

IN THE MATTER OF THE ESTATE OF)	PROBATE COURT OF
)	JEFFERSON COUNTY, ALABAMA
<u>RICHARD O. RAMER</u>)	
Deceased.)	CASE NO. 188237

PETITION FOR PROBATE OF SELF-PROVING WILL

TO THE HONORABLE MARK GAINES, JUDGE OF PROBATE JEFFERSON COUNTY, ALABAMA:

Comes your Petitioner, Mary Margaret Ramer, and upon information and belief, respectfully shows unto your Honor the following facts:

1. Richard O. Ramer died at Birmingham, Alabama on or about the 13th day of February, 2005, and, at the time of death, was an inhabitant of Jefferson County, Alabama.

2. Surrendered herewith is the decedent's last will and testament naming petitioner as Personal Representative thereof, which was duly signed by the decedent on November 27, 2002, when over nineteen years of age, and was attested by the following witnesses: namely,

<u>Name</u>	<u>Address</u>
Camille Sellers Lozito	Birmingham, Alabama
Barbara J. Cox	Birmingham, Alabama
Gene M. Sellers	Birmingham, Alabama


3. The will is a self-proving will, duly sworn to and acknowledged by two of the witnesses before Gene M. Sellers, Notary Public.

4. The following is a true, correct, and complete list of the names, ages, conditions, relationships and addresses of the decedent's next-of-kin; namely,

<u>Name, age, condition, relationship</u>	<u>Address</u>
✓ Mary Margaret Ramer, adult, sound mind, wife.	2528 Skyland Drive Birmingham, Alabama 35243
✓ Sally Jane Locke, adult, sound mind, daughter.	1021 Eagle Valley Drive Birmingham, Alabama 35242
✓ Jean Elizabeth Stameris, adult, sound mind, daughter.	303 Cypress Street Brookline, MA 02445

Wherefore, your Petitioner prays that your Honor will take jurisdiction of this petition; will cause all such notice or citations to issue to the next-of-kin and attesting witnesses as may be proper in the premises; and will cause the proceedings to be had and done, and the proof to be taken, and render the orders and decrees as will duly and legally effect the probate and record in this Court of the will as the last will and testament of the deceased.

Attorney for Petitioner:)
 Gene M. Sellers)
 3410 Independence Drive)
 Birmingham, Al. 35209)

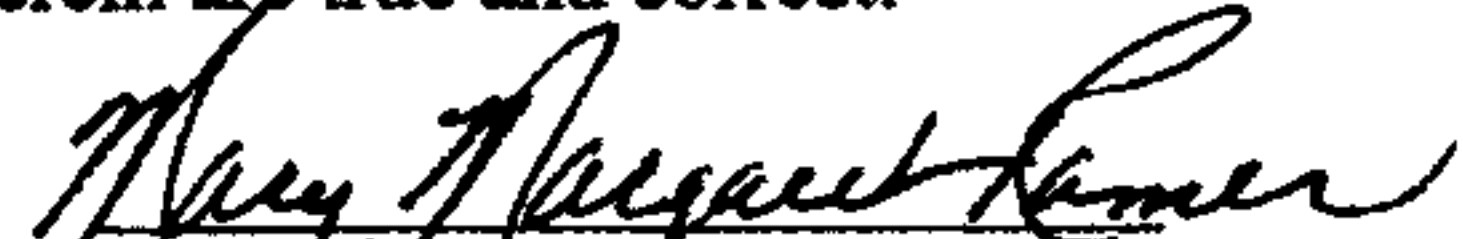

 Mary Margaret Ramer
 2528 Skyland Drive
 Birmingham, Alabama 35243

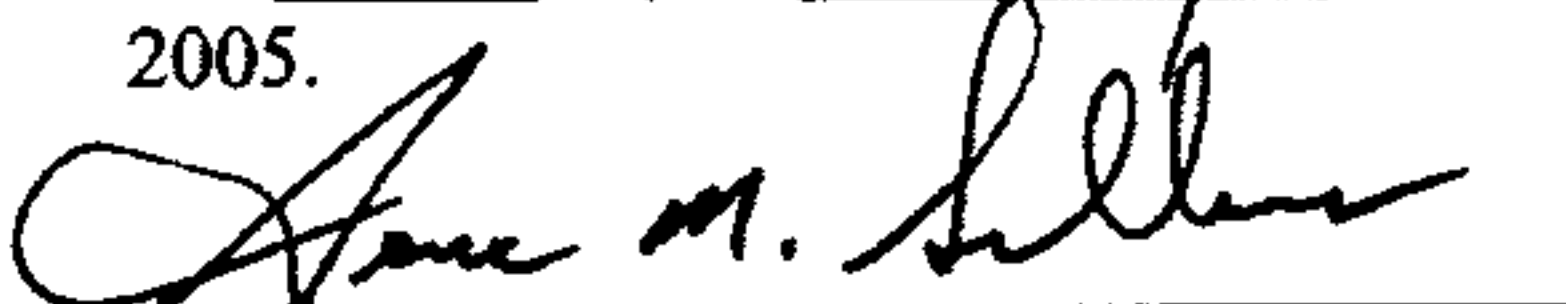
STATE OF ALABAMA,

JEFFERSON COUNTY.

