

20210601000264590 1/8 \$43.00  
Shelby Cnty Judge of Probate, AL  
06/01/2021 09:25:34 AM FILED/CERT

# Last Will and Testament

## SUSAN DIANNE FLOYD

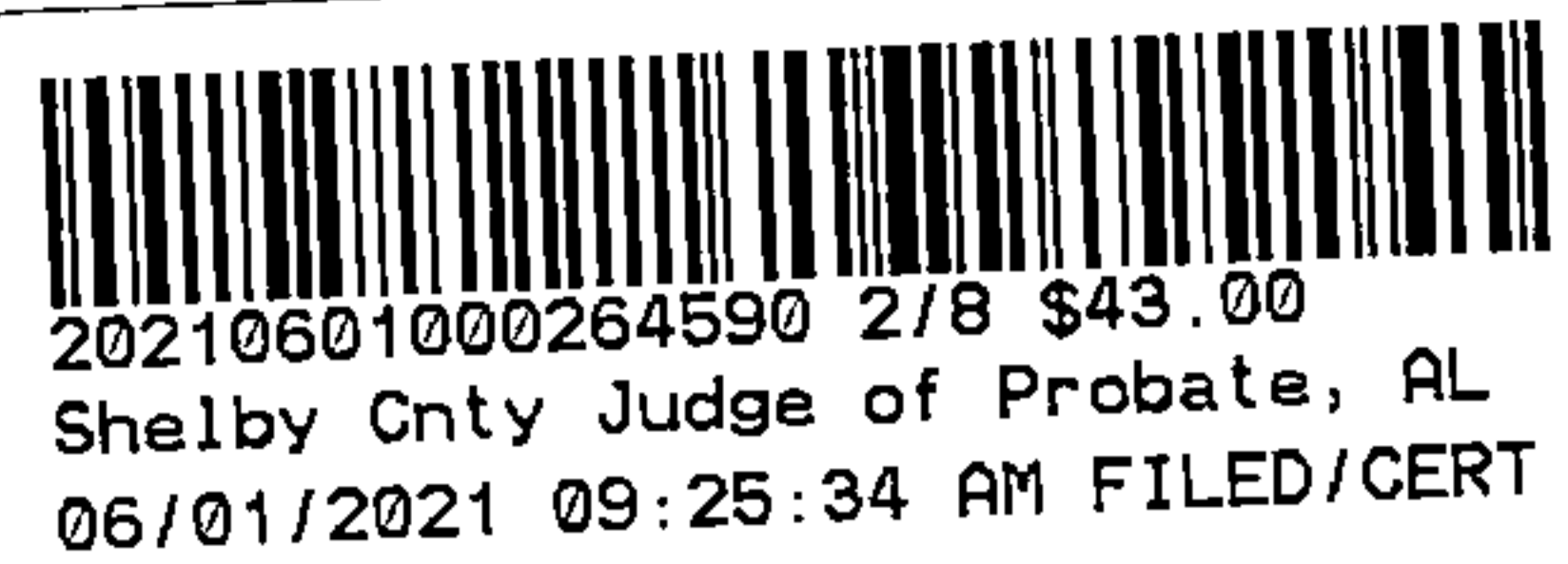
I, **SUSAN DIANNE FLOYD**, a resident of and domiciled in Shelby County, Alabama, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me.

**FIRST:** I direct that my legally enforceable debts (except debts secured by mortgages or other security instruments), the expenses of my last illness and funeral, the expenses of the administration of my estate, and all estate, inheritance and similar taxes payable on property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be paid out of my residuary estate, without apportionment. Nevertheless, my Executor may cause any debt to be carried, renewed, and refinanced from time to time upon such terms and with securities for its repayment as my Executor may deem advisable, taking into account the best interest of the beneficiaries hereunder. If at the time of my death any of the property passing under this will is subject to a mortgage, lien, or other security instrument, I direct that the beneficiary of such encumbered property take it subject to such encumbrance and that he or she shall not be entitled to have the obligation secured thereby paid out of my general estate.

