

MADISON COUNTY, MS  
**FILED**

LAST WILL AND TESTAMENT

OF

FRANCIS S. MORRISON

JAN 13 2000

AT 9:00 O'CLOCK A.M.  
STEVE DUNCAN, CHANCERY CLERK

By: *Karen Jupp*

#2000-014

I, FRANCIS S. MORRISON, an adult resident citizen of Madison, Madison County, Mississippi, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all other wills and codicils heretofore made by me.

ITEM I.

My wife's name is DOROTHY D. MORRISON, and she is sometimes referred to herein as "my Spouse." I have three (3) children now living and they are:

FRANCIS S. MORRISON, JR.;  
KENNETH PAUL MORRISON; and  
THOMAS CLINTON MORRISON.

They are herein referred to individually as "my Child" and collectively as "my Children."

ITEM II.

I appoint my Spouse as Executrix of my Estate under this Will. I direct my Executrix to pay all of my just debts and obligations which may be probated, registered and allowed against my estate as soon as may be conveniently done. For convenience the Executrix shall be referred to herein as "Executor."

ITEM III.

I hereby direct my Executor to pay all "death taxes" out of the property devised and bequeathed pursuant to Item VII, to the extent said assets are sufficient to pay the death taxes. In the event the assets distributed pursuant to Item VII are not sufficient to pay all death taxes, my residuary estate should be used to pay such taxes to the extent they are in excess of the assets in the trust. For purposes of this provision, "death taxes" shall mean all estate, inheritance, succession, transfer, legacy and similar death taxes, excluding generation-skipping transfer taxes which are levied or assessed by reason of my death by any governmental authority, domestic or foreign, with respect to any property, whether that property passes under or apart from this Will.

*EM*

I specifically authorize and direct my Executor, if my Executor deems it in the best interest of my estate and my beneficiaries to request reimbursement of any such death taxes under the provisions of Section 2207A of the Internal Revenue Code of 1986, as amended, and any similar provision of Mississippi law or any other law from any qualified terminal interest property (as defined in Section 2056(b)(7) of the Internal Revenue Code of 1986, as amended) included in my estate for purposes of such death taxes.

**ITEM IV.**

I devise and bequeath to my Spouse, if she survives me, any interest I may own in our residence which is occupied by us as a family home, subject to any indebtedness that may be against our home at my death. If my Spouse shall not survive me, my interest in my residence shall be distributed as part of my residuary estate.

**ITEM V.**

I give and bequeath to my Spouse, if she survives me, my automobiles, clothing, books, jewelry, sport equipment and other personal effects owned by me at the time of my death. If my Spouse does not survive me, I bequeath these items of personal property to my Children in equal shares, per stirpes.

**ITEM VI.**

I give and bequeath all my household furniture, furnishings, ornamental decorations, silverware, china, pictures, linen, glassware and the like located in my home to my Spouse. If my Spouse does not survive me, I bequeath these items to my Children in equal shares, per stirpes. I may leave a separate memorandum containing directions for the specific disposition to be made of certain of the assets bequeathed under this Item. In such event, the provisions of that memorandum shall be given the same legal effect as if included in this Will and the assets described therein shall be distributed to the named beneficiaries.

**ITEM VII.**

A. In the event I am survived by my Spouse, I devise and bequeath to my Children, in equal shares, a pecuniary amount equal to the largest amount that can pass under this Item free of federal estate tax payable by reason of my death, after taking account of dispositions under previous Items of this Will and the property passing outside my Will which do not qualify for the marital or charitable deduction, and after taking account of charges to principal that are not allowed as deductions in computing my federal estate tax. In determining this pecuniary amount, the credit for state death taxes shall be considered only to the extent state death taxes are not

thereby incurred or increased. The value as finally established for federal estate tax purposes relating to my estate shall be used for purposes of such valuations and determinations. I recognize that the pecuniary amount may be reduced or eliminated by certain death taxes, expenses and other items which are not deducted for federal estate tax purposes and further may be affected by the actions of my Executor in exercising or not exercising certain tax elections, including, but not limited to the election as to any deduction for any qualified family-owned business interest ("QFOBI") under the provisions of Section 2057 of the Code. Any property included in my estate at the time of my death and assigned or conveyed in kind to satisfy this bequest shall be valued for that purpose at the value thereof as of the date or dates of distribution.