Before me, the undersigned, a notary public in and for said county in said state, personally appeared Mary Margaret Ramer, who, being first duly sworn, makes oath that she has read the foregoing petition and knows the contents thereof, and that she is informed and believes, and, upon that information and belief, avers that the facts alleged therein are true and correct.


Subscribed and sworn to before me
 this 25th day of February,
 2005.


 Mary Margaret Ramer


 Notary Public

Filed in the office of the Judge of Probate of Jefferson County, Alabama, the prayer granted and petition ordered recorded this 28th day of February, 2005.


 Judge of Probate


 20171107000404080 2/13 \$51.00
 Shelby Cnty Judge of Probate, AL
 11/07/2017 12:24:28 PM FILED/CERT

STATE OF ALABAMA,

JEFFERSON COUNTY.

I, **Richard O. Ramer**, a resident of Jefferson County, State of Alabama, make, publish and declare this instrument to be my Last Will and Testament.

ITEM ONE - PERSONAL EFFECTS

I devise all my wearing apparel, jewelry, currency on hand or in my safe deposit box, books, pictures, household furniture and furnishings, automobiles, club memberships and all other objects of my personal use to my wife, **Mary Margaret Ramer**, if she survive me, and if not, equally to my children who survive me.

The personal representative will determine the articles of property included in the above description.

ITEM TWO - DIVISION OF ESTATE

The rest, residue and remainder of my property will be disposed of by the personal representative as provided below:

(a) If my wife, **Mary Margaret Ramer**, survive me, the personal representative will divide the property into two shares, one of which will be referred to as Share A and the other as Share B.

Share A will consist of that percentage of my estate which has a value, when added to the value of all other property passing to my wife which is taxable as a part of my estate, that is exactly sufficient to reduce the Federal Estate Tax payable by reason of my death to zero, taking into account all credits and deductions used in calculating my Federal Estate Tax without increasing any state estate or death taxes. Share A will be held or disposed of according to the provisions of Item Three.

Share B will consist of the remainder of my estate and will be held or disposed of according to the provisions of Item Four.

(b) If my wife does not survive me, the rest, residue and remainder of my property will constitute Share B and will be held or disposed of according to the provisions of Item Four.

ITEM THREE - MARITAL SHARE

Share A I devise to my wife, to be hers absolutely; provided, however, if, because of her physical or mental impairment, the successor representative does not deem her capable of properly managing the assets, Share A will be transferred to my trustees who will hold it in a Marital Trust for the use and benefit of my wife as herein provided:

284
February 20 05
NOTED AND RECORDED
Mark James
JUDGE OF PROBATE

1

20171107000404080 3/13 \$51.00
Shelby Cnty Judge of Probate, AL
11/07/2017 12:24:28 PM FILED/CERT

188237

(a) During my wife's lifetime, the trustees will pay to her the entire net income from the trust in convenient installments but at least annually. If at any time the net income from the trust is insufficient for the support and comfort of my wife, the trustees will pay to her the amounts of principal they deem necessary or desirable for her support and comfort.

My wife is given the right to withdraw any amount of principal from the Marital Trust she may elect. She will have no duty to account for the property withdrawn or to report to anyone her intentions for its use.

(b) When my wife dies, the Marital Trust will terminate; and the surviving trustees will transfer and pay over the property in the trust to whoever my wife designates in her last will and testament, including her estate, making specific reference to this general power of appointment. The trustees will hold or dispose of any unappointed portion of the Marital Trust as part of the Family Trust according to the provisions of Item Four.

ITEM FOUR - FAMILY SHARE

I devise Share B to my wife to be hers absolutely; provided however, disclaimed property or if, in the opinion of the successor representative, my wife is incapable of filing a disclaimer, the total of Share B will be transferred to the trustees to be held in a Family Trust for the uses and purposes outlined below:

(a) The trustees will from time to time pay to or use for the maintenance, support and education of my wife and my descendants living at the time of payment, the amounts of income and principal of the trust the trustees, other than my wife, determine. The trustees can make unequal payments and can exclude one or more persons from payments. Although they will not be obligated to follow her suggestions, I request the trustees consider the suggestions of my wife as to the needs of each family member, including herself, to whom payments can be made. No one will have the right to require any distribution be made; the decision of the trustees, other than my wife, being final and binding on everyone.