**SECOND:** I give all the tangible personal property that I own at my death (except cash, money market accounts, certificates of deposit, savings and checking accounts, and other cash equivalents disclosed), including any household furniture and furnishings, automobiles, books, pictures, jewelry, art objects, hobby equipment and collections, club memberships and stadium certificates, wearing apparel, and other articles of household or personal use, together with any insurance on any specific item, to my children, **EUGENE JOSEPH MILLER, JR., MICHAEL DAVID MILLER, CARLTON TRESKOT MILLER, and HEATHER NICHOLE MILLER**, with the following exception: I direct

*[Handwritten signature]*  
JW

my executor to distribute a few items of personal property, including art and antiques, according to the accompanying document.



**THIRD:** I devise the real property on 191 Johnson Street in Wilsonville, Alabama, including the house and lot, to my daughter, HEATHER NICHOLE MILLER, for her life or until she decides to sell the property.

If she decides to sell the property, I direct that 50% of the proceeds of the property shall be distributed to my daughter, HEATHER NICHOLE MILLER, and the remaining 50% to be distributed equally among my other three children, EUGENE JOSEPH MILLER, JR., MICHAEL DAVID MILLER, and CARLTON TRESCOT MILLER.

I give 10% of the remaining share of my estate to my granddaughter, HAYLEY ELISABETH SORESENSEN.

I give all the rest, residue and remainder of my property and estate, both real and personal, of every kind and wherever located, to which I shall be in any manner entitled at the time of my death (collectively referred to as my "residuary estate"), to my children, EUGENE JOSEPH MILLER, JR., MICHAEL DAVID MILLER, CARLTON TRESCOT MILLER, and HEATHER NICHOLE MILLER, in shares of substantially equal value, per stirpes.

If, however, any such beneficiary under this Will shall be under the age of twenty-five (25) years (each such child being hereinafter referred to as a "beneficiary"), the share of such beneficiary shall not be paid or distributed to such beneficiary but instead shall be held by my Trustee, IN TRUST, pursuant to the following provisions:

(i) My Trustee shall hold, manage, invest and reinvest each share set aside for each beneficiary in trust for the benefit of such beneficiary and shall pay so much or all of the net income from each such trust to or for the benefit of the beneficiary thereof, for the health, education, maintenance and support of the beneficiary, to such extent and at such time or times and in such manner as may be determined in the absolute discretion of my Trustee. Any net income not so paid shall be accumulated and added to principal at least

annually and thereafter shall be held, administered and disposed of as a part thereof. When any beneficiary shall attain the age of twenty-one (21) years, or if any beneficiary is twenty-one (21) upon the creation of such beneficiary's trust, my Trustee shall pay the net income to or for the benefit of such beneficiary, in quarter-annual or more frequent intervals.

(ii) In addition, my Trustee may pay to or for the benefit of each beneficiary, for the health, education, maintenance and support of each beneficiary, from the principal of each beneficiary's trust, such amounts, including the whole thereof, as determined in the absolute discretion of my Trustee.

(iii) When any Beneficiary shall attain the age of twenty-one (21) years, one half of the principal of such beneficiary's trust then remaining shall be paid and distributed to such beneficiary.

(iv) When any Beneficiary shall attain the age of twenty-five years, the trust for such beneficiary shall terminate and any remaining principal and income shall be paid and distributed to such beneficiary, discharged of trust. If such beneficiary dies before said age, such principal and income shall be paid and distributed to such persons or entities (other than creditors of such beneficiary, the estate of such beneficiary, or creditors of the estate of such beneficiary), in such proportions and in such manner, outright or in trust, as such beneficiary may appoint by a will executed after attaining majority and admitted to probate specifically referring to this power of appointment, or absent such appointment, or absent my Trustee receiving notice of the existence of such will within three months after the death of such beneficiary, to any then living issue of such beneficiary, in equal shares, per stirpes, or if such beneficiary has no issue to my then living issue, in equal shares, per stirpes. If any such issue is a beneficiary of a trust under this will, the same may be held in accordance with such trust. If there are no then living issue, the same shall be paid and distributed to those who would take from me as if I were then to die without a will, unmarried and the absolute owner of the same, and a resident of the State of Alabama.