B. In the event I am not survived by my Spouse, these assets shall be distributed as part of my residuary estate.

**ITEM VIII.**

A. I give, devise and bequeath to my Spouse, if she survives me, all the rest and residue of my estate. In satisfying this bequest, my Executor shall select and distribute to my Spouse, cash, securities or such other assets as my Executor may determine, using asset values current at the date or dates of distribution.

B. If my Spouse shall not survive me, then I devise and bequeath the residue of my estate to my Children in equal shares, per stirpes.

C. In the event one or more of my Children predeceases me or disclaims their interest in any property distributable to them under this Will, any property distributable to such Child under this Item VIII or any other provision of this Will shall be distributed to the **FRANCIS S. MORRISON FAMILY TRUST** for the benefit of the surviving children of the deceased or disclaiming Child in equal shares, per stirpes, to be held pursuant to the terms of the trust established in Item IX. In the event the deceased or disclaiming Child has no surviving children, the property shall be distributed to my remaining Children in equal shares, per stirpes.

**ITEM IX.**

The assets conveyed to the **FRANCIS S. MORRISON FAMILY TRUST** hereof, reduced by death taxes as provided in Item III hereof, shall be held by **DOROTHY D. MORRISON**, as Trustee, under the terms hereafter set forth, for the benefit of the surviving children of each Child of mine who either predeceases me or exercises a disclaimer as provided herein. The Trustee shall hold, administer and distribute the funds of this trust under the following provisions:

A. The Trustee shall divide the assets of this trust into equal and separate shares, one share for each of the children of a deceased or disclaiming Child. Each share shall be held as a separate trust and the trustee shall hold, administer and distribute the funds of each trust under the following provisions:

1. The Trustee shall distribute to or for the benefit of the beneficiary of each trust as much of the net income of the trust as the Trustee deems advisable for the education, support, maintenance and health of a beneficiary; for the maintenance of their accustomed standard of living; or for any medical, hospital or other institutional care which any beneficiary may require. These distributions shall be made in such proportions, amounts and intervals as the Trustee determines. Any income not distributed shall be added to principal and shall be distributed in accordance with provisions of this Item.
2. In addition to the net income, the Trustee may distribute to or for the benefit of a beneficiary, as much principal of that beneficiary's trust as the Trustee deems advisable for the beneficiary's education, support, maintenance and health. In making distributions of principal, the Trustee shall consider the needs of each beneficiary and the funds available to each of them from other sources.
3. As and when a beneficiary of a trust attains the age of twenty-five (25) years, the Trustee shall distribute to that beneficiary one-third ( $\frac{1}{3}$ ) of that beneficiary's trust estate at that date. As and when a beneficiary of a trust attains the age of thirty (30) years, the Trustee shall distribute to that beneficiary the remainder of that beneficiary's trust estate, free and clear of any trust. Upon distribution of the entire trust estate to the beneficiary of each trust, the trust shall terminate.
4. In the event of the death of one or more of the beneficiaries after the division of this trust into separate trusts and prior to receipt by that beneficiary of his or her entire trust estate, the balance in the trust of such deceased beneficiary shall be retained in trust for the benefit of that deceased beneficiary's then living children in accordance with the provisions of 1-3 above.

5. If at the death of a beneficiary he or she leaves no surviving children, that deceased beneficiary's trust estate shall be distributed in equal shares, one share to each of the trusts created for the other beneficiary to be administered and disposed of in accordance with the provisions of this Item IX.

