

ITEM IV

My said wife, Martha Sarama Masopust, the beneficiary herein, has absolute, full and complete power of appointment over the proceeds of this Will; but I request that all property, both real and personal, remaining at the time of her death be distributed as follows:

1. Sixty per cent (60%) to be divided equally between my two (2) daughters, Victoria Emily Masopust Wynn and Sandra Susan Masopust Fleming. In the event either of my daughters is deceased at that time, the entire sixty per cent (60%) shall be distributed to the surviving daughter.
2. Forty per cent (40%) to be divided in equal shares for distribution to my grandchildren, with Justin Cory Wynn receiving two (2) shares and each of my other grandchildren receiving one (1) share. At this date this property would be distributed as follows: twenty per cent (20%) to Justin Cory Wynn, ten per cent (10%) to Ashley Wynn, and ten per cent (10%) to Michelle Fleming. If I should have other grandchildren born after this date, they would participate on the same basis as Ashley Wynn and Michelle Fleming.

ITEM V

In the event that my wife, the said Martha Sarama Masopust, dies in a common disaster with me and there is not sufficient evidence that we died otherwise than simultaneously, it shall be presumed for the purposes of disposition under this Will that my said wife died first.

*Raymond Carl Masopust*  
*Martha Sarama Masopust*

ITEM VI

In the event my wife, the said Martha Sarama Masopust, predeceases me, I give, devise and bequeath, subject to Item I above, all the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, of which I shall die seised or possessed or to which I shall be entitled at the time of my death or over which I shall have power of appointment, as follows:

1. Sixty per cent (60%) to my two (2) daughters, Victoria Emily Masopust Wynn and Sandra Susan Masopust Fleming, to be divided equally between them. In the event either of my daughters is deceased at that time, I give, devise and bequeath the entire sixty per cent (60%) to my surviving daughter.
2. Forty per cent (40%) to my grandchildren, said property to be divided in equal shares with Justin Cory Wynn receiving two (2) shares and each of my other grandchildren receiving one (1) share. At this date, this property would be distributed as follows: twenty per cent (20%) to Justin Cory Wynn, ten per cent (10%) to Ashley Wynn, and ten per cent (10%) to Michelle Fleming. If I should have other grandchildren born after this date, they would participate on the same basis as Ashley Wynn and Michelle Fleming.

In the event that my grandchildren inherit under this Last Will and Testament and if any of my grandchildren be under the age of

*Raymond Carl Masopust*  
*Martha Sarama Masopust*

BOOK 095 PAGE 432

twenty-one (21) years at that time, then in such event, I do hereby give, devise and bequeath forty per cent (40%) of my property, real, personal and mixed, of whatsoever kind and nature and whatsoever situated, of which I shall die seised or possessed or to which I shall be entitled at the time of my death or over which I shall have power of appointment, to my daughter, Victoria Emily Masopust Wynn, as Trustee, IN TRUST, solely and only for the following purposes, to-wit:

1. The Trust is for the sole and exclusive benefit of my grandchildren.
2. The Trustee shall divide the trust property into separate shares for each grandchild on the basis and in the proportions set out in subparagraph 2 hereinabove. The share allocated to each grandchild shall constitute and be administered as a separate trust. Separate books and records shall be kept for each such trust but it shall not be necessary that physical division of the assets be made as to each trust.
3. The Trustee hereinabove named has the sole and exclusive right to manage the Trust in any way she sees fit, including, but not limited to, the right to sell, hypothecate, invest, reinvest, repair, borrow, mortgage, and any and all other rights that I would have if I were alive, including the right to execute all necessary instruments or papers in connection therewith.
4. The beneficiaries of the Trust are to be educated and kept free of want insofar as the status and management of the Trust will allow, and the entire Trust is to be

*Raymond Carl Masopust*  
*Margrtha Susanna Masopust*

twenty-one (21) years at that time, then in such event, I do hereby give, devise and bequeath that forty per cent (40%) of my property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, of which I shall die seised or possessed or to which I shall be entitled at the time of my death or over which I shall have power of appointment, herein designated for my grandchildren, to my daughter, Victoria Emily Masopust Wynn, as Trustee, IN TRUST, solely and only for the following purposes, to-wit:

1. The Trust is for the sole and exclusive benefit of my grandchildren.
2. The Trustee shall divide the trust property into separate shares for each grandchild on the basis and in the proportions set out in subparagraph 2 hereinabove. The share allocated to each grandchild shall constitute and be administered as a separate trust. Separate books and records shall be kept for each such trust but it shall not be necessary that physical division of the assets be made as to each trust.
3. The Trustee hereinabove named has the sole and exclusive right to manage the Trust in any way she sees fit, including, but not limited to, the right to sell, hypothecate, invest, reinvest, repair, borrow, mortgage, and any and all other rights that I would have if I were alive, including the right to execute all necessary instruments or papers in connection therewith.
4. The beneficiaries of the Trust are to be educated and kept free of want insofar as the status and management of the Trust will allow, and the entire Trust is to be

*Raymond Carl Masopust*  
*Maiptha Saranna Masopust*

handled and managed by the Trustee in a manner which she believes is for the best benefit, interest and general welfare of said beneficiaries; and the said Trustee, furthermore, has the right to enter upon the corpus of the Trust at any time and from time to time for such purposes as she sees fit, and her judgment shall be final, and she is to serve without bond and not be accountable to any court, except as may be required by law.

5. When the youngest of my grandchildren has reached the age of twenty-one (21) years, at such time as may be determined by the Trustee, the Trust may be dissolved and shall terminate as to each beneficiary when all of the remainder and residue, if any, of the share of each beneficiary shall have been distributed to such beneficiary.
6. Upon the death or indisposition of the said Trustee or if, for any reason, she fails, refuses or neglects to act, then, I name, nominate, constitute and appoint my daughter, Sandra Susan Masopust Fleming, Successor Trustee; and she shall have all of the rights, powers and privileges herein given to the above-named Trustee.

ITEM VII

In the event my said wife predeceases me, or dies in a common disaster with me, then in such event, I do hereby name, constitute and appoint my daughter, Victoria Emily Masopust Wynn, as Executrix of

*Raymond Carl Masopust*  
*Victoria Susan Masopust*

this my Last Will and Testament; and I direct that she be permitted to serve in said capacity without bond or other security.

IN TESTIMONY WHEREOF, I have signed, published and declared this instrument as my Last Will and Testament in the presence of the undersigned witnesses, whom I have especially requested to witness the same, this the 8 day of Feb, A.D., 1982.

Raymond Carl Masopust  
TESTATOR

WITNESSES:

Mrs Leticia Fuente

Richard Smith

STATE OF MISSISSIPPI

COUNTY OF HINDS:.....

CERTIFICATE

We, each of the subscribing witnesses to the Last Will and Testament of Raymond Carl Masopust, do hereby certify that said instrument was signed by the said Raymond Carl Masopust in our presence and in the presence of each of us, and that the said Raymond Carl Masopust declared the same to be his Last Will and Testament in the presence of each of us and that we each signed as subscribing witnesses to said Will at the request of the said Raymond Carl Masopust in his presence and in the presence of each other.

WITNESS OUR SIGNATURES on this, the 8<sup>th</sup> day of FEBRUARY, A. D., 1982.

Mrs. Lence Fuente  
Name

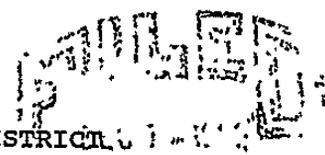
534 Whitegate Dr.  
Street Address

Jackson, Ms 39206  
City and State

Leland Huithy  
Name

531 NAPLES ROAD  
Street Address

JACKSON, MISSISSIPPI- 39206  
City and State



IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT  
OF HINDS COUNTY, MISSISSIPPI

ESTATE OF RAYMOND CARL MASOPUST, DECEASED

FILED  
BY *Cindy Williams*  
NO. P-9326

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI  
COUNTY OF HINDS

This date personally appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, the within named LELAND SMITH, JR., who being by me first duly sworn according to law, says on oath:

(1) That this affiant is one of the subscribing witnesses to an instrument of writing purporting to be the Last Will and Testament of Raymond Carl Masopust, Deceased, who was personally known to the affiant, and whose signature is affixed to the Last Will and Testament, which is dated the 8th day of February, 1982.

(2) That on the 8th day of February, 1982, Raymond Carl Masopust signed, published and declared the instrument of writing as his Last Will and Testament, in the presence of this affiant and in the presence of Lorice Fuente, the other subscribing witness to the instrument.

(3) That Raymond Carl Masopust was then and there of sound and disposing mind and memory, was above the age of eighteen (18) years, and did not appear to be acting under duress or under influence.

(4) That this affiant, together with Lorice Fuente, subscribed and attested the instrument as witnesses to the signature and publication thereof, at the special instance,

request, and in the presence of Raymond Carl Masopust, and in the presence of each other.

*Leland Smith, Jr.*

LELAND SMITH, JR.

SWORN TO AND SUBSCRIBED BEFORE ME, this 18<sup>TH</sup> day of DECEMBER, 1990.

*Arthur M. Edwards, III*

NOTARY PUBLIC

My Commission Expires:

8-28-93



A. M. EDWARDS, III (MSB# 09390)  
WELLS, MOORE, SIMMONS, STUBBLEFIELD & NEELD  
1300 Deposit Guaranty Plaza  
P. O. Box 1970  
Jackson, Mississippi 39215  
(601) 354-5400

OF MISSISSIPPI  
MADISON COUNTY

FIRST DISTRICT

I, PETE ROGEE, Clerk of the Chancery Court in and for

the aforementioned County and State do hereby certify that the foregoing

*will* is a true and correct copy as appears on record  
in my office in *will* Book 95 Page 429

Given under my hand and official seal of office this the  
10 day of May, 1991

PETE ROGEE, CHANCERY CLERK

*P. Rogee*

D.C.

FILED  
MAY 10 1991

IN THE CHANCERY COURT OF THE FIRST JUDICIAL DISTRICT  
OF HINDS COUNTY, MISSISSIPPI

ESTATE OF RAYMOND CARL MASOPUST, DECEASED

DECREE WAIVING  
FIRST AND FINAL ACCOUNTING  
AND DISCHARGING EXECUTRIX

PETE McC...  
By Connie Guthrie  
FILED  
THIS DATE  
MAY 17 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY Connie Guthrie

THIS CAUSE came to be heard on the sworn Petition of  
Petitioner, Martha S. Masopust, duly appointed Executrix of the  
Estate of Raymond Carl Masopust, and individually, respectfully  
petitioning this Court for waiver of the Executrix' First and Final  
Accounting, for approval of the final distribution of assets of  
this Estate, and for final discharge of the Executrix after such  
distribution has been made. The Court, having considered the  
Petition, finds the following facts, to-wit:

I.

Raymond Carl Masopust, Deceased, died testate on September 26,  
1990. At the time of his death, the Decedent had a fixed place of  
residence in and was an adult resident citizen of Jackson, in the  
First Judicial District of Hinds County, Mississippi.

II.

Petitioner, Martha S. Masopust, is the duly qualified and  
acting Executrix of the Estate of Raymond Carl Masopust, Deceased,  
having been so appointed by Decree of this Court dated December 19,  
1990. Letters Testamentary were issued to the Petitioner by the  
Clerk of this Court on that date.

III.

In accordance with law, Notice to Creditors of the Deceased  
and of his Estate was published by the Executrix in The Clarion-  
Ledger, a newspaper published in Hinds County, Mississippi, on  
January 4, January 11, and January 18, 1991. The time within which  
claims might be probated against the Estate of the Decedent has  
expired. The Executrix has filed an Affidavit certifying that she

STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 17<sup>th</sup> day  
of May, 1991, at        o'clock        M., and was duly recorded  
on the May 17, 1991, Book No. 24, Page 206.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Guthrie D.C.



has made a diligent effort to identify all persons having claims against the Estate.

IV.

No claims of creditors have been probated. The only claims still outstanding against this Estate are for Court costs and attorney's fees and expenses. These will be paid promptly upon approval of the Court.

V.

The Executrix has specifically waived any fee for serving as Executrix.

VI.

No estate tax returns were required to be filed with the State Tax Commission for the State of Mississippi or the Internal Revenue Service for the United States of America.

VII.

The Executrix has completed the administration of this Estate, and this Estate should be closed with distribution of the remaining assets of this Estate to be made to the beneficiaries of Raymond Carl Masopust.

The Last Will and Testament of Raymond Carl Masopust left all of the property comprising his Estate to his wife, Martha Sarama Masopust.

VIII.

The Decedent left surviving the following heirs, devisees, and legatees whose names and addresses are listed therewith. None of the heirs, devisees or legatees are of unsound mind or the convict of a felony. The named heirs, devisees or legatees are all above age 21. They are the only interested, necessary and proper parties to this Petition.

1. his wife, Martha S. Masopust  
1106 Avon Way  
Jackson, Mississippi 39206

2. his daughter, Vicki Masopust Wynn  
350 Crossgates Blvd.  
Brandon, Mississippi 39042
3. his daughter, Sandra Masopust Fleming  
614 Red Oak Drive  
Madison, Mississippi 39110

IX.

Martha S. Masopust, has joined in the Petition to waive service of process upon herself with respect to the Petition, to show that she agrees that a hearing may be held for approval of the Petition, and to show that she agrees with the distribution of assets in accordance with the Petition. Vicki Masopust Wynn and Sandra Masopust Fleming each have filed a Waiver of Process and Entry of Appearance to consent to a hearing for approval of the Petition and to consent to the distribution of assets in accordance with the Petition.

X.

Wells, Moore, Simmons, Stubblefield & Neeld has rendered services to the Executrix in connection with the administration of this Estate. The Executrix should be authorized and directed to pay her attorneys a reasonable fee for legal services rendered to the Executrix and this Estate. The Executrix believes the sum of One Thousand Nine Hundred Fifty Dollars (\$1,950.00) to be a fair and reasonable fee to be paid to her attorneys based upon the time spent, the legal services provided, and the expertise of the attorneys.

XI.

Petitioner has shown that it is in the best interest of the Estate to waive the Final Accounting of the Executrix as all of the beneficiaries are familiar with and in agreement with the actions of and disbursements made by the Executrix.

XII.

Upon making payment of Estate expenses and distribution of the assets of the Estate, the Executrix should file a Statement of Compliance with the Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That Martha S. Masopust, Vicki Masopust Wynn and Sandra Masopust Fleming are the only heirs of Raymond Carl Masopust, and that each is properly before the Court, Martha S. Masopust by joining in the Petition, and Vicki Masopust Wynn and Sandra Masopust Fleming by Waiver of Process and Entry of Appearance;

B. That the First and Final Accounting of Martha S. Masopust, Executrix of the Estate of Raymond Carl Masopust, Deceased, is waived;

C. That the Executrix is authorized to pay all accrued Court costs, other costs, any unpaid claims and incidental expenses of administration;

D. That the Court approves a fee of One Thousand Nine Hundred Fifty Dollars (\$1,950.00) to be paid to Wells, Moore, Simmons, Stubblefield & Neeld, attorneys for the Executrix, for services rendered to the Executrix and this Estate;

E. That after payment of administration expenses, Court costs, unpaid claims and attorney's fees and expenses, the Executrix is authorized to distribute the remaining assets of this Estate to the beneficiaries, as provided in the Last Will and Testament of the Decedent;

F. That after all Court costs, administration expenses, unpaid claims and attorney's fees and expenses have been paid, when the remaining assets of this Estate have been distributed as provided herein, and when the Executrix has filed in this cause a Statement of Compliance, Martha S. Masopust, Executrix of the Estate of Raymond Carl Masopust, Deceased, shall stand finally

discharged in the premises without the entry of any other or further Decree in this cause.

ORDERED, ADJUDGED AND DECREED this the 10<sup>th</sup> day of May, 1991.

W. D. Diller  
CHANCELLOR

Submitted By:

A. M. EDWARDS, III (#09390)  
Wells, Moore, Simmons,  
Stubblefield & Neeld  
1300 Deposit Guaranty Plaza  
Post Office Box 1970  
Jackson, Mississippi 39215-1970  
(601) 354-5400

STATE OF MISSISSIPPI  
CHANCELLERY COURT

IN THE MATTER OF

I, JETS McCREE, Clerk of the Chancery Court in and for Hinds County and State of Mississippi, do hereby certify that the foregoing

Decree is a true and correct copy as appears on record

in Minute Book 960, Page 707

at my home and official seal of office this day

10<sup>th</sup> May 1991  
Joe Datter

BOOK 24 PAGE 211

FILED  
THIS DATE  
MAY 17 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Guthrie*

# Last Will and Testament

# 30-796

OF

JACK C. PETERS

I, JACK C. PETERS, an adult resident of the City of Jackson, First Judicial District of Hinds County, Mississippi, being over twenty-one (21) years of age and of sound and disposing mind, memory, and understanding, and hereby intending to dispose of all property belonging to me at my death of whatsoever kind and wheresoever situate, do hereby make, publish, and declare this to be my Last Will and Testament. I hereby revoke any and all previous wills and codicils made by me.