**FOURTH:** The determination of my Trustee as to the amount or advisability of any discretionary payment of income or principal from any trust hereunder shall be final and conclusive on all persons, whether or not then in being, having or claiming any interest in such trust. Upon making any such payment, my Trustee shall be released fully from all further liability therefor. The right of any beneficiary to any income or principal hereunder shall be subject to all charges or deductions which my Executor or Trustee may make

under law or any provisions of this will.

**FIFTH:** No disposition, charge or encumbrance on any income or principal of any trust hereunder by any beneficiary thereof shall be valid or binding upon my Trustee. No beneficiary shall have the right to assign, transfer, encumber or otherwise dispose of any such income or principal until the same shall be paid to such beneficiary by my Trustee. No such income or principal shall be subject in any manner to any claim of any creditor of any beneficiary.

**SIXTH:** I appoint MARSHALL BREW CLEGG to be my Executor or Trustee. If my Executor or Trustee does not survive me, or shall fail to qualify for any reason as my Executor or Trustee, or having qualified shall die, resign or cease to act for any reason as my Executor or Trustee, I appoint VERNON CAPLETON, JR. as my Executor or Trustee. I vest in my Executor or Trustee herein named full power and authority to handle, manage and deal with my estate as freely as I could act if I were living. Such power and authority may be exercised independently and without the prior or subsequent approval of any court or judicial authority. No one dealing with my Executor or Trustee shall be required to inquire into the propriety of any action taken by my Executor or Trustee.

I direct that no Executor or Trustee shall be required to file or furnish any bond or other security in any jurisdiction. Any bank, trust company or similar institution at any time serving as Executor or Trustee hereunder shall be entitled to receive compensation for its services in accordance with its standard schedule of compensation in effect when such compensation is payable.

My Trustee, in its absolute discretion, may purchase on behalf of the trust estate, for adequate consideration at fair market value, any property belonging to my estate, or make loans or advancements, secured or unsecured, to the personal representatives of those estates, in order to provide liquidity for payment of any claim, indebtedness, estate taxes other taxes by my estate or my husband's estate. These purchases, loans or advancements will be made on whatever terms and conditions my Trustee, in its absolute discretion, deems appropriate, provided there is adequate consideration at fair market value.

*MS*  
*dy*  
*hw*

**SEVENTH:** I appoint MARSHALL BREW CLEGG to be the guardian of any minor child or children under this will. If my guardian is unable to serve for any reason, I appoint VERNON CAPLETON, JR. to be the guardian of any minor child or children under this will.

**EIGHTH:** I grant to my Executor and Trustee all powers conferred wherever he or she may act, including the power:

(a) To compromise, settle, or adjust any claim or demand by or against my estate or any trust and to agree to any rescission or modification of any contract or agreement;

(b) To retain any security or other property owned by me at the time of my death, so long as such retention appears advisable, to exchange any such security or property for other securities or properties and to retain such items received in exchange;

(c) To sell, exchange, assign, transfer and convey any security or property, real or personal held in my estate or in any trust fund, at public or private sale, at such time and price and upon such terms and conditions (including credit) as it may determine;

(d) To invest and reinvest in such stocks, bonds and other securities and properties as it may deem advisable including stocks and unsecured obligations, warrants, commercial paper, variable interest notes, options, undivided interests, interests in investment trusts, mutual funds, legal and discretionary common trust funds, leases and property which is outside of my domicile, all without diversification as to kind or amount without being restricted in any way by the Constitution of Alabama, any statute or court decision (now or hereafter existing) regulating or limiting investments by fiduciaries;