(b) When my wife dies, or when I die if she does not survive me, my trustees will apportion the trust into two equal shares; one share for the benefit of **Sally Jane Locke**, if she survive, and if not, for her descendants, per stirpes and the other share for the benefit of **Jean Elizabeth Stameris**, if she survive, and if not, for her descendants, per stirpes.

(c) Trustees will from time to time pay to or use for the maintenance, support and education of **Sally Jane Locke** and **Jean Elizabeth Stameris**, the amounts of income and principal of that person's share of the trust, trustees determine.

(d) Upon the death of **Sally Jane Lock** or **Jean Elizabeth Stameris**, the trustees will transfer and pay over the assets of that person's share to her descendants, per stirpes.

ITEM FIVE - PERSONAL REPRESENTATIVE AND TRUSTEES

I appoint my wife, **Mary Margaret Ramer** as the personal representative of my estate and I appoint **Mary Margaret Ramer** and **Jim Conrad** as trustees. If my wife fails or ceases to serve as the personal representative, I appoint **Jim Conrad** as her successor.

My trustees will appoint their successors in writing. The successor trustees and successor personal representative will have all the rights, powers, duties, responsibilities and exemptions as are conferred upon the original personal representative and trustees.

ITEM SIX - FIDUCIARY POWERS

The personal representative and trustees will deal with property held in my estate or any trust with the powers and authority they would have if they were its absolute owners, including but not limited to the following:

- (a) To collect the income therefrom.
- (b) To compromise, adjust and settle in their discretion any claim in favor of or against the trust.
- (c) To hold any property or securities originally received by them as a part of the trust, including any stock or interest in any family corporation, partnership or enterprise.
- (d) To sell, auction, convey, exchange, lease, rent all or any portion of the trust.
- (e) To invest and reinvest the trust and the proceeds of sale of any portion thereof, in such manner as the trustees deem suitable.
- (f) To hold, retain or acquire property or securities which in the trustees' opinion are suitable without regard to any statutory or constitutional limitation applicable to the investment of trust funds.
- (g) To vote any corporate stock in person, or by proxy or to refrain from voting.
- (h) To continue or dispose of any business enterprise and to develop, add capital to, expand or alter the business of such enterprise, to appoint directors and employ officers, managers, employees or agents and to compensate and offer employee or fringe benefits to them.
- (i) To develop, or change the use of real estate and to construct, alter, remodel, repair or raze any building or other improvement located thereon.
- (j) To operate farms and woodlands and to take any action deemed necessary or desirable in such operations.

(k) To drill, explore, test, mine or otherwise exploit oil, gas, mineral or other natural resources.

(l) To borrow money with or without security, and to execute mortgages or collateral agreements.

(m) To advance money to any trust for any purpose of the trust, and the trustees will reimburse themselves for the money so advanced with reasonable interest thereon from the trust.

(n) To hold money in their custody while awaiting distribution or investment, even though such money be commingled with their funds and the trustees will not be required to pay interest thereon.

(o) To appoint, employ, remove and compensate such attorneys, agents and representatives for the administration of the trust, and to treat as an expense of the trust any compensation so paid.

(p) To hold property or securities in bearer form, in the name of the trustees, or in the name of a nominee, without disclosing any fiduciary relation.

(q) To keep trust property properly insured against hazards, to pay all taxes or assessments, mortgages or other liens now or hereafter resting upon the property, and to create reserves for depreciation, depletion or such other purposes as the trustees deem necessary or desirable.

(r) To pay from income any expenses reasonably necessary for the administration of the trust, and in the event the income is insufficient the payments will be paid from principal.

(s) To exercise any power hereunder, either acting alone or jointly with others.

(t) To pay the funeral and burial expenses of any beneficiary from the principal of the trust from which income has been payable to such beneficiary.

(u) To buy, sell and trade any securities of any nature, including short sales, on margin, and for such purpose may maintain and operate margin accounts with brokers, and may pledge any securities held or purchased by them with such brokers as security for loans and advances made to the trustees.

