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Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA)

COUNTY OF SHELBY)

CERTIFICATION OF LIVING TRUST FOR THE KENNETH D. AND H. TERESA HAYES REVOCABLE LIVING TRUST

Pursuant to AL Code § 19-3B-1013 (2022)

The undersigned Kenneth Dean Hayes and H. Teresa Hayes, as Grantors and Settlors, being first duly sworn, depose and say each of them is at least 19 years of age and is a currently a trustee of the *Kenneth D. and H. Teresa Hayes Revocable Living Trust* dated April 15, 2025 (herein sometimes the "Trust") and further states as follows:

1. The Kenneth D. and H. Teresa Hayes Revocable Living Trust dated April 15, 2025, is a valid, existing trust, having been created by the *Declaration of Kenneth D. and H. Teresa Hayes Revocable Living Trust* on April 15, 2025 (herein sometimes the "*Declaration of Trust*").

2. A. The original settlors of the trust are Kenneth Dean Hayes and H. Teresa Hayes.

   B. The following persons contributed money, funds, real property, or personal property to the trust: Kenneth Dean Hayes and H. Teresa Hayes.

   C. We, Kenneth Dean Hayes and H. Teresa Hayes, are alive and well at the time of this certification.

   D. The current name and address of the acting Trustees of the Trust are:

      Kenneth Dean Hayes & H. Teresa Hayes
      309 Windchase Trace
      Birmingham, Alabama 35242

   E. The named successor trustees are Nicholas William Hayes and Kasey O'Neal Hayes, and the survivor of them, and the next successor trustee is Kelly L. Hayes. All trustees shall serve without bond or surety, and shall not be required to file any inventory, accounting, or report with any court or tribunal.

KDH HTH

3. The *Kenneth D. and H. Teresa Hayes Revocable Living Trust* has definite beneficiaries. The same person is not the sole trustee and sole beneficiary.

4. The administrative and/or managerial powers of the trustee are:

> [T]o protect, promote or conserve the Trust and the interests of all persons beneficially interested therein in like manner as if my Trustee were beneficially entitled to the Trust, . . . my Trustee shall have the same power and authority to manage and distribute the trust assets as an individual owner has over his wholly-owned property. (See the attached Appendix which the Trustee certifies to be true and correct copies of Sections 16 and 17 of the *Declaration of Trust.*)

5. A. The Trust is revocable during the lifetime of either of us.

   B. The persons holding the power to revoke the Trust are Kenneth Dean Hayes and H. Teresa Hayes.

6. As the acting Trustees, Kenneth Dean Hayes and H. Teresa Hayes jointly and severally have full authority to sign documents and instruments.

7. A. The conditions for the succession by the successor trustee are (i) the death of both Settlors Kenneth Dean Hayes and H. Teresa Hayes; (ii) a combination of the death of one them and incompetency or incapacity of the other, or (iii) a written certificate by both Settlors, Kenneth Dean Hayes and H. Teresa Hayes, or the surviving Settlor after the passing of one of them, as the case may be, authorizing their successor trustees to act under the *Declaration of Trust.*

   B. Third parties are entitled to rely on the authority of the successor trustees without proof of their succession.

8. The social security numbers associated with the Trust are ______________ and ______________. [redacted]
   [*Social security numbers may be deleted prior to recording. Keep complete copy of this Certification, including the social security numbers on file.*]

9. Trust Property should be titled as follows: **Kenneth D. Hayes and H. Teresa Hayes Revocable Living Trust dated April 15, 2025.**

10. The Trust has not been revoked, modified, or amended in any manner that would cause the representations and statements contained herein to be incorrect.

KDH HTH
Trustees' initials

11. Check the applicable box:

[X] The Trust is Revocable and the Trust has not been revoked and there have been no amendments limiting the powers of our Trustees over trust property.

☐ The Trust is Irrevocable and is valid and existing at this time.

12. No person or entity paying money to or delivering property to the Trustees shall be required to see to its due application. All persons relying on this document regarding our / my Trustees and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this *Certification of Living Trust* shall be just as valid as the original.

13. The Trustees certify that they will inform the certificate holder of any change or Amendment to the Trust or the *Declaration of Trust* that would affect the powers of the Trustees, the names of the Trustees, the revocability of the Trust, or the Name of the Trust.

14. This *Certification of Living Trust* is being made to the certificate holder as proof of the existence and good standing of the Trust, amongst other things, to entice the certificate holder to provide services to the Trust.

False statements made herein may violate State and Federal Law. Statements herein are made as sworn statements and subject to perjury if falsely made.

Dated this the 15 day of April, 2025.

TRUSTEES

Kenneth Dean Hayes

Kenneth Dean Hayes

H. Teresa Hayes

H. Teresa Hayes

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Trustees' initials

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VERIFICATION

STATE OF ALABAMA)

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said county and state, hereby certify that Kenneth Dean Hayes and H. Teresa Hayes, who being known to me and who being by me first duly sworn under oath, depose and say that they as the current trustees of the *Kenneth D. Hayes and H. Teresa Hayes Revocable Living Trust* dated April 15, 2025, have read the foregoing *Certification of Living Trust for the Kenneth D. Hayes and H. Teresa Hayes Revocable Living Trust,* that they understand it, and that they have signed their names to it voluntarily on the day same bears date.