I

I direct that all of my debts which are legal, owing and provable against my estate and all federal and state estate taxes that may be payable by reason of my death, be paid out of my residuary estate.

II

I name and appoint as Executrix of my estate my wife, Frances Osborne Peters, and direct that she shall be allowed to serve as such without bond or other security being required of her for the faithful performance of her duties, and without inventory, appraisal or accounting in any court, and to have all the powers in the administration of my estate as are granted to trustees under the Mississippi "Uniform Trustees' Powers Law", specifically Sections 91-9-101 through 91-9-119 of the

Page One of Six Pages

Signature

*Jack C. Peters*

Date

*8-31-78*



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 17<sup>th</sup> day of May, 1991, at — o'clock — M, and was duly recorded on the May 17, 1991, Book No 24, Page 211.

BILLY V. COOPER, CHANCERY CLERK

BY:

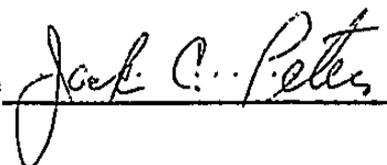
*Connie Guthrie*

D.C.

Mississippi Code of 1972 Annotated. I do hereby expressly give and grant to my Executrix the power to sell, exchange, convey, mortgage, pledge, lease, transfer or otherwise dispose of any property constituting an asset of my estate, whether real or personal, at public or private sale, and upon such terms and conditions as my Executrix shall deem advisable, whether for cash or on credit, without the necessity of my Executrix obtaining an order from any court authorizing her so to do. In the event my wife shall predecease me or should for any other reason fail, decline or be unable to serve as my Executrix, then and in such event, I name and appoint my sister-in-law, Mary Lee Osborne, as Executrix of my estate, she to have the same powers, privileges and authority as Executrix as would have been allowed my wife had my wife served as Executrix.

## III

If my wife, Frances Osborne Peters, shall survive me, I direct my Executrix to set apart cash and property equal in value to the amount of the maximum estate tax marital deduction allowable in determining the federal estate tax on my gross estate, reduced by the value of all other property interests forming a part of my gross estate which qualifies for such marital deduction and which property interest shall pass or have passed to my said wife in any other manner, and I give, devise, and bequeath such cash and property so set apart to my wife, Frances Osborne Peters, absolutely and in fee simple. In the sole power and discretion of my Executrix, the payment of this bequest may be made wholly or partly in cash or property as selected by her; provided, however, that all such property so selected shall be valued at the value



thereof as finally determined for federal estate tax purposes in my estate; and provided, further, that in no event shall there be included in this gift, devise, and bequest, any asset or the proceeds of any asset which will not qualify for the marital deduction for federal estate tax purposes.

## IV

I direct that my wife, Frances Osborne Peters, shall have any allowance made by law for her benefit.

## V

In the event that my wife, Frances Osborne Peters, and I die under circumstances such that there is not sufficient evidence that either of us <sup>can</sup> be determined to have died first, then and in that event, I direct that I shall be conclusively presumed to have survived my wife.

## VI

If my wife, Frances Osborne Peters, shall predecease me and I shall be survived by a child or children of mine who shall not have attained the age of twenty-one (21) years prior to my death and who, immediately after my death, shall have no known parent then living, I give and bequeath absolutely and in fee simple to each such minor child an amount equal to Five Thousand Dollars (\$5,000.00) multiplied by the excess of twenty-one over the age in years which such child has attained on the date of my death, diminished by the value of all property interests forming a part of my gross estate that qualify for the deduction permitted by Section 2057 of the Internal Revenue Code of 1954 and that shall have passed

Jack C. Peters

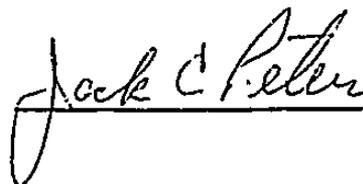
to such child by any other manner. It is my intention that this bequest shall qualify as a deduction permitted by Section 2057 of the Internal Revenue Code of 1954, and my Executrix is directed to interpret and comply with this bequest in such manner as to assure that the deduction authorized by Section 2057 is allowed. The term "children" as used in this Will includes any child or children hereafter born to me or adopted by me as well as the two children, Marc R. Peters, born June 15, 1959, and Wesley W. Peters, born September 16, 1960, that I now have.

## VII

In the event that my wife, Frances Osborne Peters, shall not survive me, and in the event that any of my children shall be minors at the time of my death such that a guardian shall be required for them for any legal purpose, I name and appoint my sister-in-law, Mary Lee Osborne, to be general guardian for the person and estate of each of such minor children during his minority, and I direct that she shall be allowed to serve as such without furnishing bond, inventory, and accounting for the faithful performance of her duties.

## VIII

Not being unmindful of my said children, Marc R. Peters and Wesley W. Peters, but having full confidence that my wife, Frances Osborne Peters, will provide for and care for said children and for any children hereafter born to me or adopted by me, I give, devise, and bequeath all of the rest, residue and remainder of my property remaining after the payment of all of the debts, administration expenses, and federal and state estate taxes due by reason



of my death, said remaining property being of whatever kind, character, and description, and wheresoever situate, to my wife, Frances Osborne Peters, should she survive me, absolutely and in fee simple.

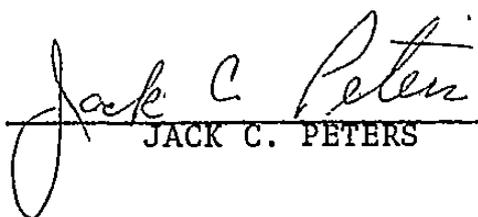
IX

In the event that my wife, Frances Osborne Peters, shall not survive me, I give, devise and bequeath absolutely and in fee simple all of the rest, residue, and remainder of all of my property, whether real, personal, or mixed, and wheresoever situate, remaining after the payment of my debts, administration expenses, and federal and state estate taxes, to my children in equal shares, per stirpes.

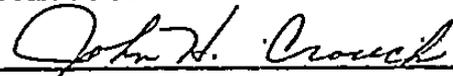
X

In the event that my wife, Frances Osborne Peters, and all of my children and their issue and descendants shall predecease me, then and in that event, I give, devise and bequeath absolutely and in fee simple all of the rest, residue, and remainder of my property to my sister-in-law, Mary Lee Osborne.

I, JACK C. PETERS, have signed this Will which consists of 6 pages on this the 31st day of August, 1978, in the presence of John H. Crouch and Ann S. Crouch, who attested it at my request.

  
\_\_\_\_\_  
JACK C. PETERS

Witnesses:

  
\_\_\_\_\_  
  
\_\_\_\_\_

ATTESTATION CLAUSE

We, the undersigned witnesses to the Last Will and Testament of Jack C. Peters, the above-named Testator, do hereby certify that at his special instance and request, each of us did witness him declare, publish, sign and execute, the above and foregoing instrument of writing in our presence as his Last Will and Testament, he then being of sound and disposing mind, memory, and understanding, and over the age of twenty-one (21) years, and that, likewise, at his special instance and request, we did, in his presence, and in the presence of each other, subscribe thereto our names as subscribing witnesses.

This the 31st day of August, 1978.

Attesting Witness: John H. Crouch  
 Address: 6 Creechwood Place  
Jackson, Mississippi 39211

Attesting Witness: Ann S. Crouch  
 Address: 6 Creechwood Place  
Jackson, Miss. 39211

Signature Jack C Peters Date 8-31-78

FILED  
THIS DATE  
MAY 17 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Louise Guthrie*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE LAST  
WILL AND TESTAMENT OF  
JACK CLIFFORD PETERS

PROBATE NO. 30796

AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction the within named John H. Crouch, who after being duly sworn, deposed and said:

1. My name is John H. Crouch. I have personal knowledge of all matters contained in this Affidavit.

2. I was one of the subscribing witnesses to an instrument of writing purporting to be the Last Will and Testament of Jack Clifford Peters, deceased, who was personally known to me, and whose signature is affixed to the Last Will and Testament dated the 31st day of August, 1978.

3. That on the 31st day of August, 1978, the said Jack Clifford Peters signed, published and declared the instrument of writing as his Last Will and Testament, in the presence of me and in the presence of my wife, Ann S. Crouch, the other subscribing witness to the instrument.

4. That Jack Clifford Peters was then and there of sound and disposing mind and memory, and well above the age of 21 years.

5. That I, together with Ann S. Crouch, subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance and request, and in the presence of said Jack Clifford Peters, and in the presence of each other.

6. My testimony as above referenced applies not only to the subscription of Jack C. Peters as found on pages 5 of 6 and 6 of 6 of the Last Will and Testament of Jack Clifford Peters but also to his signatures and date found at the bottom of each page.

7. A true and correct copy of the Last Will and Testament of Jack Clifford Peters which is referenced in this Affidavit has been attached as an exhibit to my Affidavit for reference as Exhibit A.

FURTHER AFFIANT SAYETH NOT.

WITNESS my signature this 13<sup>th</sup> day of May, 1991.

John H. Crouch  
JOHN H. CROUCH

SWORN TO AND SUBSCRIBED before me this the 13<sup>th</sup> day of May, 1991.

Jennie Bookers Cull  
NOTARY PUBLIC

My Commission Expires:  
10-20-91



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 17<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock — M., and was duly recorded on the May 17, 1991, Book No. 24, Page 217.

BILLY V. COOPER, CHANCERY CLERK BY: Lonnie Gultree D.C.

FILED  
THIS DATE  
MAY 17 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Duthie*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE LAST  
WILL AND TESTAMENT OF  
JACK CLIFFORD PETERS

PROBATE NO. 30796

AFFIDAVIT

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the aforesaid jurisdiction the within named Ann S. Crouch, who after being duly sworn, deposed and said:

1. My name is Ann S. Crouch. I have personal knowledge of all matters contained in this Affidavit.

2. I was one of the subscribing witnesses to an instrument of writing purporting to be the Last Will and Testament of Jack Clifford Peters, deceased, who was personally known to me, and whose signature is affixed to the Last Will and Testament dated the 31st day of August, 1978.

3. That on the 31st day of August, 1978, the said Jack Clifford Peters signed, published and declared the instrument of writing as his Last Will and Testament, in the presence of me and in the presence of my husband, John H. Crouch, the other subscribing witness to the instrument.

4. That Jack Clifford Peters was then and there of sound and disposing mind and memory, and well above the age of 21 years.

5. That I, together with John H. Crouch, subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance and request, and in the presence of said Jack Clifford Peters, and in the presence of each other.

6. My testimony as above referenced applies not only to the subscription of Jack C. Peters as found on pages 5 of 6 and 6 of 6 of the Last Will and Testament of Jack Clifford Peters but also to his signatures and date found at the bottom of each page.

7. A true and correct copy of the Last Will and Testament of Jack Clifford Peters which is referenced in this Affidavit has been attached as an exhibit to my Affidavit for reference as Exhibit A.

FURTHER AFFIANT SAYETH NOT.

WITNESS my signature this 14 day of May, 1991.

Ann S. Crouch  
ANN S. CROUCH

SWORN TO AND SUBSCRIBED before me this the 14th day of May, 1991.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

SHERMAN MUIHS JR.

Notary Public

My Commission Expires Aug. 10, 1992



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 17<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock — M., and was duly recorded on the May 17, 1991, Book No. 24, Page 219.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Guthrie D.C.

FILED  
THIS DATE  
MAY 22 1991  
BILLY V. COOPER  
CHANCERY CLERK  
*Connie Hulthie*

# Last Will and Testament

OF

WILLIAM E. WINSTEAD, JR. and MARY ELLEN J. WINSTEAD

We, the undersigned, WILLIAM E. WINSTEAD, JR., and MARY ELLEN J. WINSTEAD, husband and wife, each being over the age of twenty-one and of sound and disposing mind and memory, do hereby make, publish and declare this to be our joint Last Will and Testament, hereby expressly revoking any and all prior codicils or wills made by us, or either of us, as follows:

First: We each name and appoint the survivor as executor or executrix, as the case may be, to serve as such without bond or the necessity of accounting, the requirement of bond and accounting being hereby specifically waived.

Second: We direct the survivor as executor or executrix, as the case may be, to make all funeral arrangements, and pay all funeral expenses, and expenses of last illness, if any, as soon as possible from any proceeds available.

Third: Should I, WILLIAM E. WINSTEAD, JR., predecease MARY ELLEN J. WINSTEAD, then in such event, I give, devise and bequeath to MARY ELLEN J. WINSTEAD all of my property and estate of whatever kind and wheresoever situated to have and to hold absolutely.

Fourth: Should I, MARY ELLEN J. WINSTEAD, predecease WILLIAM E. WINSTEAD, JR., then in such event, I give, devise and bequeath to WILLIAM E. WINSTEAD, JR., all of my property and estate of whatever kind and wheresoever situated to have and to hold absolutely.

Fifth: Should we, WILLIAM E. WINSTEAD, JR., and MARY ELLEN J. WINSTEAD, suffer a simultaneous death, or die within six months of each other as a result of a common accident or occurrence, or should we die under such circumstances that it cannot be determined which of us died first, then in such event,



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 22<sup>ND</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and was duly recorded on the May 22, 1991, Book No. 24, Page 221.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Hulthie D C

we hereby give, devise and bequeath unto our daughter, AMELIA WINSTEAD, all of our property and estate, of whatever kind and wheresoever situated; and in such event, we name and appoint AMELIA WINSTEAD as executrix to serve as such without bond or the necessity of accounting, bond and accounting being hereby expressly waived.

IN WITNESS WHEREOF, we have executed this instrument in the presence of two witnesses, each of whom has signed such in our presence and in the presence of each other, and publish and declare the same to be our Last Will and Testament on this the 10<sup>th</sup> day of July, 1989.

William E. Winstead Jr  
WILLIAM E. WINSTEAD, JR.

Mary Ellen J. Winstead  
MARY ELLEN J. WINSTEAD

WITNESSES:

Ellen Matthews

MLC

ATTESTATION CLAUSE

This instrument was, on the day and year shown above, signed, published and declared by WILLIAM E. WINSTEAD, JR., and MARY ELLEN J. WINSTEAD to be their Last Will and Testament in our presence, and we, at their request, have subscribed our names hereto as witnesses in their presence and in the presence of each other.

THIS, the 10<sup>th</sup> day of July, 1989.

Ellen Matthews  
Address: 6646 Old Canton Rd. Apt. 246  
Ridgeland, MS 39157

MLC  
Address: 707 A Wicklow  
Ridgeland, MS 39157

WITNESSES

1989

FILED  
THIS DATE  
MAY 22 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Guthrie*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF:

MARY ELLEN J. WINSTEAD

CIVIL ACTION NO. 30-888

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF MADISON

This date personally appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, the within named Ellen Matthews, who being by me first duly sworn according to law, says on oath:

(1) That this affiant is one of the subscribing witnesses to an instrument of writing, purporting to be the Last Will and Testament of Mary Ellen J. Winstead deceased, who was personally known to the affiant, and whose signature is affixed to the Last Will and Testament, dated the 10th day of July, 1989.

(2) That on the 10th day of July, 1989, the said Mary Ellen J. Winstead signed, published and declared the instrument of writing as her Last Will and Testament, in the presence of this affiant and in the presence of G. Milton Case, the other subscribing witness to the instrument.

(3) That Mary Ellen J. Winstead was then and there of sound and disposing mind and memory, and well above the age of twenty-one (21) years.

(4) That this affiant, together with G. Milton Case, subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance and request, and in the presence of said Mary Ellen J. Winstead and in the presence of each other.

*Ellen Matthews*  
ELLEN MATTHEWS

SWORN TO AND SUBSCRIBED BEFORE ME, this the 24<sup>th</sup> day of April, 1991.

*Nancy Roberts*  
NOTARY PUBLIC

My Commission Expires:

My Commission Expires August 13, 1994



STATE OF MISSISSIPPI, County of Madison.

I certify that the within instrument was filed for record in my office this 22<sup>ND</sup> day of May, 1991, at \_\_\_\_\_ o'clock — M., and was duly recorded on the May 22, 1991, Book No. 24, Page 223.

BILLY V. COOPER, CHANCERY CLERK BY *Connie Guthrie* D.C.