ITEM SEVEN - OTHER GOVERNING PROVISIONS

The following provisions will govern for all purposes of this will and any trust created by it:

(a) **Marital Deduction.** If my wife survive me, I intend for my estate to become entitled to the Marital Deduction for Share A as provided by the Internal Revenue Code. Accordingly, Share

A will be a separate share for the sole benefit of my wife and will be set aside and treated as such, effective from my death. It will not include any property which does not qualify for the marital deduction. The personal representative and trustees will construe all provisions of my will which may require construction in order that my estate may become and remain entitled to the marital deduction and they will adopt, agree to or acquiesce in, such construction as they deem necessary or advisable.

(b) Payments to Beneficiaries. Any payment of income or principal to or for any beneficiary may, in the discretion of the trustees, be made to any person or organization who will apply the payment for the use and benefit of the beneficiary.

(c) Discharge of Fiduciaries. Upon making any payment or transfer, the personal representative and trustees will be discharged as to such payment or transfer without liability for its application, and when the final payment or transfer is made from the principal of a trust, the trust will terminate and the trustees will be fully discharged as to the trust.

(d) After-born Children. Any reference made to child or children will include any child or children born to my wife and me, whether born before or after the execution of this will.

(e) Adopted Persons. Any adopted person will be considered as having been born to his or her adoptive parents, and his or her descendants as being descendants of such adoptive parents, whether the adoption occurs before or after the execution of this will.

(f) Division Per Stirpes. The trustees will transfer and pay over any unappointed share set aside for the descendants of a deceased child to such descendants, per stirpes.

(g) Hold Minor's Share. If any share of my estate or a trust becomes distributable, other than by exercise of a power of appointment, to a descendant who is under age twenty-one, although the share will be vested in him or her, the trustees will hold it in trust until the descendant reaches age twenty-one, using and applying for the descendant's support, education and maintenance the income and principal they deem necessary or desirable.

(h) Adding to Trusts and Merging Trusts. Additional property may be added to a trust, with the consent of the trustees, and will be administered and disposed of in accordance with the terms of the trust.

In the event there is a Family Trust in existence which was created under the terms of my wife's will, the assets of the Family Trust created herein can be merged with and become a part of the Family Trust created under my wife's will and be administered or disposed of in accordance with the terms thereof.

(i) Exemptions of Fiduciaries. The personal representative, trustees and their successors are exempt from giving bond or filing an inventory or appraisal of my estate or of any trust in any court, though they will make out and keep an inventory and will show it to any party in interest at any reasonable time. They will be free from the control and supervision of any court.

(j) Corporate Fiduciary/Investment Advisor. My wife can appoint a corporate estate representative and/or trustee. After my wife's death, the adult income beneficiaries and the guardians of minor income beneficiaries, by majority vote, may terminate the appointment of the trustee or trustees and appoint a corporate trustee. If a corporation is appointed, all natural representatives and/or trustees, other than my wife, will resign upon the request of my wife.

The current trustee must be notified at least sixty (60) days before the appointment of a successor trustee will take effect. The notice will bear the formality of a conveyance of real estate, and will designate the substitute trustee which will have the same rights, powers and duties as the original trustee. After receipt of the notice, the first current trustee will deliver over to the substituted trustee all trust property remaining in its possession belonging to the trust, after first deducting all fees and charges to which it is entitled. Upon completion of the transfer, the first prior trustee will stand discharged. Subsequent changes in the trustee may be made by following the same procedure.

A trustee may designate any individual or institution as a co-trustee for custody of trust assets and/or for trust administration functions as specified by the appointment instrument. A co-trustee so named shall serve only as long as the trustee who appointed the co-trustee, and the co-trustee shall not become a successor trustee upon the death, resignation, or disability of the trustee who appointed the co-trustee.

A trustee may, from time to time, delegate to any other trustee by written instrument any or all of the delegating trustee's powers (except those, if any, not exercisable by such other trustee). The delegation of powers may be for any duration of time or until any event specified by the delegating trustee. Any person dealing in good faith with any trustee may rely without inquiry upon the trustee's certificate with respect to any delegation.

Each corporate trustee is entitled to compensation based on its published fee schedule in effect at the time its services are rendered.

Trustees are authorized to employ investment counsel, consult with the counsel on any matters relating to the retention, sale, purchase, investment, or reinvestment of securities or other property, delegate to investment counsel trustee's investment authority, and pay investment counsel reasonable compensation for its services in addition to the compensation of trustees, even if the trustee and investment counsel are part of the same organization, one has ownership interest in the other or otherwise lack independence. Trustees may act upon or refrain from acting upon the advice of the investment counsel in whole or in part, and to the extent it follows the advice of the investment counsel or relies upon investment counsel's exercise of delegated investment authority (or fails to do so), trustees shall not be liable for any action taken, except in the case of willful misconduct.

