35203

Marisa Williams

Address: 2001 Park Place North, Suite 700
Birmingham, AL 35203

STATE OF ALABAMA)

JEFFERSON COUNTY)

Subscribed, sworn to and acknowledged before me by FRANCES W. DAVID, the Testatrix, and subscribed and sworn to before me by *Betty L. Reed* and *Marisa Williams*, witnesses, this 25th day of October, 2013.



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Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

[SEAL]

My commission expires August 31, 2015

Nancy Will. Hall
Notary Public

FILED IN OFFICE THIS THE
19th DAY OF April, 2017
FOR PROBATE AND RECORD.

Sherri C. Friday
JUDGE OF PROBATE

CERTIFICATE TO THE PROBATE OF WILL

State of Alabama
Jefferson County

CASE NUMBER: 17BHM00973

I, the undersigned, Judge of the Court of Probate, in and for said State and County, do hereby certify that the foregoing instrument of writing has this day, in said Court, and before me as the Judge thereof, been duly proven by the proper testimony to be the genuine last Will and Testament of **FRANCES W. DAVID, a/k/a FRANCES WOJICK DAVID** and that said will together with the proof thereof have been recorded in my office.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date the 19th day of April, 2017.



SHERRI C FRIDAY
JUDGE OF PROBATE



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Shelby Cnty Judge of Probate, AL
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Judge of Probate



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IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)

FRANCES W. DAVID aka)
FRANCES WOJICK DAVID,)

CASE NO. _____
17BHM00973

Deceased.

PETITION FOR LETTERS TESTAMENTARY


Come the Petitioners, **MARY A. DAVID, CATHERINE DAVID ABIKHALED** and **DAVID KASSOUF**, and show this Court the following facts:


1. In the Last Will and Testament of **FRANCES W. DAVID**, deceased (the "Decedent"), which Will has been or shall be duly probated and admitted to record in this Court, the Petitioners are named as Personal Representatives thereof.

2. The Petitioners, Mary A. David and David Kassouf, are inhabitants of the State of Alabama, above the age of nineteen (19) years, and are not disqualified under the law from serving as a Personal Representatives. The Petitioner, Catherine David Abikhaled, is an inhabitant of the State of Florida, above the age of nineteen (19) years, and is not disqualified under the law from serving as a Personal Representative.

3. Under the terms of the Decedent's Will, her Personal Representatives are exempted from giving bond as such Personal Representatives.

WHEREFORE, to the end that the properties constituting said estate may be collected and preserved for those who appear to have a legal interest therein, and that said Will may be executed according to the requests and directions of the Decedent, the Petitioners pray that the Probate Judge of this Court will grant Letters Testamentary to the Petitioners without entering into bond, as is provided by the terms of said Will and authorized by **ALA. CODE § 43-2-851(c)**. This Petition does not require verification under the applicable statutes.


MARY A. DAVID
3513 Birchwood Lane
Birmingham, AL 35243


20171002000357770 36/41 \$135.00
Shelby Cnty Judge of Probate: AL
10/02/2017 12:46:33 PM FILED/CERT

Catherine David Abikhaled

CATHERINE DAVID ABIKHALED

1597 Woodridge Place
Birmingham, AL 35216

David Kassouf

DAVID KASSOUF

2101 Highland Avenue South, Suite 300
Birmingham, AL 35205

178HM00973

Attorneys for Petitioner:

C. Fred Daniels, Esq.

Nancy W. Ball, Esq.

Cabaniss, Johnston, Gardner

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Birmingham, Alabama 35203

(205) 716-5232



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BENCH NOTE

Filed in the Probate Court of Jefferson County, Alabama, prayer granted, and petition ordered recorded this the 19th day of April, 2017.