# 30-893

THE STATE OF MISSISSIPPI  
COUNTY OF HINDS  
CITY OF JACKSON

**FILED**  
**THIS DATE**  
**MAY 24 1991**  
**BILLY V. COOPER**  
CHANCERY CLERK  
BY *Connie Guthrie*

KNOW ALL MEN BY THESE PRESENTS:

That I, William Hampton King being sound in mind and body, do hereby make, declare and publish his my last Will and Testament, ~~hereby revoking any and all wills and codicils heretofore made by me.~~

1. I desire that all of my just debts, if any, be paid by my executor out of my estate.

2. I hereby give, devise and bequeath all of the property, real personal and mixed which I may own or be interested in at the time of my death, to my beloved wife, Mrs. Douglas Banks King, in fee simple, except that the proceeds of all insurance policies which are to be distributed according to the terms of the various contracts.

3. I hereby designate Mrs. Douglas Banks King as independent executor of this Will and of my estate without bond, and desire that no further action be had in the probate or other courts in connection with this Will, or my estate, to probate and record this Will, and to file an inventory and appraisement of my estate and a list of claims. In the event she is unable to serve, I designate my daughter, Mrs. Carolyn King Andrew, as executor, subject to the same conditions.

IN TESTIMONY WHEREOF, witness my hand hereto affixed this 11th day of July, A.D. 1958, at Jackson, Mississippi, in the presence of Mary C. Sessums and Dorothy M. Collier whom I have requested to affix their names hereto as attesting witness.

*W. Hampton King*

The foregoing instrument was now here subscribed, declared and published by the above named testator, William Hampton King, as his last Will and Testament in the presence of us, who, in his presence and in the presence of each other and at his request, have hereto subscribed our names as witnesses this the 11th day of July, A.D. 1958.

6/7/86 Employee in State Auditor's office →

*Mary C. Sessums*

Deceased →  
DBK

*Dorothy M. Collier*



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the May 24, 1991, Book No. 24, Page 224.

BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

Exhibit A to Petition

FILED - THIS DATE  
MAY 24 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Guthrie*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE  
OF WILLIAM HAMPTON KING, DECEASED

CAUSE NO. 30-893

PROOF OF WILL

STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Mary C. Sessums, who by me being first duly sworn, deposes and states on oath that she is one of the subscribing witnesses to that certain instrument of writing purporting to be the Last Will and Testament of William Hampton King; that the said William Hampton King signed, published and declared said instrument to be his Last Will and Testament on the 11th day of July, 1958, in the presence of this affiant and Dorothy M. Collier, the other subscribing witness to said instrument; and that said testator was then of sound and disposing mind and memory and over the age of eighteen (18) years; that this affiant and Dorothy M. Collier subscribed and attested said instrument as witnesses to the signature and publication thereof at the special instance and request and in the presence of said testator and in the presence of each other.

*Mary C. Sessums*  
MARY C. SESSUMS

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 11<sup>th</sup> day of April, 1991.

*Elizabeth C. Fugate*  
NOTARY PUBLIC

My Commission Expires:  
My Commission Expires April 6, 1993



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the May 24, 1991, Book No. 24, Page 225.

BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

# Last Will and Testament

OF  
HARRY KENT VOORHEES

I, HARRY KENT VOORHEES, of 12 Meadowdale Lane, Madison, Madison County, Mississippi 39110, being over the age of twenty-one (21) years and of sound and disposing mind and memory, do declare this to be my Last Will and Testament, hereby revoking all previous testamentary dispositions by me made.

FIRST: I direct that all my just debts and funeral expenses be paid as soon as practicable after my death.

SECOND: I give, devise and bequeath, absolutely and forever, all my estate and property, real, personal and mixed, wheresoever situated, of which I may die seised or possessed, or to which I may be entitled at the time of my death, to my wife, ANITA KAY VOORHEES.

THIRD: In the event that my wife, the said ANITA KAY VOORHEES, should predecease me or that she and I should die in a common disaster wherein the survivor cannot be ascertained, then in that event, I give, devise and bequeath all my estate and property, real, personal and mixed, wheresoever situated, of which I may die seised or possessed, or to which I may be entitled at the time of my death, to such of my children as are living at the time of my death and to the issue of any such children predeceasing me leaving issue surviving me, per stirpes.

FOURTH: At the time of the execution of this Will, I have two children, namely STEVEN LANE VOORHEES and MICHAEL BRENT VOORHEES. If, subsequent to the execution of this Will, there shall be an additional child or children of mine born to my wife, ANITA KAY VOORHEES, and if any such child or children or issue thereof shall survive me, then and in that event, such child or children or issue thereof shall share in the benefits of my estate to the same extent as my children hereinabove named and their issue; and the provisions of this Will shall be deemed modified to the extent necessary to effectuate such intention.

FIFTH: In the event that my wife, the said ANITA KAY VOORHEES, should predecease me, or that she and I should die in a common disaster wherein the survivor cannot be ascertained, and that I shall not leave any surviving children or issue of any deceased child, then, in that event, I hereby give, devise and bequeath my aforesaid estate and property, real, personal and mixed, wheresoever situated, of which I may die seised or possessed, or to which I may be entitled at the time of my death, to FRANCES W. VOORHEES, of Welch Street, Moss Point, Mississippi 39563.

SIXTH: I hereby nominate, constitute and appoint as Executrix of this, my Last Will and Testament, my wife, ANITA KAY VOORHEES. If my wife should predecease me, or should she otherwise be unable or unwilling to serve as Executrix hereunder, then I nominate, constitute and appoint FRANCES W. VOORHEES, of Welch Street, Moss Point, Mississippi 39563 as Executrix of this, my Last Will and Testament, with the powers, and all of them, granted to my Executrix in paragraph NINTH of this, my Last Will and Testament.

TESTATOR'S SIGNATURE Harry Kent Voorhees DATE 14 JUN 72

INITIALS OF WITNESSES [Handwritten initials]

[Handwritten initials]  
[Handwritten initials]

Page One of Two Pages

**FILED**  
**THIS DATE**  
**MAY 24 1991**  
**BILLY V. COOPER**  
**CHANCERY CLERK**  
BY [Signature]



STATE OF MISSISSIPPI, County of Madison.

I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock — M, and was duly recorded on the May 24, 1991, Book No. 24, Page 226.

BILLY V. COOPER, CHANCERY CLERK BY Connie Guthrie DC

11.11.91

SEVENTH: If my wife, ANITA KAY VOORHEES, does not survive me, then I appoint ANNA VIVIAN DEARING, of 1908 Belview Street, Moss Point, Mississippi 39563, as Guardian of the person and of the estate of each minor child of mine.

EIGHTH: I request that no Executrix or Guardian hereunder be required to give bond, and that if, notwithstanding this request, any bond is required by law, statute, or rule of court, no surety be required thereon.

NINTH: I give the said Executrix and Guardian, respectively, the fullest power and authority in all matters and questions and to do all acts which I might or could do if living, including, without limitation, complete power and authority to sell, at public or private sale, for cash or credit, with or without security, mortgage, lease and dispose of and distribute in kind, all property, real, personal and mixed, at such time and upon such terms and conditions as each may determine, all without court order.

IN WITNESS, I sign and declare this as my Last Will and Testament, in the presence of the persons witnessing it at my request, this 19th day of JUNE 1972 at Seymour Johnson Air Force Base, North Carolina.

Harry Kent Voorhees (SEAL)  
HARRY KENT VOORHEES, Testator

The foregoing Last Will and Testament, consisting of two pages, was, at the said date, subscribed and declared by the said Testator as his Last Will and Testament, in our presence, and we, at his request, in his presence, and in the presence of each other, subscribe our names as witnesses, all of us, including the Testator, being present together throughout the execution and attestation of the Will.

Mary B. Walker ADDRESS 617 S Taylor Street  
Douglas, W.C. 27530

Lawrence A. W. ADDRESS 18562 Revere  
DETROIT, MICHIGAN 48234

Julius L. Daniels ADDRESS 4308 Grace St.  
Tampa, FL 33610

FILED  
THIS DATE  
MAY 24 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Guthrie*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE  
LAST WILL AND TESTAMENT OF  
HARRY KENT VOORHEES

NO. 30-895

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, MICHAEL BRENT VOORHEES, who, after being by me first duly sworn, states on oath, the following:

1. "I am an adult resident citizen of Madison County, Mississippi and am the natural son of the late Harry Kent Voorhees and as such I resided in the home of my father up until the time he passed away. Through that residence and in my capacity as his son, I have been and am very familiar with his signature."

2. Based upon the above, it is my belief that the signature that appears on the document purporting to be the Last Will and Testament of the Decedent is in fact the actual, real signature of Harry Kent Voorhees, my father.

3. Although I am the natural son of the Decedent, under the provisions of the document purporting to be the Last Will and Testament of the Decedent I inherit nothing whatsoever."

FURTHER Affiant saith not.

*Michael Brent Voorhees*  
MICHAEL BRENT VOORHEES

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20<sup>th</sup> day of May,

*Neil Landrum Holloman*  
NOTARY PUBLIC



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the May 24, 1991, Book No. 24, Page 228.

BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

FILED  
THIS DATE  
MAY 24 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Guthrie*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE  
LAST WILL AND TESTAMENT OF  
HARRY KENT VOORHEES

NO. 30-895

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, STEVEN LANE VOORHEES, who, after being by me first duly sworn, states on oath, the following:

1. "I am an adult resident citizen of Madison County, Mississippi and am the natural son of the late Harry Kent Voorhees and as such I resided in the home of my father up until the time he passed away. Through that residence and in my capacity as his son, I have been and am very familiar with his signature.

2. Based upon the above, it is my belief that the signature that appears on the document purporting to be the Last Will and Testament of the Decedent is in fact the actual, real signature of Harry Kent Voorhees, my father.

3. Although I am the natural son of the Decedent, under the provisions of the document purporting to be the Last Will and Testament of the Decedent I inherit nothing whatsoever."

FURTHER Affiant saith not.

*Steven Lane Voorhees*  
STEVEN LANE VOORHEES

SWORN TO AND SUBSCRIBED BEFORE ME, this the 20<sup>th</sup> day of May,

*Melanie Howard*  
NOTARY PUBLIC



Commission Expires:  
My Commission Expires Aug 15, 1994



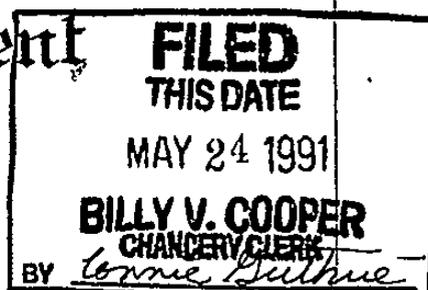
STATE OF MISSISSIPPI, County of Madison:  
I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the May 24, 1991, Book No. 24, Page 229.  
BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

#30-894

**Last Will and Testament**

OF

ANNIE LUCKETT BROOKS



I, ANNIE LUCKETT BROOKS, being over the age of twenty-one (21) years and of sound and disposing mind and memory, do hereby make, constitute, publish and declare this to be my Last Will and Testament, hereby expressly revoking all wills and codicils heretofore made by me, as follows, to-wit:

I.

I do hereby name, nominate and appoint my daughter, WILLETT B. CURRY, Executrix of this my Last Will and Testament, to serve without fee, without appraisal or bond.

II.

I do hereby give, devise and bequeath all of my property, whether it be real, personal or mixed, wheresoever situated or howsoever described, to my children, being MRS. WILLETT B. CURRY, MRS. ANNIE PEARL B. FRANKLIN, MRS. ROSE LOUISE B. WHITEHEAD, and LAURENCE BROOKS, in equal shares to share and share alike.

IN WITNESS WHEREOF, I, ANNIE LUCKETT BROOKS, have hereunto set my signature on, and publish and declare this to be my Last Will and Testament on this the 27<sup>th</sup> day of August, 1982, in the presence of two witnesses who have each signed as witnesses at my request and in my presence and in the presence of each other.

*Annie Lockett Brooks*  
ANNIE LUCKETT BROOKS

WITNESSES:

*Ava Pauls Torace*

*Ellen Matthews*

ATTESTATION CLAUSE

We, each of the subscribing witnesses to the Last Will and Testament of ANNIE LUCKETT BROOKS, do hereby certify that said instrument was signed in the presence of each of us and that the said ANNIE LUCKETT BROOKS, did declare the same to be her Last Will and Testament in the presence of each of us, and that we signed as subscribing witnesses to said Will at the request of ANNIE LUCKETT BROOKS, in her presence and in the presence of each other.

WITNESS OUR SIGNATURES on this the 27<sup>th</sup> day of August, 1982.

Ava Paula Feraci  
Ellen Matthews  
WITNESSES

Mrs. Annie Lockett Brooks  
Route 2, Box 281  
Canton, Mississippi 39046

CRM



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the June 7, 1991, Book No. 24, Page 230.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Gethrie D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF ANNIE LUCKETT BROOKS, DECEASED

FILED THIS DATE MAY 24 1991 BILLY V. COOPER CHANCERY CLERK BY *Connie Guthrie*

CIVIL ACTION FILE NO. 30-894

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF Madison

THIS DAY personally appeared before me, the undersigned authority in and for the jurisdiction above mentioned, Ava Paula Feraci, one of the subscribing witnesses to a certain instrument in writing purporting to be the Last Will and Testament of Annie Lockett Brooks, deceased, late of the County of Madison, Mississippi, who having been duly sworn makes oath that the said Annie Lockett Brooks, signed, published and declared said instrument as her Last Will and Testament on the 27th day of August, 1982, the day and date of said instrument, in the presence of this affiant and Ellen Matthews, the other subscribing witness to said instrument; that the testator was then of sound and disposing mind and memory and twenty-one years and upward of age and that I, Ava Paula Feraci, the Affiant and Ellen Matthews, subscribed and attested said instrument as witnesses to the signature of the testator and the publication thereof at the special instance and request and in the presence of said testator and in the presence of each other.

*Ava Paula Feraci*  
AVA PAULA FERACI

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 24<sup>th</sup> day of May, 1991

*Kenneth...*  
NOTARY PUBLIC

MY COMMISSION EXPIRES: 7-7-91



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 24<sup>th</sup> day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and was duly recorded on the June 7, 1991, Book No. 24, Page 232.

BILLY V. COOPER, CHANCERY CLERK BY Connie Guthrie D.C.

FILED  
THIS DATE  
MAY 28 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY Connie Guthrie

State of Indiana, Marion County, ss: 30-873

I, Charles J. Deiter, sole Judge of the Marion Superior Court, Probate Division, in the State of Indiana, do hereby certify that the foregoing attestation and certificate of Faye I. Mowery, Clerk, is in due form of law, and that the said Faye I. Mowery is and at the time of the making of said certificate and attestation, was the Clerk of said Probate Court of Marion County, in the said State, and is, and at the same time was, the proper officer to make such attestation and certificate, and that his signature thereto is genuine, and that as such Clerk he is the sole custodian of the papers, documents, records and seal pertaining to said Court.



WITNESS my hand and the seal of said Court, affixed at the City of Indianapolis, Indiana, this 24th day of May, 1991.

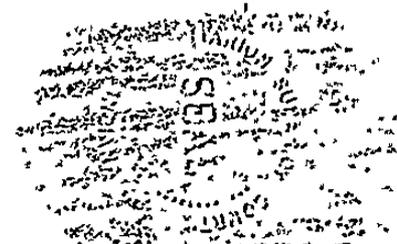
Charles J. Deiter

Judge, Marion Superior Court, Probate Division, Marion County, Indiana.

Pro Tempore

State of Indiana, Marion County, ss:

I, Faye I. Mowery, Clerk of the Marion Superior Court, Probate Division, in the State of Indiana, County of Marion, do certify that Charles J. Deiter whose signature appears to the foregoing certificate, is, and was at the time of signing said certificate, the sole Judge of said Court, duly commissioned and qualified, in accordance with the laws of the State of Indiana.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Indianapolis, Indiana, this 24th day of May, 1991.

Faye I. Mowery

Clerk, Marion Superior Court, Probate Division, Marion County, Indiana.



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 28th day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the 28th day of May, 1991, Book No. 24, Page 233.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Guthrie D.C.

STATE OF INDIANA : SS: -  
COUNTY OF MARION:

PROBATE FORM C IN THE PROBATE COURT  
OF MARION COUNTY

IN THE MATTER OF THE ESTATE

Estate Docket 59008-8905

OF HARRISON WARE

Page ES 45

Deceased

**FILED**  
MAY 1 1989  
J. Mowery  
CLERK

**PETITION FOR PROBATE OF WILL WITHOUT ADMINISTRATION**  
(Spread Will of Record)

Annie M. Ware, petitioner, an interested party, being first duly sworn, says:

1. Decedent's Name, Date of Death, etc. Decedent, Harrison Ware, age 72, died February 7, 1989, and at the time of such death was domiciled in Marion County, Indiana.

2. TESTACY. Decedent died leaving a LAST WILL AND TESTAMENT dated Febraury 14, 1989. Such will is submitted to the Court herewith.