(e) To register and carry any property in its own name or as nominee or to hold it unregistered, but without thereby increasing or decreasing its liability as fiduciary;

(f) To sell or exercise any "rights" issued on any securities held in my estate or in any trust fund hereunder;

(g) Unless inconsistent with other provisions of this instrument, to consider and treat as principal all dividends payable in stock, all dividends in liquidation and all "rights" issued on securities, and to consider and treat as income all other dividends received (except those declared and payable as of a "record date" preceding my death, which shall be considered and treated as principal);

(h) To charge or credit to principal any premiums and discounts on securities purchased at more or less than par;

*MS  
JW*

(i) To vote in person or by proxy any stocks or securities held, and to grant such proxies and powers of attorney to such person or persons as it may deem proper;

(j) To consent to and participate in any plan for the liquidation, merger, consolidation, combination, reorganization, recapitalization, or change of charter or name of any corporation, any security of which is held;

(k) To borrow money (from itself individually or from others) upon such terms and conditions as it may determine and to mortgage and pledge estate and trust assets as security for repayment thereof;

(l) To lease any real estate for such term or terms and upon such conditions and rentals and in such manner as it may deem advisable (with or without privilege of purchase), and any lease so made shall be valid and binding for the full term thereof even though same shall extend beyond the duration of the trust. To insure against fire or other risk, to make repairs, replacements and improvements, structural or otherwise, to any such real estate and to charge the expense thereof to principal or income (or apportion same between principal and income) as it may deem proper, to subdivide real estate, to dedicate same to public use and to grant easement as it may deem proper;


(m) Whenever required or permitted to divide and distribute my estate or any trust created hereunder, to make such division or distribution in money or in kind or partly in money and partly in kind; and to exercise all powers herein conferred, after the termination of any trust until the same is fully distributed;

(n) To employ accountants, attorneys, financial/investment advisors and such agents as it may deem advisable; to pay reasonable compensation for their services and to charge same to (or apportion same between) income and principal as it may deem proper;

(o) Unless inconsistent with other provisions of this instrument, to hold two or more trusts or other funds in one or more consolidated funds, in which the separate trusts or funds shall have undivided interests, or to hold such in separate trusts, however my Trustee may deem proper;

