

**LAST WILL AND TESTAMENT  
OF  
MARTHA ECKERT**

I, Martha Ann Eckert, of Shelby Alabama, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

**ARTICLE I  
IDENTIFICATION OF FAMILY**

I am not currently married to anyone.

The name of my child is James Barry Eckert. All references in the Will to “my children” are references to the above-names child and any children born to me or adopted by me after signing of this Will.

**ARTICLE II  
PAYMENT OF DEBTS AND EXPENSES**

I direct that my just debts, funeral expenses and expense of last illness be first paid from my estate.

**ARTICLE III  
DISPOSITION OF PROPERTY**

A. Specific Bequests. I direct that the following specific bequests be made from my estate. However, such bequests (other than bequests, if any, to my children) shall be made only if my children do not survive me.

\$1.00 shall be distributed to James Barry Eckert. If this beneficiary does not survive me, this bequest shall be distributed with my residuary estate.

\$1.00 shall be distributed to Victoria Alexis Eckert. If this beneficiary does not survive me, this bequest shall be distributed with my residuary estate.

\$1.00 shall be distributed to Dena Jane Eckert. If this beneficiary does not survive me, this bequest shall be distributed with my residuary estate.

\$1.00 shall be distributed to Robert Joseph Eckert, IV. If this beneficiary does not survive me, this bequest shall be distributed with my residuary estate.

All remaining assets to include, but not limited to: land, homes, and contents within said property, shall be distributed to Clinton Jackson Carlisle, III. If this beneficiary does not survive me, this bequest shall be distributed with my residuary estate.

- B. Digital Assets. My digital assets shall be distributed in accordance with Schedule A of this Will. For the purposes of this Will, digital assets shall mean electronic assets that are stored on my computers, electronic devices, or on any online account, as identified in Schedule A. Online accounts include, but are not limited to, social-networking sites, online backup services, servers, email accounts, photo and document sharing sites, financial and business accounts, domain names, virtual property, websites and blogs. An instructional document, titled "Letter of Instructions" with associated websites, user names, passwords, and related information, is hereby incorporated by reference into this Will and shall be distributed to the Digital Executor designated in this Will.
- C. Remaining Tangible Personal Property. My remaining tangible personal property shall be distributed to Clinton Jackson Carlisle, III. If this beneficiary does not survive me, this bequest shall be distributed with my residuary estate.
- D. Residuary Estate. I direct that my residuary estate be distributed to Clinton Jackson Carlisle, III, Shelby, Alabama. If such beneficiary does not survive me, my residuary estate shall be distributed to the following beneficiaries in the percentage as shown:
- a. 50% - Miranda Nash, Shelby, Alabama and 50% - Sophia Smith, Shelby, Alabama.

#### ARTICLE IV PET CARE DIRECTIVES

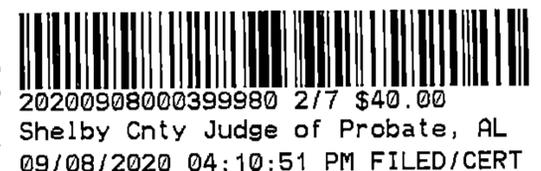
Notwithstanding any other provision of this Will, I further direct that:

- A. Pet Caretaker. I give my following pet(s):
- My dog, Prince
  - My bird, Henry

and any other animals which I may own as companion animals at the time of my death, to Clinton Jackson Carlisle, III, presently residing at 16001 Highway 42, Shelby, Alabama 35143, with the request that he or she treat them as companion animals. If he or she is unable or unwilling to accept my animals, my Executor shall select an appropriate person to accept the animals and treat them as companion animals, and I give my permission to such person.

#### ARTICLE V NOMINATION OF INDEPENDENT EXECUTOR

I nominate Clinton Jackson Carlisle, III, of Shelby, Alabama, as my Independent Executor, to serve without bond, surety, or other security. If such person or entity does not serve for any other reason, I nominate Miranda Nash, of Shelby, Alabama, to serve as my Independent Executor, to serve without bond, surety, or other security.