After making such will, the marital status of the decedent was not changed by divorce or annulment, except as follows: None

3. LEGATEES AND DEVICEES. The name, age, relationship to such decedent and place of residence of each known legatee and devisee of such decedent's estate are:

NAME	AGE	RELATIONSHIP	RESIDENCE
<u>George Ware, Jr.</u>	<u>Adult</u>	<u>Nephew</u>	
<u>Annie M. Ware</u>	<u>Adult</u>	<u>Wife</u>	<u>1158 S. Ewing Indpls., IN</u>

(Additional names should be shown on attached sheet. Include pretermitted children, if any -- See Probate Code No. 308.)

4. PROBABLE VALUE OF ESTATE. The probable value of decedent's property is:  
Real Property \$ \_\_\_\_\_ Probable value of the annual rents, issues and profits of all the property of the estate \$ \_\_\_\_\_  
Personal Property \$ \_\_\_\_\_ Probable amounts due creditors and taxing authorities \$ \_\_\_\_\_

5. PERSONAL REPRESENTATIVE. The name and place of residence or business address of the person designated as executor of such will is Annie M. Ware, 1158 S. Ewing, Indpls., IN

WHEREFORE, Petitioner prays the court for an order probating the Decedent's will and having same spread of record.

Annie M. Ware  
Petitioner

STATE OF INDIANA : SS:  
COUNTY OF MARION:

Subscribed and sworn to before me this 28 day of March, 19 89.

John W. [Signature]  
Notary Public/Clerk

My Commission Expires:  
3/30/91

1021 311

STATE OF INDIANA : SS:  
COUNTY OF MARION:

PROBATE FORM 2-C IN THE PROBATE COURT  
OF MARION COUNTY

IN THE MATTER OF THE ESTATE

Estate Docket \_\_\_\_\_

OF HARRISON WARE  
Deceased

Page \_\_\_\_\_

**FILED**

MAY 08 1989

**ORDER OF PROBATE OF WILL WITHOUT ADMINISTRATION**  
(Spread Will of Record)

*Faye L. Mowery*  
CLERK

There is now produced in open court and submitted to the Court an instrument of writing pur-  
porting to be the last will and testament of Harrison Ware

deceased, and a Petition for probate thereof. There now come \_\_\_\_\_

Annie M. Ware and \_\_\_\_\_

witnesses to the due execution of such purported will and to the death of such decedent, who being  
duly sworn, in open court testify that such decedent died on or about the 7th day of  
February

, 19 89, and testify concerning the execution of such pur-  
ported will and competency of such decedent to make such purported will and that such purported  
will was executed in all respects according to law. Such testimony is now reduced to writing and  
signed by such witnesses. Such instrument, petition and written testimony are now submitted to the  
Court and the Court having examined the same, having heard evidence and being duly advised now  
finds that:

(1) Such decedent died on or about the 7th day of February  
19 89, and at the time of such death was domiciled in Marion County, Indiana.

(2) Such written instrument purporting to be such decedent's last will and testament was duly  
executed in all respects according to law, has been duly proved, is the last will and testament of  
such decedent and is entitled to be admitted to probate in such County.

Such will, written testimony and Petition reads as follows: (H.I.)

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that:

(1) Such written instrument purporting to be the last will and testament of such decedent be and  
it is hereby admitted to probate and record as such.

*Victor S. Pfau*  
3

JUDGE  
MARION COUNTY PROBATE COURT

Date: MAY 5 1989, 19 \_\_\_\_\_

1001 313

APPROVED  
MAY 5 1989  
PROBATE COMMISSIONER

## LAST WILL AND TESTAMENT

of

HARRISON WARE

I, HARRISON WARE, a legal resident of Mississippi, temporarily residing in Aberdeen Proving Ground, Maryland, do make, publish, and declare this to be my LAST WILL AND TESTAMENT, hereby revoking all wills and codicils previously made by me.

## ITEM I

To my nephew, GEORGE WARE, JR., I give, devise and bequeath the following described property, situated and lying in the City of Canton, County of Madison, State of Mississippi: Vacant Lot 16, Block 2, 12 1/2 feet SE Lot 15 and 25 feet of NE.

## ITEM II

I give, devise, and bequeath all of the remainder and residue of my estate and property to my wife, ANNIE M. WARE, if she survives me.

## ITEM III

In the event the said ANNIE M. WARE does not survive me, I give, devise, and bequeath all of the remainder and residue of my estate and property, in equal shares, to my grandchildren and GEORGE WARE, JR., in the following manner: All of the remainder and residue estate consisting of real property to the grandsons who survive me. All of the remainder and residue consisting of personal property to my granddaughters who survive me.

## ITEM IV

Any person named in this will shall be deemed not to survive me if he or she shall die at the same time as I or within sixty days after my death.

## ITEM V

I appoint my wife, ANNIE M. WARE, as Executrix of this will and direct that she be permitted to serve without bond or surety and without intervention of any court except as required by law, with the authority and power in her discretion to sell, exchange, convey, transfer, assign, mortgage, pledge, lease, rent, invest, or reinvest all or any part of my estate. If for any reason the above should refuse or be unable to serve as such, I appoint my daughters, LELA WILLIAMS and JESSIE HINTON, to serve in that capacity with the same powers and privileges set out above.

IN WITNESS WHEREOF, I have at Aberdeen Proving Ground, Maryland, this 14<sup>th</sup> day of February, 1969, set my hand and seal to this my LAST WILL AND TESTAMENT, consisting of three typewritten pages, this included, the preceding page hereof bearing my signature.

Harrison Ware (SEAL)  
HARRISON WARE  
JG  
HA  
JLJ

The foregoing instrument, consisting of three typewritten pages, this included was at Aberdeen Proving Ground, Maryland, this 14<sup>th</sup> day of February, 1969, signed, sealed, published, and declared by HARRISON WARE, the above-named Testator, to be his LAST WILL AND

TESTAMENT in the presence of all of us at one time, and at the same time we, at his request and in his presence and in the presence of each other have hereunto subscribed our names as attesting witnesses and initialed each page, and we do verily believe that the said Testator is of sound and disposing mind and memory at the date hereof.

Dorothy S. Gerber of R. D. #1, Box 68, Aberdeen  
Maryland 21001

Harold T. Utter of RD #2 Box 313  
Aberdeen, Maryland 21001

Tena D. Jackson of 1173 Avenue D  
Perry Point, Maryland 21902

STATE OF INDIANA, }  
COUNTY OF MARION } SS:

IN THE PROBATE COURT  
OF MARION COUNTY

49008-890

Estate Docket

Page E5845

In the Matter of Estate of  
HARRISON WARE  
Deceased

**AFFIDAVIT OF DEATH**

Annie M. Ware, being duly sworn, on oath says that Harrison Ware died on or about the 7th day of February, 1989, and at the time of such death was a resident of Marion County, State of Indiana.

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Indianapolis, Indiana, this 28 day of March, 1989.

My Comm. Ex: 3/30/91

[Signature]  
Notary Public - Marion County, Clerk.

**PROOF OF WILL**  
(Subscribing Witnesses Unavailable)

Annie M. Ware being first duly sworn by the undersigned Clerk of the Probate Court of Marion County, Indiana, on oath says:

The subscribing witnesses to the written instrument purporting to be the Last Will and Testament of Harrison Ware, deceased, dated February 14, 1969, are not available to prove such will, by reason of the following facts:

- Dorothy G. Gerber; Harold T. Atkin; Tena D. Jackson is/are dead.
- xxxx are out of the state.
- xxxx has become incompetent since attesting such will, by reason of the fact that \_\_\_\_\_

Annie M. Ware  
Annie M. Ware

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Indianapolis, Indiana, this 28 day of March, 1989.

My Comm. Ex: 3/30/91

[Signature]  
Notary Public - Marion County, Clerk.

by the undersigned Clerk, on oath says:

(a) Affiant was well acquainted with the handwriting and signature of \_\_\_\_\_, deceased, during his lifetime. Affiant has examined the handwritten signature purporting to be that of such decedent appearing upon a certain instrument, dated \_\_\_\_\_, 19\_\_\_\_, and purporting to be the Last Will and Testament of such decedent, and such signature is the genuine signature of such decedent.

(b) Affiant was and is well acquainted with the handwriting of and signatures of \_\_\_\_\_ and \_\_\_\_\_, subscribing witnesses to a certain written instrument, dated \_\_\_\_\_, 19\_\_\_\_, and purporting to be the Last Will and Testament of \_\_\_\_\_, deceased. Affiant has examined the purported signatures of such subscribing witnesses appearing on such instrument and they are the genuine signatures of such witnesses.

[Note: Fill in (a) or (b) and strike the other.]

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Indianapolis, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Clerk.

STATE OF INDIANA, }  
COUNTY OF MARION } SS:

BOOK 24 PAGE 240

### CERTIFICATE OF PROBATE

I, Clerk of the Probate Court of Marion County, Indiana, do hereby certify that: (1) the foregoing Will and Testament of Harrison Ware, deceased, has been duly admitted to probate before \_\_\_\_\_; (2) the same was proved by the examination under oath of Annie M. Ware; (3) such will has been recorded in Will Record \_\_\_\_\_, page \_\_\_\_\_ in the Will Records of such County; and (4) a full and complete record of such will and of the proof and examination of the witness \_\_\_\_\_ by whom the same was proved and of the Order of Probate relating thereto has been made and is now of record in the records of the Clerk of such county pertaining to such Court.

IN TESTIMONY WHEREOF, I have hereunto affixed the seal of such Court, and subscribed my name at Indianapolis, Indiana, this 5 day of March, 1989.  
Faye L. Mowery, Clerk.

G. ROBERT WRIGHT  
246 N. College Avenue  
Indianapolis, IN 46202  
632-6491

**FILED**

MAY 05 1989

Faye L. Mowery

AFFIDAVIT OF DEATH  
AND PROOF OF WILL  
(Witnesses Unavailable)

Estate Docket \_\_\_\_\_ Page \_\_\_\_\_  
Estate of HARRISON WARE

9908-8905  
ES845

FILED THIS DATE MAY 28 1991 BILLY V. COOPER CHANCERY CLERK BY *Connie Guthrie*

State of Indiana, Marion County, ss:

30-874

I, Charles J. Deiter, sole Judge of the Marion Superior Court, Probate Division, in the State of Indiana, do hereby certify that the foregoing attestation and certificate of Faye I. Mowery, Clerk, is in due form of law, and that the said Faye I. Mowery is and at the time of the making of said certificate and attestation, was the Clerk of said Probate Court of Marion County, in the said State, and is, and at the same time was, the proper officer to make such attestation and certificate, and that his signature thereto is genuine, and that as such Clerk he is the sole custodian of the papers, documents, records and seal pertaining to said Court.

WITNESS my hand and the seal of said Court, affixed at the City of Indianapolis, Indiana, this 24th day of May, 19 91



*Charles J. Deiter*

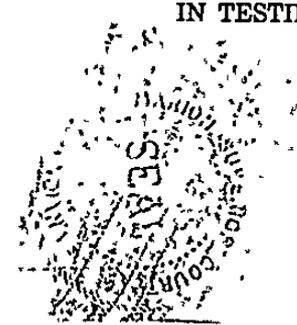
Judge, Marion Superior Court, Probate Division, Marion County, Indiana.

*Pro Tempore*

State of Indiana, Marion County, ss:

I, Faye I. Mowery, Clerk of the Marion Superior Court, Probate Division, in the State of Indiana, County of Marion, do certify that Charles J. Deiter whose signature appears to the foregoing certificate, is, and was at the time of signing said certificate, the sole Judge of said Court, duly commissioned and qualified, in accordance with the laws of the State of Indiana.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Indianapolis, Indiana, this 24th day of May, 19 91



*Faye I. Mowery*

Clerk, Marion Superior Court, Probate Division, Marion County, Indiana.



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 28th day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the June 7, 1991, Book No. 24, Page 241.

BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

IN THE MARION COUNTY SUPERIOR COURT  
 PROBATE DIVISION  
 ESTATE DOCKET

FILED PAGE 4.008 8910 ES1830

IN THE MATTER OF THE SUPERVISED OCT, 19 1989

ESTATE OF ANNIE M. WARE, Deceased

*Faye Mowery*

PETITION FOR PROBATE OF WILL AND ISSUANCE OF LETTERS  
 TESTAMENTARY AND FOR SUPERVISED ADMINISTRATION

Comes now Lela Williams, daughter and an interested person as shown herein, and respectfully represents to the Court as follows:

1. That the above named decedent, age 70, died testate on the 20th day of September, 1989, while domiciled in Marion County, Indiana, leaving a Last Will and Testament dated the 14th day of February, 1969. That such will is submitted to the Court herewith. That after making such Will, the marital status of the decedent was not changed by divorce or annulment.

3. That the petitioner herein, Lela Williams, is an interested person in the decedent's estate in that Lela Williams is the daughter of the decedent and named co-executor of the decedent's Last Will and Testament.

4. That the name and place of residence or business address of the persons designated as co-executors of such Will are Lela Williams of Radcliff, Kentucky and Jessie Hinton of Chicago, Illinois.

5. That neither named co-executor resides in the State of Indiana, necessitating the naming of another person to serve.

6. That the named co-executors nominate Fay H. Williams an attorney residing in and practicing law in Marion County, Indiana, and Lela Williams, a resident of Radcliffe, Kentucky to serve as co-executors of the estate of the decedent.

7. That the name, age, relationship to such decedent and place of residence of each known legatee and devisee of such decedent's estate are:

Lela Williams, an adult, Radcliff, Kentucky  
 Jessie Hinton, an adult, Chicago, Illinois

8. That to the petitioner's best knowledge the decedent's estate is believed to contain personal property valued at approximately \$214,508.00 and real estate valued at \$25,000 with approximately \$5,000 due creditors.

WHEREFORE, the petitioner prays the Court for an order probating the decedent's Will, appointment Lela Williams and Fay H. Williams as co-executors of the decedent's estate, directing Letters Testamentary be issued (upon the taking of an oath or posting of a bond) and that said petitioner be authorized to proceed with supervised administration of the decedent's estate upon proper notice being given to creditors and for all other relief which is proper in the premises.

*Lela Williams*  
 Lela Williams, Petitioner

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF MARION )

SUBSCRIBED AND SWORN to before me, a notary public, in  
and for said county and state this 19<sup>th</sup> day of October  
1989.

*Willie L. Ladd*  
Notary Public

My Commission Expires:

4-26-91

Printed:

Fay H. Williams  
Attorney at Law  
156 E. Market St, Penthouse  
Indianapolis, IN 46204  
PH: (317) 634-4535

IN THE MARION COUNTY SUPERIOR COURT  
PROBATE DIVISION 49008 8910  
ESTATE DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

8910 ES 1830  
**FILED**

OCT 19 1989

*Faye J. Mowery*  
CLERK

IN THE MATTER OF THE SUPERVISED )  
ESTATE OF ANNIE M. WARE, Deceased )

ORDER OF PROBATE OF WILL AND FOR ISSUANCE OF LETTERS

There is now produced in open court and submitted to the Court an instrument of writing purporting to be the Last Will and Testament of Annie M. Ware, deceased, and a Petition for probate thereof and for issuance of Letters. There now come Lela Williams and \_\_\_\_\_ witnesses to the due execution of such purported will and to the death of such decedent, who being duly sworn, in open court testify that such decedent died on or about the 20th day of September, 1989 and testify concerning the execution of such purported will and competency of such decedent to make such purported will and that such purported will was executed in all respects according to law. Such testimony is now reduced to writing and signed by such witnesses. Such instrument, petition and written testimony are now submitted to the Court and the Court having examined the same, having heard evidence and being duly advised now finds that:

1. Such decedent died on or about the 20th day of September, 1989, and at the time of such death was domiciled in Marion County, Indiana.

2. Such written instrument purporting to be such decedent's last will and testament was duly executed in all respect according to law, has been duly proved, is the last will and testament of such decedent and is entitled to be admitted to probate in such County.

3. Letters should be issued as indicated and requested in such Petition.

Such will, written testimony and Petition reads as follows: (H.I.)

IT IS NOW THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that:

1. Such written instrument purporting to be the last will and testament of such decedent be and it is hereby admitted to probate and record as such.

2. The bond of the Administrator with the will annexed be and it is hereby fixed in the penal sum of \$ 15,000.00.

3. Lela Williams is entitled to qualify as Administrator is appointed Administrator with the will annexed.

4. The clerk be and he is hereby directed to issue letters Testamentary with the will annexed to Fay H. Williams and Lela Williams, when they have taken and subscribed before the clerk an oath as such co-executors with the will annexed, and filed bond in the amount of \$ 15,000.00 with \_\_\_\_\_ as surety thereon.