Given under my hand and official seal, this 15th day of April, 2025.

April Burr
Notary Public
My Commission expires: 9/29/27

APRIL BURR
NOTARY PUBLIC ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES SEP. 29, 2027

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APPENDIX TO *CERTIFICATION OF LIVING TRUST OF THE KENNETH D. HAYES AND H. TERESA HAYES REVOCABLE LIVING TRUST*

The administrative and/or managerial powers of the Trustee as set forth in Sections 16 and 17 of the *Declaration of Trust* are:

16. In the course of the administration of the said Trust, in addition to any powers, authority and discretion granted or provided by law, my Trustee may do and have done with respect to the Trust all things that, in the uncontrolled judgment and discretion of my Trustee, without court approval, may deem necessary, desirable or proper to protect, promote or conserve the Trust and the interests of all persons beneficially interested therein in like manner as if my Trustee were beneficially entitled to the Trust. I intend that my Trustee shall have the same power and authority to manage and distribute the trust assets as an individual owner has over his or him/his wholly-owned property. Every determination by my Trustee in the construction of powers or in any matter with respect to which my Trustee may be empowered to act, proceed, or exercise any discretion shall be binding on all persons, firms and corporations howsoever interested in the Trust and shall not be questioned or effectively objected to on any grounds by anyone. Notwithstanding either the intentionally broad language of the preceding sentence or the breadth of the language by which any power is conferred upon my Trustee by this *Declaration of Living Trust*, I declare and direct that all powers, discretions and immunities conferred upon my Trustee by any provision of this *Declaration of Living Trust* or otherwise shall constitute administrative, fiduciary powers, discretions and immunities and shall not constitute or be deemed to constitute powers of appointment.

17. Without limiting the generality of the first sentence of the immediately preceding section of this *Declaration of Living Trust* but solely to define with particularity certain of the powers, discretions and immunities conferred upon my Trustee, I declare, authorize and empower that my Trustee shall have and may exercise, publicly or privately, personally or by attorney or agent, without previous or other order of any court and without previous or other notice to or consent by anyone, each and all of the following powers, discretions and immunities that may be conferred upon my Trustee by law or otherwise, all of which shall be broadly construed:

a) To exercise or perform any act, power, duty, right, or obligation whatsoever that I now have, or may hereafter acquire the legal right, power or capacity to exercise or perform, in connection with, arising form, or relating to any person, item, transaction, thing, business property, real or personal, tangible or intangible, or matter whatsoever ;

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b) To sell trust property, borrow money, and encumber that property, specifically including trust real estate, by mortgage, deed of trust, or other method;
c) To manage trust real estate as if the trustee were the absolute owner of it;
d) To invest trust property in property of any kind, including but not limited to bonds, notes, mortgages, and stocks;
e) To request, ask, demand, sue for, recover, collect, receive, and hold and possess all such sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interest, stock certificates, bonds, dividends, certificates of deposit, annuities, pension and retirement benefits, insurance benefits and proceeds, any and all documents of title, choses in action, personal and real property, intangible and tangible property and property rights, and demands whatsoever liquidated or unliquidated, as now are, or shall hereafter become, owned by, or due, owing, payable, or belonging to, me or in which I have or may hereafter acquire interest, to have, use and take all lawful means and equitable and legal remedies, procedures, and writs in my name for the collection and recovery thereof, and to adjust, sell, compromise, and agree for the same, and to make, execute, and deliver for me, on my behalf, and in my name, all endorsements, acquittances, releases, receipts, or other sufficient discharges for the same;
f) To receive, retain, make or dispose of investments in any property of any kind, nature, character or description, whether real, personal or mixed and wheresoever situated, whether domestic, foreign or alien, and whether or not any of the same may be deemed permissible for executors or trustees under the constitution or laws of any state or the United States, under the rules of any court, or under any rule of policy anywhere;
g) To retain, make, hold or dispose of investments and reinvestments without regard to any actual or potential lack of diversification of such investments;
h) To hold any or all stock, securities or other paper whatever in bearer form; or to hold any or all such stock, securities or other paper or any or all personal or real property in the name of any Trustee of mine or in the name of some other person, firm or corporation, all without disclosing any fiduciary relationship;
i) To make, receive, sign, endorse, execute, acknowledge, deliver and possess such applications, contracts, agreements, options, covenants, conveyances, deeds, trust deeds, security agreements, bills of sale, leases, mortgages, assignments, insurance policies, bills of lading, warehouse receipts, documents of title, bills, bonds, debentures, checks, drafts, bills of exchange, letters of credit, notes, stock certificates, proxies, warrants, commercial papers, receipts, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of, banks, savings and loan or other institutions or associations, proofs of loss,