**ARTICLE VI  
NOMINATION OF DIGITAL EXECUTOR**

I nominate Clinton Jackson Carlisle, III, of Shelby, Alabama, as my Digital Executor, to serve without bond, surety, or other security. If such person or entity does not serve for any other reason, I nominate Miranda Nash, of Shelby, Alabama, to serve as my Digital Executor, to serve without bond, surety, or other security. For the purposes of this Will, Digital Executor shall mean a designated executor assigned to manage the responsibilities for my digital assets after death.

**ARTICLE VII  
EXECUTOR POWERS**

- A. Power to Administer Estate. My Independent Executor, with respect to my estate, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the following rights, powers, and authority without order of court and without notice to anyone: to identify, gather, value, secure, manage and distribute assets, to maintain records, to settle and wind up business affairs, to pay just debts, to file necessary tax returns, to redirect mail, to cancel services, to establish trusts, and to carry out my wishes as set forth in this Will.
- B. Independent Administration. My Independent Executor shall have the right to administer my estate using “informal”, “unsupervised”, or “independent” probate or equivalent legislation designed to operate without unnecessary intervention by the probate court.

**ARTICLE VIII  
DIGITAL EXECUTOR POWERS**

- A. Digital Executor. My Digital Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to manage, distribute, and/or terminate my digital assets in accordance with the Letter of Instructions incorporated by reference into this Will, without order of court and without notice to anyone. My Digital Executor’s powers shall include, but not limited to, the power to access, download, and backup digital assets, to convert my file formats, to access any and all devices as necessary to manage digital assets, to clear computer caches and to delete files. The Digital Executor shall also:
  - 1. *Standard of Care.* Manage, distribute, and/or terminate my digital assets, exercising the judgement and care, under the circumstances the prevailing, that persons or prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their digital assets, considering the probable safety of their digital assets.

  
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Shelby Cnty Judge of Probate, AL  
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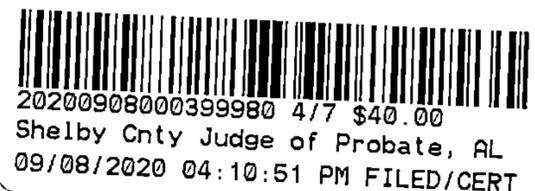
2. *Employ Profession Assistance.* Employ and compensate council and other persons deemed necessary by the Digital Administrator for proper administration of my digital assets.
  3. *Delegate Authority.* Delegate authority when such delegation is advantageous to the estate or to the management, distribution and/or termination of my digital assets.
  4. *Duration of Powers.* Continue to exercise the powers provided in this Article VIII notwithstanding the termination of my estate until all the digital assets of the estate have been distributed.
  5. *Compensation.* Receive reasonable compensation for their services under this Will and be exonerated from and to pay all reasonable expenses and charges to the estate.
- B. Independent Administration. My Digital Executor shall have the right to administer my digital assets using “informal”, “unsupervised”, or “independent” probate or equivalent legislation designed to operated without unnecessary intervention by the probate court.

## ARTICLE IX SPECIAL DIRECTIVES

I hereby state, that in addition to the directive and bequests as set for this Will, it is my desire and wish to include the following special directives and last wishes: (get from Martha)