B. The Trustee shall permit any beneficiary to elect, at the time that beneficiary's trust is to be distributed to him or her, to have such trust continue for the balance of that beneficiary's life or until such time as that beneficiary shall request that the trust estate, or any part thereof, be distributed. In addition, any of the beneficiaries may voluntarily convey other property to his or her trust to be held and administered as a part of that trust. Such extended trust shall be held and administered as follows:

1. During the existence of any trust so extended, the Trustee shall pay or apply the entire net income, at least quarterly, to or for the benefit of the beneficiary who elected to have his or her trust continued. At any time, and from time to time, during the life of that beneficiary, the principal of the trust shall be distributed as the beneficiary shall direct by written notice to the Trustee. If at any time that beneficiary is incapable of requesting distributions of principal, the Trustee in its sole discretion shall distribute principal to, or for the benefit of, the beneficiary for his or her maintenance, health, comfort and support.
2. Upon the death of the beneficiary during the existence of this extended trust, the Trustee shall pay over and distribute the balance of the principal of the trust, as then constituted, to or for the benefit of such person or persons and/or the beneficiary's estate in such amounts or proportions, and in such interests or estates, either absolutely or in trust, as that beneficiary may appoint by his or her Last Will and Testament duly admitted to probate within three hundred sixty-five (365) days after the beneficiary's death. The appointment provision in the beneficiary's Will shall clearly provide that he or she is exercising this right to dispose of the trust estate. If the beneficiary makes no appointment by his or her Will, upon the death of the beneficiary, the Trustee shall pay over and distribute any balance of the beneficiary's trust not so appointed, absolutely and free of trust, in equal shares and per stirpes, to the beneficiary's then living children or, if the beneficiary shall have no surviving children, to the beneficiaries who survive the beneficiary.

However, if any portion of the trust principal is to be distributed as aforesaid to a beneficiary for whom a trust created in this Will is then in existence, such distribution shall not be made directly to that beneficiary, but shall be added to that beneficiary's trust to be held, administered and distributed as a part of that trust.

C. None of the principal or income of this trust shall be liable for the debts or obligations of any beneficiary or be subject to seizure by creditors of any beneficiary. The beneficiaries have no power to sell, assign, transfer, encumber or in any manner to anticipate or dispose of any part of their interest in the trust funds or the income produced from the funds.

D. In the event all of the persons and classes designated as beneficiaries of this trust die prior to the distribution of all trust assets, upon death of the survivor of them, the assets, after payment of all taxes, expenses and debts related to the trust assets, shall be distributed one-half (1/2) to my heirs at law and one-half (1/2) to the heirs at law of my Spouse, in accordance with the intestacy laws of the State of Mississippi then in force, as if our deaths had occurred at such time.

E. This trust shall be designated and known as the **FRANCIS S. MORRISON FAMILY TRUST**.

#### ITEM X.

If my Spouse shall die simultaneously with me or under such circumstances as to render it impossible or difficult to determine who predeceased the other, I direct that she shall be deemed to have survived me. If any legatee or devisee other than my Spouse shall die simultaneously with me or under such circumstances as to render it difficult or impossible to determine who predeceased the other, I declare that I shall be deemed to have survived such legatee or devisee. The provisions of my Will shall be construed upon these assumptions notwithstanding the provisions of any law establishing a different presumption of order of death or providing for subscribership for a fixed period as a condition of inheritance of property.

#### ITEM XI.

Any beneficiary shall have the right to disclaim all or any part of his or her interest in any property which I have devised or bequeathed to him or her under this Will, whether outright or in trust, provided he or she shall do so within the time period required for the disclaimer to qualify under Section 2518 of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any future law. Any such disclaimer shall be made in writing, clearly stating the portion or assets disclaimed, and shall be timely filed in the Court in which my estate is being probated. Except as otherwise provided herein, if a beneficiary disclaims in whole or in part, the

property in which he or she disclaims his or her interest shall be disposed of in accordance with the provisions of this Will as if such beneficiary had predeceased me.

**ITEM XII.**

A. Unless otherwise provided herein, the terms "trust" and "trusts" may be used interchangeably and shall mean all trusts created by this Will.