OCT 19 1989, 19

*Victor S. Glass*

Judge of the Probate Court of  
Marion County, Indiana

OATH

I swear that I will faithfully discharge the duties of my trust as co-executors with the will annexed according to law.

Fay H. Williams  
Fay H. Williams

Lela Williams  
Lela Williams

OCT 19 1989

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Clerk

The undersigned clerk reports to the Court that Fay H. Williams and Lela Williams has taken and subscribed before the clerk an oath as co-executors with the will annexed, and filed bond in the amount of \$ 15,000 with Rokson as surety thereon, and that letters have been issued.

OCT 19 1989, 19 \_\_\_\_\_.

\_\_\_\_\_  
Clerk

Comes now the clerk and reports to the Court that said co-executors with the will annexed has taken and subscribed before the clerk an oath and filed bond as directed and that letters have been issued.

Said petition, oath, bond and letters read as follows, (H.I.):

IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court, that said petition, oath, bond and issuance of letters are approved, and that Fay H. Williams and Lela Williams are the duly appointed and qualified co-executors with the will annexed, of the estate of Annie M. Ware, deceased.

OCT 19 1989, 19 \_\_\_\_\_.

Victor S. Pfau  
Judge of the Probate Court of  
Marion County, Indiana

LAST WILL AND TESTAMENT  
of  
ANNIE M. WARE

I, ANNIE M. WARE, a legal resident of Mississippi, temporarily residing in Aberdeen Proving Ground, Maryland, do make, publish, and declare this to be my LAST WILL AND TESTAMENT, hereby revoking all wills and codicils previously made by me.

ITEM I

I give devise, and bequeath all of my estate and property to my husband, HARRISON WARE, if he survives me.

ITEM II

In the event the said HARRISON WARE does not survive me, I give, devise, and bequeath the following described property to GEORGE WARE, JR.: The vacant lot on Cauthen Street, Canton, Madison County, Mississippi, Lot 16, Block 2. The residue and remainder of my estate to my daughters LEILA WILLIAMS of Winchester, Kentucky and JESSIE HINTON of Chicago, Illinois, in equal shares; but if any child predeceases me, then to the descendants of such child, per stirpes.

ITEM III

Any person named in this will shall be deemed not to survive me if he or she shall die at the same time as I or within sixty days after my death.

*Handwritten:* Annie M. Ware

ITEM IV

I appoint my husband, HARRISON WARE, as Executor of this will and direct that he be permitted to serve without bond or surety and without intervention of any court except as required by law, with the authority and power in his discretion to sell, exchange, convey, transfer, assign, mortgage, pledge, lease, rent, invest, or reinvest all or any part of my estate. If for any reason the above should refuse or be unable to serve as such, I appoint my daughters, LELA WILLIAMS and JESSIE HINTON, to serve in that capacity with the same powers and privileges set out above.

IN WITNESS WHEREOF, I have at Aberdeen Proving Ground, Maryland, this 11<sup>th</sup> day of February, 1969, set my hand and seal to this my LAST WILL AND TESTAMENT, consisting of three typewritten pages, this included, the preceding page hereof bearing my signature.

Annie M Ware (SEAL)  
ANNIE M. WARE

286  
X  
151

The foregoing instrument, consisting of three typewritten pages, this included was at Aberdeen Proving Ground, Maryland, this 11<sup>th</sup> day of February, 1969, signed, sealed, published, and declared by ANNIE M. WARE, the above-named Testatrix, to be her LAST WILL AND TESTAMENT in the presence of all of us at one time, and at the same time we, at her request and in her presence and in the presence of

each other have hereunto subscribed our names as attesting witnesses and initialed each page, and we do verily believe that the said Testatrix is of sound and disposing mind and memory at the date hereof.

Dorothy G. Gerber of R.D.#1, Box 68

Harold Atkins of RD#2 Box 313

Aberdeen Maryland 21001  
Aberdeen Maryland 21001

Lina R. Jackson of 1173 Penn. D.

Ferry Point, Maryland 21502

BOOK - 24 PAGE 249  
**FILED**  
OCT 19 1989

STATE OF INDIANA, }  
COUNTY OF MARION } SS:

IN THE MARION SUPERIOR COURT,  
PROBATE DIVISION

In the Matter of Estate of  
ANNIE M. WARE  
Deceased

Estate Docket 49008 89.1.0  
Page.....

**AFFIDAVIT OF DEATH**

Lela Williams being duly sworn, on oath says that Annie M. Ware died on or about the 20th day of September, 1989, and at the time of such death was a resident of Marion County, State of Indiana.

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Indianapolis, Indiana, this 17 day of October, 1989.  
Lela Williams  
J. Mowery, Clerk.

**PROOF OF WILL**  
(Subscribing Witnesses Unavailable)

Lela Williams being first duly sworn by the undersigned Clerk of the Marion Superior Court, Probate Division, on oath says:

The subscribing witnesses to the written instrument purporting to be the Last Will and Testament of Annie M. Ware, deceased, dated February 14, 1969, are not available to prove such will, by reason of the following facts:

- ..... is/are dead.
- ..... is/are out of the state.
- ..... has become incompetent since attesting such will, by reason of the fact that there whereabouts are unknown as will was made 20 years ago and signed in Maryland

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Indianapolis, Indiana, this 17 day of October, 1989.  
Lela Williams  
J. Mowery, Clerk.

Lela Williams being first duly sworn by the undersigned Clerk, on oath says:

(a) Affiant was well acquainted with the handwriting and signature of Annie M. Ware, deceased, during his lifetime. Affiant has examined the handwritten signature purporting to be that of such decedent appearing upon a certain instrument, dated February 14, 1969, and purporting to be the Last Will and Testament of such decedent, and such signature is the genuine signature of such decedent.

(b) Affiant was and is well acquainted with the handwriting of and signatures of..... and....., subscribing witnesses to a certain written instrument, dated....., 19....., and purporting to be the Last Will and Testament of....., deceased. Affiant has examined the purported signatures of such subscribing witnesses appearing on such instrument and they are the genuine signatures of such witnesses.

[Note: Fill in (a) or (b) and strike the other.]

Subscribed and sworn to before me, in witness of which, I hereunto affix the seal of such Court, and subscribe my name at Indianapolis, Indiana, this 17 day of October, 1989.  
Lela Williams  
J. Mowery, Clerk.

STATE OF INDIANA, }  
COUNTY OF MARION } SS:

CERTIFICATE OF PROBATE

I, Clerk of the Marion Superior Court, Probate Division, do hereby certify that: (1) the foregoing Will and Testament of Annie M. Ware, deceased, has been duly admitted to probate before Probate Judge; (2) the same was proved by the examination under oath of Lela Williams; (3) such will has been recorded in Will Record....., page..... in the Will Records of such County; and (4) a full and complete record of such will and of the proof and examination of the witness..... by whom the same was proved and of the Order of Probate relating thereto has been made and is now of record in the records of the Clerk of such county pertaining to such Court.

IN TESTIMONY WHEREOF, I have hereunto affixed the seal of such Court, and subscribed my name at Indianapolis, Indiana, this OCT 14 1989 day of....., 19.....  
George D. Mowery, Clerk.

**FILED**  
OCT 19 1989  
George D. Mowery  
Clerk

AFFIDAVIT OF DEATH  
AND PROOF OF WILL  
(Witnesses Unavailable)

Estate of.....  
ANNIE M. WARE  
49008 8910 Page 1830  
Estate Docket.....

LAST WILL AND TESTAMENT  
OF

**FILED**  
**THIS DATE**  
MAY 17 1991  
**BILLY V. COOPER**  
CHANCERY CLERK  
BY *[Signature]*

JAMES DUDLEY HUTCHINSON, III #30-884

I, the undersigned James Dudley Hutchinson, III, being above the age of twenty-one (21) years and of sound and disposing mind and memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby expressly revoking any and all Wills, codicils and other testamentary dispositions heretofore made by me.

ITEM ONE

*JOAN 1/30/91*

I hereby appoint ~~Ronald D. Kyzar~~ <sup>*Ernest T. George III*</sup> as Executor of this my Last Will and Testament. If he shall be unable or unwilling to serve either before or after entering upon his duties, I appoint my wife, Janine Hutchinson, as Alternate Executor. I hereby specifically waive the necessity for my Executor or Alternate Executor to file a bond or other security or to file an accounting, inventory or appraisal of the assets of my Estate.

ITEM TWO

I direct that all of my just debts, taxes and all expenses of my last illness and funeral, which may be legal due and owing at the time of my death, be paid as soon after my death as conveniently can be done.

ITEM THREE

All of my property wheresoever situated and howsoever described, whether real, personal or mixed, including, but not limited to my life insurance policy with Massachusetts Mutual bearing Policy No. 7017050 of \$100,000.00 and my Connecticut Mutual Life Insurance Company policy bearing Police No. 4720411 of \$500,000.00 is to be divided between my wife, Janine Hutchinson, and my son, James Dudley Hutchinson, IV, in trust as more fully hereinafter described. Two-thirds of said life insurance proceeds, remaining after payment of my debts, taxes, and expenses, is to go to my wife, Janine Hutchinson. One-third

of said life insurance proceeds is to go to my son, James Dudley Hutchinson, IV, in trust, as in more fully described in Item IV. Payment of my just debts, taxes, and expenses are to be paid out of my wife's, Janine Hutchinson's, share of the life insurance proceeds. As regards Janine Hutchinson's share of life insurance proceeds, it is my express desire that ~~Ronald D. Kyzar~~ <sup>Ernest T. George III JWS 1/31/91</sup> be given the authority to maintain, account for, and administer said life insurance proceeds and this to be done in accordance with and in conjunction with the wishes of my wife, Janine Hutchinson. My wife, Janine Hutchinson, with regard to her share of life insurance proceeds shall have the exclusive right to discharge ~~Ronald D. Kyzar~~ <sup>Ernest T. George III JWS 1/31/91</sup> from said responsibilities and employ other managerial assistance as she sees fit. That part of my Estate not consisting of life insurance proceeds, is to go to my wife, Janine Hutchinson.

#### ITEM FOUR

For my son, James Dudley Hutchinson, IV, in the event he be not twenty-five (25) years of age at the time of my death, I hereby direct that one-third of the above referenced life insurance proceeds be placed in trust for his benefit. I hereby appoint ~~Ronald D. Kyzar~~ <sup>Ernest T. George III JWS 1/31/91</sup> as Trustee and to expressly confer upon this Trustee the specific power set forth in Miss. Code Ann. 91-9-101 through 91-9-107 as is now enacted or hereafter amended. The Trustee, ~~Ronald D. Kyzar~~ <sup>Ernest T. George III JWS 1/31/91</sup> is give unlimited discretion to utilize this Trust exclusively for the benefit of my son, James Dudley Hutchinson, IV. I direct that said Trustee administer this Trust for my son in a frugal and conservative fashion with monies to be expended for the health, education, and welfare of my son. It is directed, however, that said Trustee has unlimited discretion as to the utilization of said funds on behalf of my son, James Dudley Hutchinson, IV. When my son, James Dudley Hutchinson, IV, attains age twenty-five (25), the Trust shall expire and the principal and accumulated income then constituting

PAGE 2 OF 5 OF MY LAST WILL AND TESTAMENT

the child's separate Trust shall be delivered and conveyed to the child, discharged of the Trust. I hereby further direct that said Trustee, ~~Ronald D. Kyzar~~, <sup>Ernest T. George III, 8<sup>th</sup> 1/31/91</sup> be charged with filing in court an annual accounting and inventory referencing income and expenditures relative to this Trust. The Trustee for James Dudley Hutchinson, IV is not required to post security on any bond required by law. I hereby further direct that in the event ~~Ronald D. Kyzar~~, <sup>Ernest T. George III, 8<sup>th</sup> 1/31/91</sup> be deceased, mentally incapable, or unwilling to serve as Trustee, I hereby direct that my wife, Janine Hutchinson, be appointed to serve in his stead with the same rights and duties as set forth above.

ITEM V

Should my wife, Janine Hutchinson, predecease me, or, should my wife, Janine Hutchinson, and myself pass away simultaneously under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that my wife shall have died before me and those proceeds hereinbefore designated as going to my wife shall go to my son, James Dudley Hutchinson, IV, in trust, as hereinabove stated and prescribed.

ITEM VI

The rest, residue, and remainder of all my property I hereby devise and bequeath to my wife, Janine Hutchinson. In the event Janine Hutchinson does not survive me, or if we shall die simultaneously or under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she shall have died before me and the rest, residue and remainder of all of my property would thereby be given, devised, and bequeathed to my son, James Dudley Hutchinson, IV.

ITEM VII

With regard to my clientele, accounts, and business matters

PAGE 2 OF 5 OF MY LAST WILL AND TESTAMENT

related to my investment and insurance sales work, I hereby direct that ~~Ronald D. Kyzar~~ <sup>William J. Thompson, 8045 1/31/91</sup> be given the right and authority to service those clients, contacts, and accounts which may exist at my death. However, this right to have access to my accounts and clients does not include the right or authority to claim for his <sup>William J. Thompson, 8045 1/31/91</sup> ~~(Ronald D. Kyzar's)~~ benefit any renewal premiums, investment proceeds, contractual entitlement, income, monetary interest, property or proprietary interests of any kind, or any other legal or financial entitlements in which I am vested, contractually or otherwise, or have any interest in at the time of my death, said entitlements, rights, and interests are to belong exclusively to my wife, Janine Hutchinson, and if she predeceased me then to my son, James Dudley Hutchinson, IV.

IN WITNESS WHEREOF, I sign, seal, publish, and declare this instrument consisting of five (5) pages to be my Last Will and Testament, this the 15<sup>th</sup> day of January, 1990, at Jackson, Mississippi.

James Dudley Hutchinson, III  
JAMES DUDLEY HUTCHINSON, III

## WITNESSES:

Bobby Elliott  
1330 St Ann  
Jackson, Mo 39202  
J. Johnson Rice jr  
P.O. Box 2984  
Jackson, MS 39207

STATE OF MISSISSIPPI  
COUNTY OF HINDS

THIS DAY PERSONALLY APPEARED BEFORE ME, the undersigned legal authority in and for the jurisdiction aforesaid, Bobby Elliott AND A. Johnson Rice, attesting and subscribing witnesses to the Last Will and Testament of James Dudley Hutchinson, III, who, being first by me duly recognized and sworn, stated on their oath that they signed the above and foregoing instrument on the day and year therein mentioned as the subscribing and attesting witnesses thereto; that they signed said instrument at the request of James Dudley Hutchinson, III, in his presence and in the presence of each other, the Testator having previously signed the same and declared it to be his Last Will and Testament.

Further, that at the time of execution of said instrument, the said James Dudley Hutchinson, III, was of sound and disposing mind and memory and in full possession of his testamentary capacities and subject to no apparent legal disability.

THIS, the 15 day of December, 1989.

Bobby Elliott

A. Johnson Rice

SWORN TO AND SUBSCRIBED BEFORE ME, this the 15th day of January, 1990.

[Signature]  
NOTARY PUBLIC  
[Notary Seal]

My Commission Expires:  
My Commission Expires July 23, 1991

PAGE 5 OF 5 OF MY LAST WILL AND TESTAMENT



STATE OF MISSISSIPPI, County of Madison.

I certify that the within instrument was filed for record in my office this 17th day of May, 1991, at        o'clock        M, and was duly recorded on the June 12, 1991, Book No. 84, Page 251

BILLY V. COOPER, CHANCERY CLERK BY: Connie Guthrie D.C.

FILED  
THIS DATE  
MAY 22 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Louise Bulme*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
JAMES DUDLEY HUTCHINSON, III

CIVIL ACTION NO. 30-884

PROOF OF WILL

STATE OF MISSISSIPPI

COUNTY OF HINDS

THIS DAY PERSONALLY APPEARED before me, the undersigned legal authority in and for the jurisdiction aforesaid, G. Johnson Rice, attesting and subscribing witness to the Last Will and Testament of James Dudley Hutchinson, III, who, being first by me duly recognized and sworn, stated on his oath that he signed the above and foregoing instrument on the 15th day of January, 1990, as subscribing and attesting witness thereto.

G. Johnson Rice notes that the original Will which has been filed with the Chancery Clerk of Madison County, Mississippi, was altered subsequent to his witnessing the same as follows:

In Item One the name Ronald D. Kyzar was stricken and the name Ernest T. George, III, was substituted. The same was initialed JDHIII and dated January 30, 1991.

In Item Three on Page Two, the same changes were made where originally the name Ronald D. Kyzar had appeared.

In Item Four on Page Two, the same changes were made where originally the name Ronald D. Kyzar had appeared.

In Item Four on Page Three, the same changes were made where the name Ronald D. Kyzar had appeared.