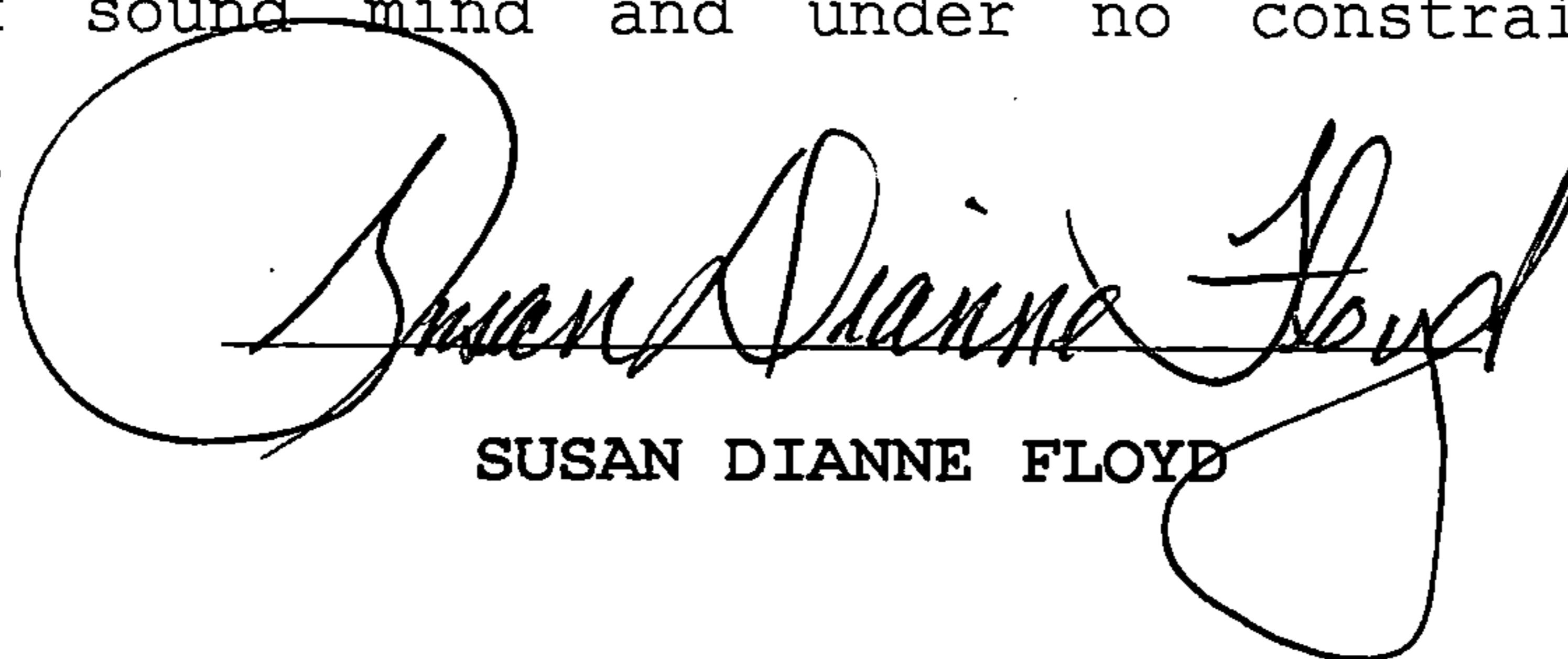
(p) To abandon, in any way, property it determines not to be worth protecting;

(q) To buy or sell any stock or security options, including, but not limited to, calls, puts, straddles, spreads, strips or straps, whether through any recognized exchange or over-the-counter market and whether covered or uncovered.

  
20210601000264590 6/8 \$43.00  
Shelby Cnty Judge of Probate, AL  
06/01/2021 09:25:34 AM FILED/CERT

NINTH: If my beneficiaries and I shall die under circumstances that there is not sufficient evidence to determine the order of our deaths, then all bequests, devises, and provisions made herein to or for my beneficiaries' benefit shall be administered and distributed, in all respects, as if they had predeceased me.

IN WITNESS WHEREOF, I, SUSAN DIANNE FLOYD, sign my name to this instrument, which consists of eight typewritten pages, including the attestation page, each of which bears my initials in the margin, on this the 25th day of May 1999, and being first duly sworn, do hereby declare to the undersigned authority, in the presence of the undersigned witnesses, that I sign and execute this instrument as my Last Will and Testament 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.

  
SUSAN DIANNE FLOYD



20210601000264590 7/8 \$43.00  
Shelby Cnty Judge of Probate, AL  
06/01/2021 09:25:34 AM FILED/CERT

*Handwritten initials/signature in the bottom left margin.*

We, the undersigned witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as the Testator's Last Will and Testament and that the Testator signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby sign this Last Will and Testament as witnesses 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.

Kathy D. Jones  
Witness

Lisa B. Weems  
Witness

STATE OF ALABAMA)


COUNTY OF JEFFERSON)

Subscribed, sworn to and acknowledged before me by the said **SUSAN DIANNE FLOYD**, Testator, and subscribed and sworn to before me by the above-signed witnesses,

Kathy D. Jones and Lisa B. Weems  
witnesses, this 25th day of May 1999.

Mark Baygett  
Notary Public

My commission expires on: 2001

  
20210601000264590 8/8 \$43.00  
Shelby Cnty Judge of Probate, AL  
06/01/2021 09:25:34 AM FILED/CERT