Shemi C. Fridan
Judge of Probate

LETTERS TESTAMENTARY

IN THE MATTER OF THE ESTATE OF:

**IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMA**

**FRANCES W. DAVID, A/K/A
FRANCES WOJICK DAVID,
Deceased**

CASE NO. 17BHM00973

LETTERS TESTAMENTARY

The Will of the above-named deceased having been duly admitted to record in said county, **Letters Testamentary** are hereby granted to **MARY A. DAVID, CATHERINE DAVID ABIKHALED and DAVID KASSOUF**, the Personal Representative named in said will, who has complied with the requisitions of the law and is authorized to administer the estate. Subject to the priorities stated in §43-8-76, Code of Alabama (1975, as amended), the said Personal Representative, acting prudently for the benefit of interested persons, has all the powers authorized in transactions under §43-2-843, Code of Alabama (1975, as Amended).

WITNESS my hand this date, 19th day of April, 2017.

(SEAL)

Sherrri C. Friday

Judge of Probate

I, SHERRI C. FRIDAY, Judge of Probate Court of Jefferson County, Alabama, hereby certify that the foregoing is a true, correct and full copy of the **Letters Testamentary** issued in the above styled cause as appears of record in said Court. I further certify that said Letters are still in full force and effect.

WITNESS my hand and seal of said Court this date

Judge of Probate



20171002000357770 39/41 \$135.00
Shelby Cnty Judge of Probate, AL
10/02/2017 12:46:33 PM FILED/CERT

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared KAREN W. ABERCROMBIE, who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, a semi-weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, and that there was published in said newspaper in the issues of

April 22, 29, May 6, 2017

a legal notice, a copy of which is hereto attached.

Karen W. Abercrombie
Publisher

Sworn and subscribed to on this the 8th day of May,
2017

Martha L. Stock
Notary Public


Amount \$65.00

The sum charged by the Newspaper for said publication is the actual lowest regular price for legal advertising notices as determined by Ala.Code § 6-8-64(a). There are no agreements between the Newspaper and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney.

17-BHM-00973

Case No. 17BHM00973
NOTICE TO CREDITORS
In the Probate Court of Jefferson
County, Alabama
In the matter of the Estate of:
FRANCES W. DAVID, a/k/a,
FRANCES WOJICK DAVID,
Deceased
Letters Testamentary upon last will
and testament of said decedent, having
been granted to the undersigned on the
19th day of April, 2017, by the
Honorable Sherri C. Friday, Judge of
the Probate Court of Jefferson County,
Alabama, notice is hereby given that
all persons having claims against said
Estate are required to file an itemized
and verified statement of such claim in
the office of the said Judge of Probate
within six months from above date, or
said claim will be barred and payment
prohibited.
MARY A. DAVID, CATHERINE
DAVID ABIKHALED and DAVID
KASSOUF
Personal Representatives
Ala. Ms. Apr. 22, 29, May 6, 2017

PAID
ALABAMA MESSENGER


20171002000357770 40/41 \$135.00
Shelby Cnty Judge of Probate: AL
10/02/2017 12:46:33 PM FILED/CERT

TB

CERTIFICATE TO COPIES

STATE OF ALABAMA
JEFFERSON COUNTY

PROBATE COURT
CASE NO.17BHM00973

I, **SHERRI C. FRIDAY**, Judge of Probate Court, in and for said County in said State hereby certify that the foregoing contains a full, true and correct copy of the **PETITION FOR PROBATE OF WILL, WAIVER OF NOTICE ON THE PROBATE OF WILL, LAST WILL AND TESTAMENT, CERTIFICATE TO PROBATE THE WILL, ORDER FILING AND PROBATING LAST WILL AND TESTAMENT, PETITION FOR LETTERS TESTAMENTARY, LETTERS TESTAMENTARY, ORDER GRANTING LETTERS TESTAMENTARY WITHOUT BOND, AFFIDVIT OF PUBLICATION**, in the matter of the estate of **FRANCES W. DAVID AKA FRANCES WOJICK DAVID, DECEASED** as the same appears on file and of record, in this office.

Given under my hand and seal of said Court this date,
September 15, 2017.



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Shelby Cnty Judge of Probate, AL
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Sherri C. Friday

Judge of Probate