In Item Eight, Page Four, the name Ronald D. Kyzar was stricken and the name William J. Thompson was substituted. The initials JDHIII and the date January 31, 1991, were inserted.

Affiant further states that he is familiar with the handwriting of the Decedent and that the handwriting where the aforesaid changes were made, along with the initials and the date, appears to be the handwriting and initials of the Decedent in each of the above cases.

G. Johnson Rice further states that he was present when the instrument purporting to be the Last Will and Testament

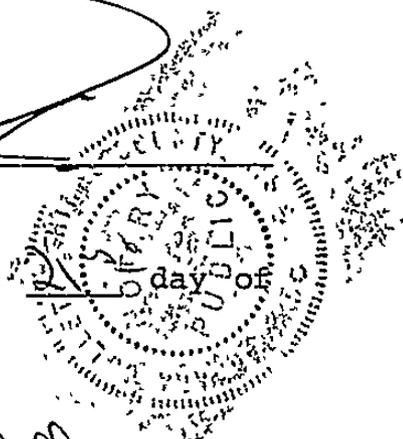
of James Dudley Hutchinson, III, was executed and that he subscribed the same along with Bobby Elliott at the same time, place and date as it was executed by the Decedent, James Dudley Hutchinson, III. That he witnessed the same at the request of James Dudley Hutchinson, III, and that this instrument was signed in his presence and in the presence of each of the witnesses, and that the testator having previously signed the same and declared it to be his Last Will and Testament.

Further, that at the time of the execution of said instrument that said James Dudley Hutchinson, III, was of sound and disposing mind and memory and in full possession of his testamentary capacities and subject to no apparent legal disability.

THIS, the 21 day of May, 1991.

*[Handwritten Signature]*  
G. JOHNSON RICE

SWORN TO AND SUBSCRIBED before me, this the 21 day of May, 1991.



*[Handwritten Signature]*  
NOTARY PUBLIC

My Commission Expires:

My Commission Expires Nov. 25, 1993



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 22ND day of May, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the June 12, 1991, Book No. 24, Page 256.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Gutterie D.C.

#30-747

LAST WILL AND TESTAMENT

OF

IDA MAE KRAFT

FILED  
THIS DATE  
JUN 14 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *M. Navy*

STATE OF MISSISSIPPI  
COUNTY OF MADISON

I, IDA MAE KRAFT, a resident citizen of Madison County, Mississippi, being of sound and disposing mind, memory and understanding, and being over the age of twenty-one (21) years, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all Wills, Testaments and Codicils thereto heretofore made by me.

ITEM I

I hereby direct that all of my just and lawful debts duly probated be paid, including expenses of my funeral and a suitable marker for my grave; that the administration of my estate be completed and closed as soon after my death as may be reasonably possible.

ITEM II

All the rest, residue and remainder of my property, real, personal, and mixed, of whatsoever kind and nature and wheresoever situated, including lapsed legacies and bequests, of which I shall die seized and possessed or to which I shall have any power of appointment, I do hereby give, devise and bequeath to my husband, PAUL S. KRAFT, JR., and the same shall be his absolutely.

*Ida Mae Kraft*  
\_\_\_\_\_  
IDA MAE KRAFT

*AKS  
MKB*

## ITEM III

In the event that our deaths should occur simultaneously, or approximately so, or in the same common accident or calamity, or under circumstances causing doubt as to which of us survived the other, or should my husband, PAUL S. KRAFT, JR., predecease me, or die within thirty (30) days of my death, then and in that event only, I give, devise and bequeath all the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, including lapsed legacies and bequests of which I shall die seized and possessed or to which I shall have any power of appointment, to my children:

JOSEPH EARL KRAFT, DAVID SEBASTIAN KRAFT, LISA MARIE KRAFT and WILLIAM ERIC KRAFT, share and share alike.

## ITEM IV

I hereby appoint, nominate and constitute PAUL S. KRAFT, JR., as Executor of this my Last Will and Testament; in the event that he shall be deceased at the time of my death, or unable or unwilling to serve as Executor, then, and in that event only, I appoint my son, JOSEPH EARL KRAFT, to serve as Executor of this my Last Will and Testament, and hereby grant to him the same powers and authority as set forth for my Executor. My Executor shall have full and plenary power and authority to do and perform any act deemed by him to be for the best interest of my estate, without any limitations whatsoever, and without surety bond, and said authority shall include, but shall not be

*Ida Mae Kraft*  
 \_\_\_\_\_  
 IDA MAE KRAFT

*AKS  
 5/11/45*

limited to the right to take possession, hold, manage, invest and re-invest the same, and to collect the income, dividends, rents, interests and profits therefrom, and to employ and to pay any attorneys, agents or accountants that he may deem necessary and for the best interest of my estate and to pay unto himself a just and reasonable compensation as Executor.

The foregoing Will consists of Four Pages, at the bottom of each of which I have signed my name.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament, on this the 8 day of March, 1984.

Ida Mae Kraft  
IDA MAE KRAFT

STATE OF MISSISSIPPI

COUNTY OF MADISON

We, each of the subscribing witnesses to the Last Will and Testament of IDA MAE KRAFT, do hereby certify that said instrument was signed by the said IDA MAE KRAFT in our presence and in the presence of each of us, and that the said IDA MAE KRAFT declared the same to be her Last Will and Testament in the presence of each of us, and

ALS  
MKB

that we each signed as subscribing witnesses to said Will at the request of IDA MAE KRAFT, in her presence and in the presence of each other.

Ann L. Scott

ADDRESS: Madison  
Mississippi

Mari H. Bines

ADDRESS: Route 3, Box 6  
Canton, Miss. 39046

Ida Mae Kraft  
IDA MAE KRAFT



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 14<sup>th</sup> day of June, 1991, at      o'clock      M., and was duly recorded on the June 14, 1991, Book No. 24, Page 258.

BILLY V. COOPER, CHANCERY CLERK BY: Connie G. Threl D.C.

IN THE CHANCERY COURT OF MADISON COUNTY

STATE OF MISSISSIPPI

FILED  
THIS DATE  
JUN 14 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *m. Hawley*

IN THE MATTER OF THE ESTATE OF  
IDA MAE KRAFT, DECEASED

CIVIL ACTION FILE NO. 30-747

PROOF OF WILL

Comes now MARIE H. BANES, one of the subscribing witnesses to the instrument filed herein for probate and purporting to be the Last Will and Testament of Ida Mae Kraft, and enters her appearance herein as provided by Section 91-7-9, Miss.Code Anno. (1972), as amended, and makes oath before the undersigned authority that Ida Mae Kraft, the above named decedent, signed, published and declared said instrument to be her Last Will and Testament on the 8th day of March, 1984, the day of the date of said instrument, in the presence of this deponent and Ann L. Scott, the other subscribing witness, and that said testator was then of sound and disposing mind and memory, more than twenty-one years of age, and having her usual place of abode in Madison County, Mississippi, and that she and Ann L. Scott subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of said testator and in the presence of said testator and in the presence of each other, on the day of the date of said instrument.

*Marie H. Banes*  
MARIE H. BANES

STATE OF MISSISSIPPI  
COUNTY OF MADISON

SWORN TO AND SUBSCRIBED before me on this the 18<sup>th</sup> day of February, 1990.

*Ahyllis Y. De Laughter*  
NOTARY PUBLIC

(SEAL)  
MY COMMISSION EXPIRES:  
September 22, 1993



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 14<sup>th</sup> day of June, 1991, at        o'clock        M., and was duly recorded on the June 14, 1991, Book No. 24, Page 262.

BILLY V. COOPER, CHANCERY CLERK BY: *Lonnie Guthrie* D.C.

IN THE CHANCERY COURT OF MADISON COUNTY

STATE OF MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
IDA MAE KRAFT, DECEASED

**FILED**  
THIS DATE  
JUN 14 1991  
**BILLY V. COOPER**  
CHANCERY CLERK  
BY *M. Naway*

CIVIL ACTION FILE NO. 30-747

PROOF OF WILL

Comes now ANN L. HUTZEL, one and the same as Ann L. Scott, one of the subscribing witnesses to the instrument filed herein for probate and purporting to be the Last Will and Testament of Ida Mae Kraft, and enters her appearance herein as provided by Section 91-7-9, Miss.Code Anno. (1972), as amended, and makes oath before the undersigned authority that Ida Mae Kraft, the above named decedent, signed, published and declared said instrument to be her Last Will and Testament on the 8th day of March, 1984, the day of the date of said instrument, in the presence of this deponent and Marie H. Banes, the other subscribing witness, and that said testator was then of sound and disposing mind and memory, more than twenty-one years of age, and having her usual place of abode in Madison County, Mississippi, and that she and Marie H. Banes subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of said testator and in the presence of said testator and in the presence of each other, on the day of the date of said instrument.

*Ann L. Hutzel*  
ANN L. HUTZEL

STATE OF MISSISSIPPI  
COUNTY OF HINDS

SWORN TO AND SUBSCRIBED before me on this the 14 day of February, 1991.

*Robin Lowery*  
NOTARY PUBLIC

(SEAL)  
MY COMMISSION EXPIRES:  
My Commission Expires June 13, 1992



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 14<sup>th</sup> day of June, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the June 14, 1991, Book No. 24, Page 263.

BILLY V. COOPER, CHANCERY CLERK BY: Connie Guthrie D.C.

Last Will and Testament

OF 2159

FLORA E. EZER

**FILED**  
**THIS DATE**  
 JUN 18 1991  
**BILLY V. COOPER**  
 CHANCERY CLERK  
 BY *Connie Guthrie*

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF CHAMBERS §

THAT I, FLORA E. EZER, of the County of Chambers, State of Texas, being of sound mind and mindful of the uncertainty of life and desirous of making disposition of my Estate while I have the physical and mental powers to do so, do hereby make, declare and publish this My Last Will and Testament, hereby revoking all former Wills, if any by me heretofore made, and for the terms and provisions hereof, WITNESS THE FOLLOWS:

I.

It is my desire and I do direct that upon my death, the expense of last illness and burial, all estate, inheritance and other succession taxes and charges that may be assessed against my Estate, and the costs of probating this Will, shall be paid out of my Estate by the Executor or Executrix as soon as the same can be done without undue sacrifice thereto.

II.

I hereby constitute and appoint my husband, JOE A. EZER, sole and Independent Executor of this Will and of my Estate. In the event my said husband should predecease me, then I appoint and constitute my son, THOMAS MARION COOPER, of Jackson, Mississippi, sole and Independent Executor of this Will and of my Estate. I direct that no bond shall ever be required of my Executor or Executrix, whether original successor or substitute and that no action be had in any Court having jurisdiction of my Estate in the relation to the settlement thereof except to file and probate this Will, to

*Flora E. Ezer*  
 FLORA E. EZER



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 18<sup>th</sup> day of June, 1991, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the June 18, 1991, Book No. 24, Page 26.

BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

return and file therein an inventory, appraisal and list of claims owing to or owing by my Estate as required by law, and to make such returns for inheritance and estate tax purposes as are required by law, after which I direct that my Estate be dropped from the docket of such Court.

III.

I hereby give, devise and bequeath unto my husband, JOE A. EZER, all of my property of whatsoever nature and wheresoever situated to be his absolutely with full power and authority to hold, use, enjoy, dispose and make conveyances thereof as he may see fit, without remainder to anyone, if he shall survive me.

If my husband does not survive me, I bequeath unto my children, RICHARD KENT COOPER of Jackson, Mississippi and THOMAS MARION COOPER of Jackson, Mississippi, my separate real estate which I owned prior to my marriage to JOE A. EZER, in fee, to be theirs absolutely with full power and authority to hold, use, enjoy, dispose and make conveyances thereof as they may see fit, equally, to these children, share and share alike.

If my husband does not survive me, I bequeath unto my step-children, JIM C. EZER, ROBERTA JO TOPP, and SYLVIA MULCAHY, my residence and homestead which was my husband's separate property prior to our marriage, including the house and land upon which it sits, including the surrounding acreage which constitutes the entire homestead including the household furniture, furnishings and fixtures, and all other articles of household or personal use or ornament which were my husband's separate property, in fee, to be theirs absolutely with full power and authority to hold, use, enjoy, dispose and make conveyances thereof as they may see fit, equally, to these step-children, share and share alike.

*Flora E. Ezer*

FLORA E. EZER

With the exception of the two special bequests of real property described in this paragraph III, I hereby give, devise and bequeath all of the rest and residue of my Estate, whether it be real, personal, or mixed, and wheresoever located in fee simple as follows:

I hereby direct my Executor to divide the residue of my Estate into two equal shares, being Share A and Share B. I hereby give, devise and bequeath, in fee simple, Share A to my children, RICHARD KENT COOPER and THOMAS MARION COOPER to be theirs absolutely with full power and authority, to hold, use, enjoy, dispose and make conveyances thereof as they may see fit, equally to these children, share and share alike. I hereby give, devise and bequeath, in fee simple, Share B to my step-children, JIM C. EZER, ROBERTA JO TOPP and SYLVIA MULCAHY to be theirs absolutely with full power and authority, to hold, use, enjoy, dispose and make conveyances thereof as they may see fit, equally to these step-children, share and share alike.

## IV.

In the event of my children or step-children as named above predecease me, then the issue, if any, of such deceased child or step-child shall take by representation and share only in the portion of my Estate that the deceased child or step-child would have received had he or she survived me. If such deceased child shall die without issue, then all of the deceased child's share shall go to the child or children who survive me, equally. If such deceased step-child shall die without issue, then all of the deceased step-child's share shall go to the step-child or step-children who survive me, equally.

## V.

For the purposes of this entire Will, the term "survives me" means those persons who are living sixty-one (61) days after the date of my death.

*Flora E. Ezer*  
FLORA E. EZER

VI.

I hereby give my Executor or Executrix herein appointed full power to sell real or personal property at public or private sale, except as limited above, for cash or credit, on such terms and conditions as he or she may see fit and deem sufficient; to continue to carry on any business at will, and to exercise any and all rights and powers necessary or proper in his or her discretion to carry on any business of my Estate; to compromise and settle any and all claims in favor of or against my Estate; and to distribute the whole or any part of my Estate in kind by undivided shares or otherwise in his or her absolute discretion.

VII.

IN WITNESS WHEREOF, I have subscribed my name hereto at Houston, Texas, in the presence of attesting Witnesses as herein-after shown on this the 20<sup>th</sup> day of Feb., 1978.

Flora E. Ezer  
FLORA E. EZER



STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared FLORA E. EZER, WARD A. BUSEY and John A. Huggins, known to me to be the Testatrix and Witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacity, and all of said persons having been by me duly sworn, the said FLORA E. EZER, Testatrix, declared to me and to the said Witnesses in my presence that the said instrument is her Last Will and Testament, and that she had willingly made and executed it as her free act and deed for the purposes therein expressed; and the said Witnesses on their respective oaths stated to me in the presence and hearing of the said FLORA E. EZER, that the said FLORA E. EZER, had declared to them that the said instrument is her Last Will and Testament, and that she executed the same as such and wanted each of them to sign as a Witness; and upon their oaths, each Witness stated further that they did sign the same as Witnesses in the presence of FLORA E. EZER, at her request; and that she was at the time over eighteen (18) years of age and was of sound mind; and each of said Witnesses was then at least eighteen (18) years of age.

Flora E. Ezer  
FLORA E. EZER

Ward A. Busey  
Witness

John A. Huggins  
Witness

SUBSCRIBED AND ACKNOWLEDGED BEFORE ME by the said FLORA E. EZER, Testatrix, and subscribed and sworn to before me by the said Witnesses, this the 20th day of February, 1978.

FILED FOR RECORD

91 APR 24 AM 8:54

Thomas J. Napier  
COUNTY CLERK

Thomas J. Napier  
Notary Public in and for  
Harris County, Texas  
My Commission Expires: 1-31-79

ESTATE OF	)	(	IN THE COUNTY COURT OF
FLORA E. EZER,	)	(	CHAMBERS COUNTY, TEXAS
DECEASED	)	(	PROBATE DOCKET

ORDER PROBATING WILL AS MUNIMENT OF TITLE

On this day came on to be heard the Application for Probate of Will as Muniment of Title filed by JOE A. EZER in the Estate of FLORA E. EZER, Deceased.

The Court, having heard the evidence and having reviewed the Will and the other documents filed herein, and after considering the testimony of Witnesses, finds that the allegations contained in the Application are true, that notice and citation have been given in the manner and for the length of time required by law; that Decedent is dead having died April 8, 1991; that this Court has jurisdiction and venue of the Decedent's estate; that Decedent left a Will dated February 20, 1978, executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will; that on such date Decedent had attained the age of eighteen years and was of sound mind; that such Will was not revoked by Decedent; that no objection to or contest of the probate of such Will has been filed; that all of the necessary proof required for the probate of such Will has been made; that such Will is entitled to probate; that

there are no unpaid debts owing by the Estate of Decedent other than those secured by liens on real estate; and that there is no necessity for administration of such Estate.