## ARTICLE X MISCELLANEOUS PROVISION

- A. Paragraph Titles and Gender. The titles given to the paragraphs of this Will are inserted for reference purposed only and are not to be considered as forming a part of the Will in interpreting its provisions. All words used in this Will in any gender shall extend to and include all genders, and any singular words shall include the plural expression, and vice versa, specifically including “child” and “children”, when the context or facts so require, and any pronouns shall be taken to refer to the person or persons intended regardless of gender of number.
- B. Liability of Fiduciary. No fiduciary who is a natural person shall, in the absence of fraudulent conduct or bad faith, be liable individually to any beneficiary of my estate, and my estate shall indemnify such natural person from any and all claims or expenses in connection with or arising out of that fiduciary’s good faith actions or nonactions of the fiduciary, except for such actions or nonactions which constitute fraudulent conduct or bad faith. No successor trustee shall be obliged to inquire into or be in any way accountable for the previous administration of the trust party.
- C. Compensation. The Executor is entitled to receive reasonable compensation for their services under this Will and be exonerated from and to pay all reasonable expenses and charges of the estate and trust.



D. Beneficiary Disputes. If any bequest requires that the bequest be distributed between or among two or more beneficiaries, the specific items or property comprising the respective shares shall be determined by such beneficiaries if they can agree, and if not, by my Independent Executor.

IN WITNESS WHEREOF, I have subscribed my name below, this 8<sup>th</sup> day of September, 2020.

Testator Signature: Martha A. Eckert  
Martha A. Eckert

We, the undersigned, hereby certify that the above instrument, which consists of 5 pages, including the page(s) which contain the witness signatures, was signed in our sight and presence by Martha A. Eckert (the "Testator"), who declared this instrument to be his/her Last Will and Testament and we, at the Testator's request and in the Testator's sign and presence, and in the sight and presence of each other, do hereby subscribe our names as witnesses on the date shown above.

Witness Signature: Patty Copeland

Address: 556 Hwy 47

City: Columbiana

State: Alabama

Phone: 

Witness Signature: Christina Owen

Address: 500 Maxwell Blvd Dr.

City: Wilsonville

State: Al.

Phone: \_\_\_\_\_



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**AFFIDAVIT**

I, Martha A. Eckert, the Testator, sign my name to this Will this 8<sup>th</sup> day of September, 2020, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Will and that I sign it willingly, in the presence of the undersigned witnesses, that I execute it as my free and voluntary act for the purposes expressed in the Will, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Testator Signature: Martha A. Eckert  
Martha A. Eckert

We, P Copeland and C Owen the witnesses, sign our names to this Will, being first duly sworn, and do hereby, declare to the undersigned authority that the Testator signs and executes this instrument as the Testator's free and voluntary act for the purposes expressed in the Will, and that each one of us, in the presence and hearing the Testator, at the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence, and that we the witnesses are of adult age and otherwise competent to be witnesses.

Witness Signature: Patsy Copeland  
Name: Patsy Copeland  
Address: 556 Hwy 47  
City: Columbiana  
State: Alabama  
Phone: 

Witness Signature: Christina Owen  
Name: \_\_\_\_\_  
Address: 590 Mountain View Dr.  
City: Wetumpka  
State: AL  
Phone: \_\_\_\_\_

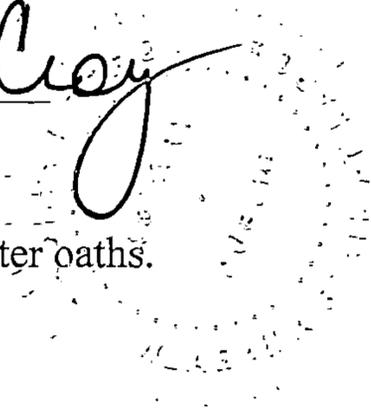
  
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STATE OF ALABAMA

COUNTY OF SHELBY

Subscribed, sworn to and acknowledged before me by Martha A. Eckert, the Testator, and subscribed and sworn before me by PATSY Copeland and Christina Owen witnesses, this day 8<sup>th</sup> of September, 2020.

Regina Lecroy  
Notary Public, or other officer  
Authorized to take and certify  
acknowledgements and administer oaths.



**REGINA LECROY**  
**Notary Public, State of Alabama**  
**Alabama State At Large**  
**My Commission Expires**  
8/10/2022

  
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