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evidences of debts, releases, and satisfactions of mortgages, liens, judgments, security agreements and other debts and obligations, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted;

j) To lease or grant options to lease the trust property, make repairs or alterations, and insure against loss;

k) To lease, lease with options attached, grant easements over, make any agreements or contracts whatever with respect to, grant options upon, sell, exchange or in any other way dispose of, convey or transfer all or any part or asset of the trust estate, including real, personal, mixed, or intangible property, for such consideration, on such terms and conditions and for such period(s) of time (even though such period(s) may or does or do extend beyond the administration of this Trust) as my Trustee may deem desirable;

l) To sell or grant options for the sale or exchange of any trust property, including stocks, bonds, and any other form of security;

m) To sell, lease, or convert any property, whether real, personal or mixed, into any other property, whether real, personal or mixed;

n) To receive additional property from any source and add to any trust created by this Trust;

o) To manage, operate and administer all real property and interests therein; and to administer all real property and interests therein; and to erect, maintain, tear down or replace any improvements placed or to be placed on any such real property;

p) To continue any business of Grantor;

q) To open, close, liquidate, change, or otherwise modify any and all accounts with any banking or savings institution, including without limitation any and all of my checking accounts, savings accounts, certificates of deposit, brokerage, or safe deposit box accounts; and to have unfettered and unrestricted access to and enter into any safe deposit box at any institution;

r) To deposit and hold trust funds in both interest-bearing and non-interest-bearing accounts;

s) To deposit funds in bank or other accounts insured by FDIC coverage;

t) To manage and, in person or by general or limited proxy with or without full power of substitution, to vote all stock, securities and rights and interests evidenced by any other type of paper in any public or private corporation, trust or association, in respect of all matters ordinary and extraordinary, including without limitation: the borrowing of money; the issuance or retirement of any of such stock, securities and other paper; the sale, exchange or other disposition of some or all assets; conversion; consolidation; merger; recapitalization; liquidation; dissolution; or any other transaction or reorganization of any character whatever, whether or not in bankruptcy;

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u) To oppose, propose, become a party to, participate fully, partly or not at all in or carry out any transaction or any formal or informal plan of reorganization of any character whatever affecting any public or private corporation or other business unit any of whose stock, securities or other paper or any interest in which may be included in the trust estate;
v) To borrow, lend or advance money with or without security; and on any terms whatever to give or obtain security therefor by mortgage, pledge, security interest or any other means;
w) To renew or extend loans or any other indebtedness, with changed or unchanged terms, however evidenced, at any time owing by or to me, or any Trustee of mine in such capacity or the trust estate;
x) To compromise, settle, adjust or submit to arbitration any matter of dispute;
y) To institute, prosecute, defend, become a party to or participate in any formal or informal actions, suits or proceedings, whether at law, in equity or merely administrative;
z) To institute or defend legal actions concerning the Trust or Grantor's affairs;
aa) To establish and change trust-accounting years and to establish, maintain or change the accounts, bookkeeping and accounting systems and the period of time with respect to which the records of this Trust are maintained and taxes are determined;
bb) To make distributions in kind or partly in kind; and to select the properties, property rights or property interests which, or shares or parts of which, shall from time to time be distributed to the entitled parties, all without securing from any court any determination or confirmation of value or direction as to specific items to be distributed;
cc) From time to time but within a time permitted by law, to assign and transfer to a voting trustee or trustees, who may be or include any Trustee of mine, any or all stock in any public or private corporation; to select the voting trustee or trustees; and to propose, negotiate, fix, consent to or change the voting trustee or trustees, the terms and any or all conditions and provisions subject to which any such stock shall be held by the voting trustee or trustees;
dd) To enter into electronic fund transfer or safe deposit arrangements with financial institutions;
ee) To effectuate the removal from Alabama or North Carolina, as the case may be, of any part or all of the trust estate and to effectuate the relocation thereof at any place whatever;
ff) By incorporation, reincorporation, dissolution, liquidation, sale, exchange or reorganization of any character, to change the style or form of the ownership or the conduct of any business or venture;
gg) To make gifts from the trust estate to members of my family and to such other persons or charitable organizations with whom I have established a

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pattern of giving (or if is appropriate to make such gifts for estate planning and/or tax purposes);

hh) To keep the trust estate insured against casualty, and to insure the owners or users thereof or those beneficially interested therein against loss or damage with reference to the same;

ii) To engage in any business, including farming and timbering, in a trust capacity, as a partner (general or limited) or as a sole proprietor; or to incorporate or join with others in incorporating any business, property or assets constituting a part of the trust estate;

jj) To employ and pay reasonable fees to accountants, lawyers, financial advisors, investment consultants, and custodians for information or advice relating to the Trust;

kk) To prepare, sign, and file documents with any governmental body or agency, including, but not limited to, authorization and empowerment to prepare, sign and file income and other tax returns with federal, state, local and other governmental bodies;

ll) To make any election permitted by any tax law, and

mm) To obtain information or documents from any government or its agencies and represent the Trust in all tax matters, including authority to negotiate, compromise, or settle any matter with such government or agency.

* * * *

Prepared By: Joseph W. Spransy
2320 Arlington Avenue S
Birmingham, AL 35205

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Trustees' initials