It is therefore ORDERED, ADJUDGED and DECREED that such Will is admitted to probate as a Muniment of Title only, and that Clerk of this Court is ORDERED to record the Will, together with the Application in the Minutes of this Court, and this Order shall constitute sufficient legal authority to all persons owing any money, having custody of any property, or acting as registrar or transfer agent, for payment or transfer by them to the persons described in such Will; and this Court does hereby find that it is not necessary to appoint an Appraiser in this Estate.

IT IS FURTHER ORDERED that upon the payment of costs and taxes, if any, this Estate be dropped from the docket.

SIGNED this the 6<sup>th</sup> day of May,  
A.D., 1991.

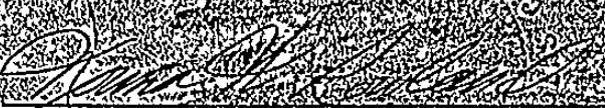
Oscar Nelson  
County Judge, Chambers County,  
Texas

FILED  
THE 6 DAY OF May  
19 91 AT 11:29 A M  
NORMA W. ROWLAND, COUNTY CLERK  
CHAMBERS COUNTY, TEXAS  
BY Patricia Wheeler DEPUTY

COUNTY OF CHAMBERS

I, NORMA W. ROWLAND, Clerk of the County and State aforesaid, do hereby certify that the within and foregoing is a true and correct of the LAST WILL AND TESTAMENT AND ORDER PROBATING WILL AS AUMENTMENT OF TITLE---NO. 2159, Estate of Flora E. Ezer as same appear from the originals on file and of record in the Probate Records of Chambers County, Texas. All of which I have caused to be exemplified according to the act of Congress.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Aamuch, Texas, on this the 31st day of May, A. D. 1991.



Norma W. Rowland, County Clerk  
Chambers County, Texas

STATE OF TEXAS

COUNTY OF CHAMBERS

I, OSCAR NELSON, COUNTY JUDGE of the County Court of Chambers County, State of Texas, do hereby certify that said Court is a Court of Record having a Clerk and Seal. That NORMA W. ROWLAND, who has signed the foregoing certificate, is the duly elected, qualified and acting Clerk of said Court. That said signature is her genuine handwriting, and that all her official acts, as such Clerk, are entitled to full faith and credit.

And I further certify that said certificate and attestation is in due form of law.

IN WITNESS WHEREOF, I hereunto set my hand in my official character as such Judge, this date: May 31, 1991



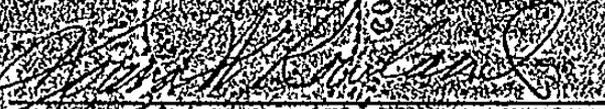
Oscar Nelson, County Judge  
Chambers County, Texas

STATE OF TEXAS

COUNTY OF CHAMBERS

I, NORMA W. ROWLAND, COUNTY CLERK of the County Court of Chambers County, State of Texas, do hereby certify that the Honorable OSCAR NELSON, whose name is subscribed to the preceding Certificate, is the County Judge of the County Court of Chambers County, State of Texas, duly commissioned and qualified, and that the signature of said Judge to said Certificate is genuine.

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of said Court, this date: May 31, 1991



Norma W. Rowland, County Clerk  
Chambers County, Texas

Last Will  
and  
Testament

and

OF

D. HAROLD BYRD

FILED  
THIS DATE  
JUN 18 1991  
BILLY V. COOPER  
CHANCERY CLERK  
BY *Connie Guthrie*

LAW OFFICES OF  
GARDERE & WYNNE  
DALLAS, TEXAS

FILED  
DEC 8 1987

CHANCERY CLERK  
JASPER COUNTY, MISS.  
DORIS HOLDER THOMAS, CLERK  
By *Doris Holder Thomas*

WB 7, pg. 531



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 18<sup>th</sup> day of June, 1991, at        o'clock        M., and was duly recorded on the June 18, 1991, Book No. 24, Page 273.

BILLY V. COOPER, CHANCERY CLERK BY: *Connie Guthrie* D.C.

*DP# 129783* *Reel 996*  
*9-22* *86. 3467-83*

# Last Will and Testament

of

D. HAROLD BYRD

THAT I, D. HAROLD BYRD, of the County of Dallas, State of Texas, being in good health and of sound and disposing mind and memory, do hereby MAKE, DECLARE and PUBLISH this, my Last Will and Testament, hereby revoking all Wills and Codicils to Wills heretofore executed by me.

## SECTION ONE.

I direct that all of my just debts and funeral expenses, costs of administration, and Federal and state inheritance taxes be paid by my executors hereinafter named and charged as an expense of my estate; provided, however, that my said executors will not be required to pay any debt prior to maturity and may extend or renew any debt upon such terms and for such time or times as my said executors may deem best. In no event shall any such tax or other indebtedness owing by me at my death be chargeable against any policies of insurance on my life payable to specific beneficiaries or against the proceeds of any such policies.



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PAGE 1 OF MY LAST WILL  
FOR IDENTIFICATION ONLY

RECORDED

SECTION TWO.

Except as may otherwise be provided herein, I hereby direct that my automobiles, jewelry and purely personal effects and wearing apparel shall be divided by my executors among my children and their lineal descendants as my executors in their sole discretion shall determine.

SECTION THREE.

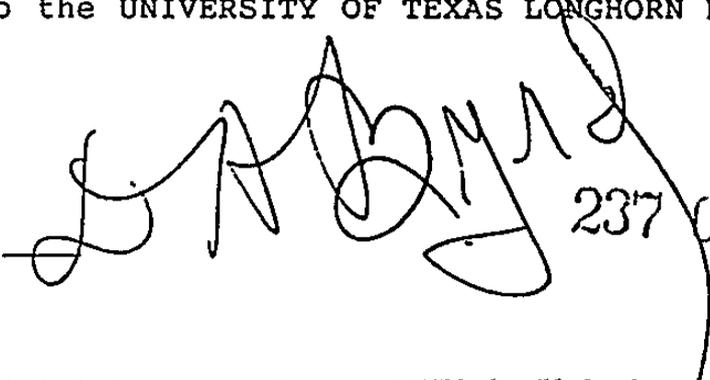
I hereby make the following specific devises and bequests:

(1) I give, devise and bequeath the sum of One Thousand Dollars (\$1,000.00) in cash, stock or other property of the value of \$1,000.00, unto my wonderful and understanding friend and former Pastor, JOHN ANDERSON, if he be living at the time of my death.

(2) I give, devise and bequeath the sum of One Thousand Dollars (\$1,000.00) in cash, stock, or other property of the value of \$1,000.00, unto the PRESBYTERIAN VILLAGE, Dallas, Texas.

(3) I give, devise and bequeath the sum of Five Thousand Dollars (\$5,000.00) in cash, stock, or other property of the value of \$5,000.00, unto the TEXAS SCOTTISH RITE HOSPITAL FOR CRIPPLED CHILDREN, at Dallas, Texas.

(4) I give, devise and bequeath the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00, unto the UNIVERSITY OF TEXAS LONGHORN BAND,

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such fund to be used for making loans to deserving Band members in my name and to be handled by a committee composed of the Dean of the University of Texas, the Bandmaster, and one member of the Band who has received one of the BYRD AWARDS, such member to be selected by the other two members of the committee.

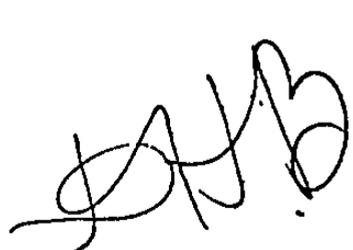
(5) I give, devise and bequeath the sum of One Thousand Dollars (\$1,000.00) in cash, stock or other property of the value of \$1,000.00, to THE UNIVERSITY OF TEXAS AT DALLAS, Dallas, Texas, for the Brigadier General Byrd Business Aviation History Research Center.

(6) I give, devise and bequeath the sum of Ten Thousand Dollars (\$10,000.00) in cash, stock or other property of the value of \$10,000.00, to my beloved sister, LUCILLE McDONALD, of Dallas, Texas, if she be living at the time of my death.

(7) I give, devise and bequeath the sum of Ten Thousand Dollars (\$10,000.00) in cash, stock or other property of the value of \$10,000.00, to my beloved sister, MARY GIDLEY, of Dallas, Texas, if she be living at the time of my death.

(8) I give, devise and bequeath (i) the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00; and (ii) my Rolls Royce automobile, unto WARNER H. LEWIS, if he be living at the time of my death.

(9) I give, devise and bequeath the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00, unto BARBARA WILLIAMS, if she be living at the time of my death.

  
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(10) I give, devise and bequeath the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00, unto LOUISE GARLAND, if she be living at the time of my death.

(11) I give, devise and bequeath the sum of Three Thousand Dollars (\$3,000.00) in cash, stock or other property of the value of \$3,000.00, unto SUSIE HERN, if she be living at the time of my death.

(12) I give, devise and bequeath (i) the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00, (ii) my Weatherby 300 caliber rifle, (iii) my Winchester 30.06 caliber rifle; and (iv) his choice of one of my fishing boats and motors located at the Koon Kreek Club in Athens, Texas, unto M. DOUGLAS ADKINS if he be living at the time of my death.

(13) I give, devise and bequeath the sum of Five Thousand Dollars (\$5000.00) in cash, stock or other property of the value of \$5000.00, unto LUCILLE BRAGGS, if she be living at the time of my death.

(14) I give, devise and bequeath the sum of One Thousand Two Hundred Dollars (\$1,200.00) in cash, stock or other property of the value of \$1,200.00 unto J.T. COX, if he be living at the time of my death.

*J. H. ...*  
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(15) I give, devise and bequeath the sum of One Thousand Two Hundred Dollars (\$1,200.00) in cash, stock or other property of the value of \$1,200.00, unto ALBERT FULLER, if he be living at the time of my death.

(16) I give, devise and bequeath the sum of One Thousand Five Hundred Dollars (\$1,500.00) in cash, stock or other property of the value of \$1,500.00, unto CHARLIE McCOOL, if he be living at the time of my death.

(17) I give, devise and bequeath the sum of One Thousand Five Hundred Dollars (\$1,500.00) in cash, stock or other property of the value of \$1,500.00, unto MOSES JEFF, if he be living at the time of my death.

(18) I give, devise and bequeath the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00, unto BUDDY McKOOL if he be living at the time of my death and if he is in my continuous employment at such time.

(19) I give, devise and bequeath (i) the sum of Five Thousand Dollars (\$5,000.00) in cash, stock or other property of the value of \$5,000.00, after the payment of the above specific bequests and after payment of my debts; (ii) all of my interest in Meat Producers, Inc.; and (iii) all of my interest in D. H. Byrd Production Company unto the BYRD FOUNDATION, a charitable corporation, to be used for the exclusively charitable purposes in the discretion of the directors of said



BYRD FOUNDATION; provided, however, all of such assets hereby given to said BYRD FOUNDATION shall be used for its religious, educational or charitable purposes exclusively within the State of Texas.

(20) I give, devise and bequeath the sum of One Thousand Dollars (\$1,000.00) in cash, stock or other property of the value of \$1,000.00, unto HOLLIE ROBERTSON, if she be living at the time of my death and if she is in my continuous employment at such time.

(21) I give, devise and bequeath to my son, D. HAROLD BYRD, JR., my coin collection.

(22) Except as otherwise provided herein, I give, devise and bequeath to D. HAROLD BYRD, JR. and CARUTH C. BYRD all of my hunting and fishing gear and equipment.

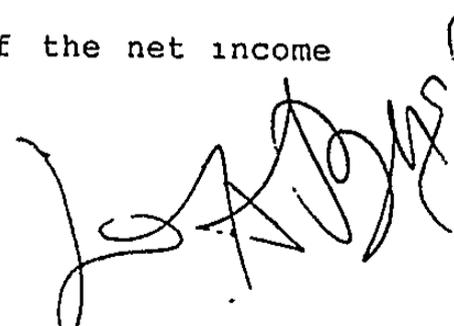
SECTION FOUR.

All of the rest and residue of my estate of every character and description, and wheresoever situated, shall pass to and vest in my sons, D. HAROLD BYRD, JR. and CARUTH C. BYRD, in equal portions, share and share alike, excepting however, my son, D. HAROLD BYRD, JR., shall receive an additional portion of my estate equal to one-half (1/2) the value of my home located at 6909 Vassar, Dallas, Texas, which I have previously given to my son, CARUTH C. BYRD, in order for the legacies to my two sons to be equal as nearly as possible. I recognize

that such equalization requirement may exclude my son CARUTH C. BYRD as a legatee hereunder. For purposes of equalizing such legacies, my executors shall value the house at Three Million Dollars (\$3,000,000.00) and shall also include in the comparative valuation of CARUTH C. BYRD'S gift the gift tax I paid on the house in the amount of \$290,000 plus interest on such gift tax computed at the rate of ten per cent (10%) per annum from April 5, 1985, to the date of my death. Any such determination made by my executors in the division of my property shall be final and binding upon all legatees.

If either of my said sons fails to survive me by thirty (30) days, that deceased son's portion shall be held and administered by either D. HAROLD BYRD, JR. or CARUTH C. BYRD (whichever is the survivor) and M. DOUGLAS ADKINS, as co-trustees, and their successors, in trust, however, for the uses, purposes and subject to the provisions, conditions and limitations hereinafter set forth:

1. That deceased son's portion shall be held and administered by the trustees for the use and benefit of the lineal descendants, including adopted children of my deceased son or sons as the case may be. Such portions shall be held and administered as a separate and distinct trust, named after such deceased son, but the trustees may retain any of the trust assets in undivided interest as they may desire, in their sole discretion. The trustees shall use so much of the net income



of the trust that may be created hereunder as the trustees deem necessary, in their sole discretion, and not necessarily equally but according to needs, for the support, education and maintenance of the beneficiaries under said trusts, taking into consideration the standard of living to which such beneficiary may have. The income from each trust shall be payable as aforesaid to the beneficiaries of each trust created herein until such beneficiary reaches the age of thirty (30) years.

(2) Each trust created hereunder shall continue until the youngest living grandchild who is a beneficiary of that particular trust reaches the age of thirty (30) years, at which time the trust shall terminate and be distributed equally, share and share alike, to the grandchildren who are beneficiaries of that trust, and an equal share for the surviving great-grandchildren, taken collectively, of each deceased grandchild of mine who was a beneficiary of that trust, per stirpes. If a surviving descendant of a deceased grandchild is less than twenty-one (21) years of age at the time of termination of the particular trust, his share shall be continued in trust until he attains the age of twenty-one (21) or until his death, whichever event first occurs, at which time the trust of said share shall terminate and the assets shall be distributed (1) to said beneficiary outright if he is living, or (2) if not living, to his surviving descendants, per stirpes, and if none, to his surviving brothers and sisters,

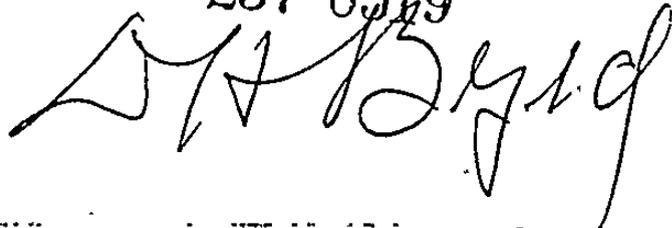
equally, and the descendants of a deceased brother or sister, per stirpes, and during the continuation of such a trust, the trustee may use so much of the net income and/or corpus of such trust as the trustee sees fit for the education, maintenance and support of said beneficiary or descendant.

(3) Subject to the above provisions, should any grandchild of mine die leaving no child, children or lineal descendants surviving, or die leaving children and lineal descendants but all of such children and descendants die prior to the final termination of his or her trust, then and in that event, all of the assets of said great-grandchild's or descendant's trust shall be distributed to the other beneficiaries of the trust in which such deceased grandchild or descendant was a beneficiary, but if no such beneficiaries are in being, then such portion shall be distributed to the surviving child of mine, or if such child of mine is also deceased, the assets shall be held in trust under the same terms and provisions as the other trust created herein for the grandchildren of my other child, and if at such time such other trust has previously terminated, then to the distributees of such trust, their heirs, personal representatives and assigns.