(k) Direct Distribution. Any property given to the trustees which would be immediately subject to final distribution may be transferred directly to the beneficiaries of the trust to avoid a needless transfer to the trustees as a preliminary step to distribution to the beneficiaries.

(l) Potential Conflict of Interest. I acknowledge any potential conflict of interest for a trustee who may be a beneficiary of my estate or any trust created hereunder and I rely on the language of this document for appropriate safeguards. The provisions of Alabama Code Section 19-3-324 shall not apply.

(m) Prevention of Lapses. All property not effectively disposed of by this will or through a trust created by it will be transferred one-half to the individuals entitled to inherit the property and in the proportions in which they would be entitled to inherit it from me, under the laws of Alabama then in force, had I died at the time, a resident of Alabama, intestate and owned the property, and the other one-half to the individuals entitled to inherit the property and in the proportions in which they would be entitled to inherit it from my wife, under the laws of Alabama then in force, had she died at the time, a resident of Alabama, intestate and owned the property.

(n) Construction. Words will be construed either as singular, plural, masculine, feminine or neuter, whichever is proper in accordance with the context. Headings will not be used in the construction of this document.

(o) Revocation of Prior Wills. This will revokes all previous wills and codicils executed by me.

(p) Simultaneous Deaths. In the event of our simultaneous deaths or if my wife survive me, it will be conclusively presumed she survived me for a sufficient period to allow her to qualify as a devisee under my will. The provisions made for my wife and descendants are in lieu of any and all rights in my estate, statutory or otherwise.

IN WITNESS WHEREOF:

I, **Richard O. Ramer**, the testator, sign my name to this instrument on the 27 day of November, 2002, and being first duly sworn, declare to the undersigned authority that I sign and execute it 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 nineteen years of age or older, of sound mind, and under no constraint or undue influence.


Richard O. Ramer

We, the undersigned witnesses, two being first duly sworn, sign our names to this instrument, and hereby declare that the testator signs and executes this instrument as his last will and that he 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.

Camille Sellers Lozito
Witness

Barbara J. Cox
Witness

James M. Sellers
Witness

B. Ham, Al
Address

B. Ham, Al
Address

B. Ham, Al
Address

STATE OF ALABAMA,

COUNTY OF JEFFERSON.

Subscribed, sworn to and acknowledged before me by **Richard O. Ramer**, the testator, and subscribed and sworn to before me by Camille Sellers Lozito and Barbara J. Cox, witnesses, this 27th day of November, 2002.

James M. Sellers
Notary Public

20171107000404080 10/13 \$51.00
Shelby Cnty Judge of Probate, AL
11/07/2017 12:24:28 PM FILED/CERT

188237

CERTIFICATE TO THE PROBATE OF WILL

The State of Alabama
JEFFERSON COUNTY

I, Mark Gaines, 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 **RICHARD O RAMER** _____ Deceased and that said Will _____


together with the proof thereof have been recorded in my office in Judicial Record, Volume JR 2380 Page 163-170.

In witness of all which I have hereto set my hand, and the seal of the said Court, this date FEBRUARY 28, 2005.

PROBATE - 98



_____, Judge of Probate.


20171107000404080 11/13 \$51.00
Shelby Cnty Judge of Probate, AL
11/07/2017 12:24:28 PM FILED/CERT

LETTERS TESTAMENTARY

PROBATE - 60

IN THE MATTER OF THE ESTATE OF

IN THE PROBATE COURT OF
JEFFERSON COUNTY, ALABAMARICHARD O RAMER

Deceased

CASE NO. 188237**LETTERS TESTAMENTARY****TO ALL WHOM IT MAY CONCERN:**

The Will of the above-named deceased having been duly admitted to record in said county. Letters Testamentary are

hereby granted to MARY MARGARET RAMER
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, FEBRUARY 28, 2005



Judge of Probate

I, Carol K. Johnson, Chief Clerk of the Court of Probate 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, _____

Chief Clerk



20171107000404080 12/13 \$51.00
Shelby Cnty Judge of Probate, AL
11/07/2017 12:24:28 PM FILED/CERT

CERTIFICATE TO COPIES

STATE OF ALABAMA
JEFFERSON COUNTY

PROBATE COURT
CASE NO. **188237**

I, **Alan L. King**, 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 WILL, PETITION TO PROBATE THE WILL, AND LETTERS OF TESTAMENTARY** in the matter of the estate of **RICHARD O. RAMER, DECEASED** as the same appears on file and of record, in this office.

Given under my hand and seal of said Court this date,
23rd OCTOBER, 2017.



Judge of Probate



20171107000404080 13/13 \$51.00
Shelby Cnty Judge of Probate, AL
11/07/2017 12:24:28 PM FILED/CERT