(4) Should the trustees determine that the net income of any said trust insofar as it applies to any of my grandchildren or their lineal descendants is insufficient for the maintenance of their health and reasonable comfort, including education, medical, dental, hospital and nursing expenses of invalidism,

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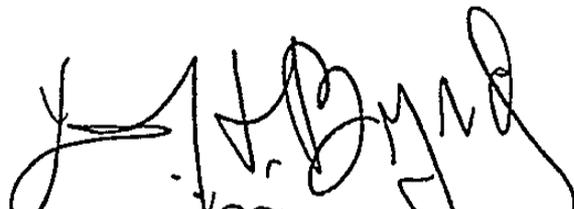
(taking into consideration any other source of income such beneficiary may have), the trustees may in their discretion use so much of the corpus of any of said trusts as the trustees may see fit to make up any such deficiency.

(5) Each trust herein created shall in any event terminate not later than twenty-one (21) years from and after the death of the survivor of myself and all of my children and lineal descendants living at my death, and upon such termination the assets and properties comprising each particular trust theretofore not finally terminated shall be delivered and distributed absolutely and in fee simple and free of trust unto those parties who at the time of such termination constitute the beneficiaries of that particular trust in the respective proportions of the presumptive interest of said respective beneficiaries of said trust at the time of such termination.

(6) In case any income (or corpus hereunder becomes payable to a person under a legal disability or to a person, who by reason of illness or mental or physical disability is unable, in the opinion of the trustees, properly to administer such income, then payments thereof may be in whichever of the following ways the trustees deem best:

- (a) Directly to such beneficiary;
- (b) To a custodian appointed by the trustees for the benefit of a minor beneficiary under the applicable Gifts to Minors Act;

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- (c) To the legally appointed guardian or conservator of such beneficiary;
- (d) Directly expended by the trustee for the support, maintenance and education of such beneficiary;
- (e) To a relative or friend of such beneficiary to be applied for the benefit of such beneficiary; or
- (f) Purchase for such beneficiary any form of annuity or life insurance policy on his or her life or on the lives of anyone in whom said beneficiary may have an insurable interest.

(7) The trustees (and their successors) shall have full power and authority:

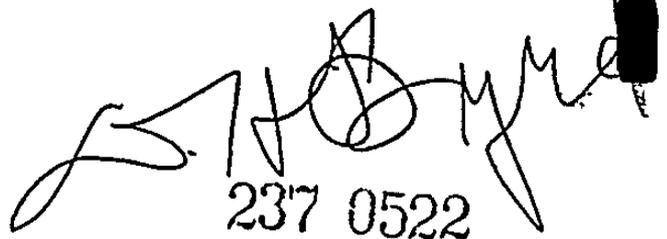
(a) To manage, handle, invest, reinvest, sell for cash or credit, or for part cash and part credit, convey, exchange, hold, dispose of, lease for any period of time, whether or not longer than the life of the trust, improve, repair, maintain, work, develop, operate, use, mortgage or pledge all of any part of the funds, assets and properties constituting from time to time all or any part of the trust; to borrow money, lend money, give and receive pledges as security for loans, enter into contracts and executive obligations, negotiable or non-negotiable; to vote shares of stock in person and by proxy with power of substitution, on any question, and to act as my trustee deems proper in any merger, reorganization, liquidation or consolidation; to take any action deemed appropriate with regard to stock options, warrants and other rights accruing as a result of stock ownership to execute operating, pooling, cooperative development and/or unitization agreements; to execute transfer orders and division orders; to sell, convey, lease and/or otherwise deal with any oil, gas and mineral leases, royalties, production payments or mineral rights of any character whatsoever; to pay all reasonable expenses; to open custody accounts; to retain the services of investment and/or legal counsel and fully rely upon the advise thereof; to retain the services of an accountant or accounting firm and rely in full upon the accuracy, correctness and propriety of such services; to execute and deliver deeds, conveyances, leases, notes, deeds

*[Handwritten Signature]*  
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of trust, pledges, releases, assignments, subleases, contracts or written instruments of any character; to hold stock or other property in the name of the trustees, or in any book or other evidence that such stock or other property belongs to and is a part of these trusts; to purchase assets from and sell assets to, lend money to or borrow money from (with or without security and on such terms and conditions as my trustee deems appropriate) and otherwise deal with any and all persons, partnerships, corporations, other trusts and estates, including the trustee in said trustee's capacity as an individual, any other trusts and estates created for any and all the beneficiaries of said trusts or estates, any other trust of which the trustee is trustee and without regard to whom may be the beneficiary or beneficiaries thereof, the beneficiaries of these trusts and/or my estate, and/or any other entities; to litigate, arbitrate, compromise, abandon, or otherwise deal with any claims in favor of or against the trusts or against the trustee in such capacity or personally when resulting from serving in the capacity of trustee (so long as such action does not result in a final judicial determination or adjudication that the trustee has been guilty of dishonesty); to accept property either in total or in partial satisfaction of any indebtedness or obligation and to continue to hold same for such period of time as my trustee may deem appropriate, and to use the funds of the trusts for such purposes as my trustee deems appropriate in this regard; to have as broad powers respecting management, operation and handling of the trust properties and assets as if my trustee were the owner of such assets in my trustee's own right.

(b) To remove the situs of the trusts from one state to another in my trustee's sole discretion; to have full power to determine the manner in which expenses are to be borne and in the manner in which receipts are to be credited as between principal and income, and also to determine what shall constitute income or net income and what shall constitute corpus or principal, and may withhold from income such reserves for depreciation or depletion as my trustee may deem fair and equitable; to continue all business activities in which I may have an interest at my death and to engage in any other business activities, whether alone, in corporate or in partnership form; to engage in any business activities as my trustee sees fit, whether alone, in corporate or in partnership form, and shall have specific authority to purchase interests in lands, along, with other trusts or otherwise, and to improve said lands and to lease said lands to such persons and upon such terms and conditions as my trustee sees fit; to enter into any kind of joint venture, partnership, or other business arrangement for any kind of activity with any other trust created by myself or anyone else, with any other person,

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partnership, trust, estate or corporation, or with any or all of the trustees individually; to enter into any kind of business activities, whether or not speculative, including but not limited to exploration for oil on wildcat or other acreage, which acreage may be acquired for such purposes; to hold the assets of or acquire assets for any of the trusts in the form of cash and/or any other non-income-producing property or properties for such periods of time as my trustee deems advisable; to designate one (1) trustee to act for and in behalf of the other trustees in connection with the execution of documents, voting of stock and taking other actions for and on behalf of the trust; to appoint an ancillary trustee in a jurisdiction in which my trustee is not authorized to act and to confer upon such ancillary trustee the power to act solely with reference to such assets as my trustee may deem necessary or expedient and my trustee may pay such ancillary trustee a reasonable compensation for its services and absolve it from any requirement that it furnish bond or other security.

(c) Any provision herein to the contrary notwithstanding, my trustees shall have the discretionary power and authority to terminate the trust created herein whenever the value of the trust estate is such that the trustees deem it to be in the best interests of the beneficiaries to terminate the trust, taking into consideration all financial and other special advantages to the beneficiaries of the trust who are then currently entitled to receive distributions of income therefrom to the exclusion of the remaindermen or other beneficiaries designated by the provisions of the trust.

(8) Whenever the trustees are required to divide the corpus of the trust estate into parts or shares, or to make distributions thereof, the trustees are authorized in their sole discretion to make such division or distribution in kind or partly in kind and partly in money, and the trustees may assign undivided interests in any of the assets of the trust estate to the several parts or shares. The judgment of the trustees as to values for the purpose of such division or distribution shall be conclusive and binding on all persons interested in the trust estate.

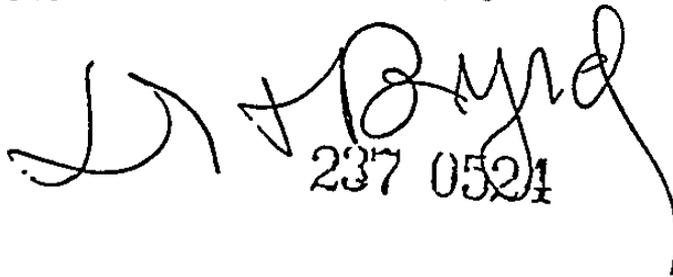
  
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(9) No trustee or successor trustee shall be required to furnish bond. No trustee shall be liable for any mistake or error in judgment but shall be liable only in case of bad faith or dishonesty. The trustees herein shall be entitled to receive reasonable compensation for their services hereunder not to exceed compensation ordinarily and customarily charged by trust companies or trust departments of banks in the City of Dallas for services of like nature.

(10) I hereby direct that the interest of the beneficiaries in the trust estate created herein and the increase and proceeds thereof, both legal and equitable, so long as the same are held in trust, shall not be subject in any manner to any indebtedness, judgment, judicial process, creditor's bills, attachment, garnishment, execution, receivership, charge, levy, seizure or encumbrance of or against said beneficiaries; nor shall the interest of the beneficiaries in said trust estate be in any manner reduced or affected by any transfer, assignment, conveyance, sale, encumbrance, act, omission or mishap, voluntary or involuntary, anticipatory or otherwise, of said beneficiaries, and said beneficiaries shall have no right or power to transfer, assign, convey, sell or encumber said trust estates and their interest therein, legal or equitable, during the existence of these trusts.

(11) In the event any clause, provision or provisions of these trusts herein created prove to be or be adjudged invalid or void for any reason, such void or invalid clause, provision

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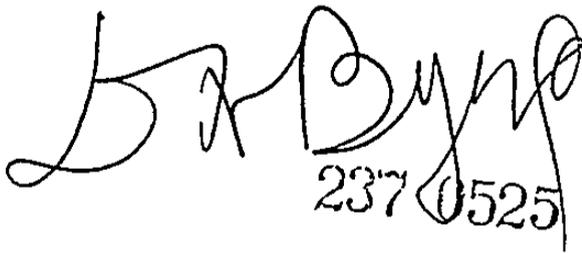
  
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or provisions shall not affect any of the other provisions of this instrument, but the balance of the provisions hereof shall remain operative and shall be carried into effect as far as legally possible.

(12) In case of the death, resignation, failure, refusal or inability to act of any one of D. HAROLD BYRD, JR., or CARUTH C. BYRD and M. DOUGLAS ADKINS, then I direct that WARNER H. LEWIS shall serve as successor co-trustee. I hereby expressly authorize and empower my trustees, by majority vote, to designate in writing a successor trustee to succeed any of the above-named trustees who are unable to serve. In the event the trustees fail to so designate a successor trustee, the last surviving trustee shall have the right to designate an individual trustee with power of designating his successor trustee.

Thereafter in case of the death, resignation, failure, refusal or inability to act of all of the trustees, and if no trustee has designated in writing a successor trustee, then I direct that REPUBLICBANK DALLAS, N.A., Dallas, Texas, shall serve as trustee hereunder and said Bank shall designate in writing a successor individual co-trustee to be named from the law firm representing me at the time of my death.

Thereafter, in case of the resignation, failure, refusal or inability to act of the said REPUBLICBANK DALLAS, N.A., Dallas, Texas, then I direct that a District Court in Dallas County,

  
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Texas, upon application made therefor, shall appoint as sole independent successor without bond hereunder any trust corporation or national bank having trust powers and having an unimpaired capital and surplus of not less than Five Thousand Dollars (\$5,000.00).

SECTION FIVE.

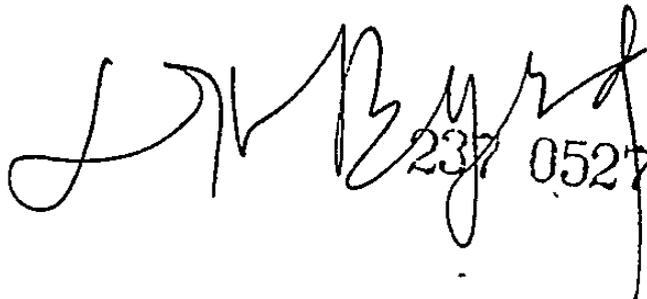
Should any legatee or devisee under my Will or any beneficiary under the trust created herein contest the probate of this, My Last Will and Testament, or in any way aid in or be concerned with contesting it, or shall, after its submission to probate, interfere in any way, either by private act or by court proceedings with my executors or with the exercise of my executors' discretion in settling my estate, then the bequest or devise to such individual or the trust established for such beneficiary shall become null and void and is hereby revoked and such property or interest shall become a part and parcel of the rest and residue of my estate.

SECTION SIX.

I constitute and appoint D. HAROLD BYRD, JR., CARUTH C. BYRD and M. DOUGLAS ADKINS independent co-executors without bond of this my Last Will and Testament. In case of the death, resignation, failure, refusal or inability to act of any one of the acting independent co-executors, I direct that the

remaining independent co-executors shall continue to act as independent co-executors without bond hereunder. Thereafter, in case of the death, resignation, failure, refusal or inability to act of all of the independent co-executors herein named, then I direct that the REPUBLICBANK DALLAS, N. A., Dallas, Texas shall become and be sole independent executor without bond hereunder. In case of the resignation, failure, refusal or inability to act of the REPUBLICBANK DALLAS, N. A., Dallas, Texas then I direct that the Probate Court of Dallas County, Texas, upon application made therefor, shall appoint as sole independent executor without bond hereunder any trust corporation or national bank having trust powers and having an unimpaired capital and surplus of not less than Five Million Dollars (\$5,000,000.00).

I direct that no action be had in the Probate Court respecting my estate other than the probate of this Will and to make, return and record an inventory and appraisement of my estate and lists of claims. During the time my said estate is in probate and before said sums of money or their equivalent provided for in my said trusts have been delivered to my said trustees, my executors are empowered in their discretion to make interim payments of a part or all of the payments from income or corpus that might have been made by my trustees if said trustees had received same on the date of my death, but no beneficiary hereunder shall have the right to demand from my

  
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executors any payment during the time my said estate is in probate, and all such decisions of my said executors shall be final and said executors shall not in any event be liable because of any such payments made. During the period of administration, my executors shall have and exercise all the powers and authorities given my trustees in Section Four of this, my Will, insofar as appropriate in the administration of my estate. I hereby expressly authorize and empower my executors to purchase assets from my estate and the determination of the sales prices of the items or properties sold shall be determined of a majority of the other co-executors which values shall be conclusively presumed to be fair and just and not subject to being set aside or questioned by the legatees and beneficiaries herein. I specifically authorize and request, although I do not make mandatory that my executors employ M. DOUGLAS ADKINS, or a firm of which he is a partner or any of his partners as attorney for my estate.

IN WITNESS WHEREOF, I have hereunto subscribed my name in the presence of Reta Norris and Bennette Smith, attesting witnesses, who have at my request and in my presence and in the presence of each other, also subscribed their names hereto as attesting witnesses, all on this the 18<sup>th</sup> day of October, 1985.

  
D. HAROLD BYRD, Testator

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FOR IDENTIFICATION ONLY \_\_\_\_\_

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We, the undersigned, being of lawful age, have on this day at the request of D. HAROLD BYRD, witnessed his signature to the foregoing Last Will and Testament in the presence of the three of us, and we have at the same time, and in his presence and in the presence of each other, subscribed our names hereto as attesting witnesses.

*Reta Norris*

Witness

*Bessette Smith*

Witness

*D. Harold Byrd*

THE STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared D. HAROLD BYRD, Reta Norris and Bennette Smith known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, the said D. HAROLD BYRD, Testator, declared to me and to the said witnesses in my presence that said instrument is his Last Will and Testament, and that he had willingly made and executed it as his free act and deed for the purposes therein expressed; and the said witnesses, each on his oath, stated to me, in the presence and hearing of the said Testator, that the said Testator had declared to them that the executed same as such and wanted each of them to sign the same as witnesses in the presence of the said Testator and at his request; that he was at that time eighteen years of age or over and was of sound mind; and that each of said witnesses was then at least fourteen years of age.

D Harold Byrd  
D. HAROLD BYRD, Testator

Reta Norris  
Witness

Bennette Smith  
Witness

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SUBSCRIBED and ACKNOWLEDGED BEFORE ME by the said D. HAROLD BYRD, Testator, and SUBSCRIBED and SWORN TO BEFORE ME, by the said Reta Norris and Bennette Smith attesting witnesses, this the 18<sup>th</sup> day of October, 1985.

Sally G. Lunday  
Notary Public in and for  
the State of Texas

My Commission expires:  
August 9, 1987

3559F

STATE OF MISSISSIPPI  
CHANCERY COURT  
JASPER COUNTY

STATE OF MISSISSIPPI  
COUNTY OF JASPER  
I, DORIS HOLDER THOMAS, Clerk of the Chancery Court of the above named County and State, do certify that the foregoing is a true and correct copy of the original as appears in Book No. 24 Page 231 of the Records of my office. Witness my signature and seal of Court, this the 6<sup>th</sup> day of September, 1985.  
Doris Holder Thomas, Chancery Clerk

95 SEP 18 2 9:42  
Dorinda H. Thomas

CLERK  
JASPER COUNTY

237 0531

PAGE 21 OF MY LAST WILL  
FOR IDENTIFICATION ONLY [Signature]