B. Any trust created by this Will is a private trust. The Trustee shall not be required to obtain the order or approval of any court for the exercise of the Trustee's powers and discretions. The income of any trust created by this Will shall accrue from the date of my death. During the administration of my estate and until the trust is established and activated, I authorize the Trustee to request of my Executor, in which case my Executor shall comply with that request, to pay at least annually out of my estate advanced payments of income to the income beneficiaries of the trust. These payments shall be an amount which in the joint judgment of the Trustee and the Executor equals the trust income which the beneficiaries would have received had the trust been established and activated.

C. The Trustee shall not be required to make physical division of the properties of any trust created herein, except where necessary, but may keep the trusts in one (or more) consolidated fund. The Trustee shall maintain books of account containing accurate records of separate principal, income and expense of each trust.

**ITEM XIII.**

A. In making distributions to beneficiaries from a trust created under this Will, and especially where the beneficiaries are minors or incapable of transacting business due to incapacity or illness, the Trustee, in the Trustee's discretion, may make payments either (a) directly to the beneficiary, (b) to the legal or natural guardian of the beneficiary, (c) to a relative or guardian of the person of the beneficiary who has custody and care of the beneficiary, or (d) by applying the payments for the benefit of the beneficiary by paying expenses directly. In any event, the Trustee shall require such reports and take such steps as the Trustee deems necessary to assure and enforce the application of such payments for the exclusive benefit of the beneficiary.

B. If at any time in following the directions of this Will the Trustee is required to distribute all or any part of the principal of a trust created herein outright to a person who is a minor, the Trustee is directed to continue to hold the share of the minor in trust for that minor's benefit until the minor attains age twenty-one (21). Until distribution is made, the Trustee is directed to expend such part of the income and/or principal of the share belonging to that minor

as the Trustee, in the Trustee's discretion, deems necessary to provide for the proper education, support, maintenance and health of the minor.

C. The interest of every beneficiary of any trust created herein shall vest within the period prescribed by the Rule against Perpetuities. Upon vesting, any trust property held by the Trustee shall be distributed to the current income beneficiary or beneficiaries of the trust property (or to his or her legal guardian or other personal representative) as though such income beneficiary had reached the age at which final distribution was required.

#### ITEM XIV.

A. No Trustee shall be required to enter into any bond as Trustee or to file with any court any periodic or formal accounting of the administration of any trust. The Trustee shall render annual accounts to each of the beneficiaries of any trust (or his or her guardian if a beneficiary is a minor). No persons paying money or delivering property to the Trustee shall be required to see to its application.

B. The Trustee may resign at any time by giving each of the beneficiaries of the trust (or his or her guardian) written notice specifying the effective date of such resignation. The notice may be sent by personal delivery or by registered mail. Following the death or incapacity of my Spouse, the Trustee's resignation may be demanded by a majority of the beneficiaries of the trust (or his or her guardian if a beneficiary is a minor).

C. If the Trustee dies, resigns or becomes unable to serve, regardless of the cause, a successor Trustee shall be appointed by my Spouse, if she is then living. If my Spouse is not living or otherwise does not appoint a successor Trustee, the successor Trustee shall be my Child who is the mother or father of the beneficiaries of the particular trust, if such Child is living; or if such Child is deceased, the Trustee shall be appointed by my remaining surviving Children. If the successor Trustee is not appointed within thirty (30) days, such appointment shall be made by the Chancery Court of the county in which I reside at the time of my death upon petition brought by or on behalf of the beneficiaries of the trust.

D. The resignation of the Trustee shall become effective upon the qualification of the successor Trustee and submission of a full accounting by the resigning Trustee; however, the successor Trustee and the beneficiaries may agree to waive a final accounting by the Trustee being replaced.

E. Any successor Trustee shall be vested with all the rights, powers, duties and discretions conferred upon the original Trustee.

F. Any bank or financial institution serving as Trustee shall receive reasonable compensation for its services based on its regular compensation schedule for administering trusts of this size and type. Any individual serving as Trustee shall receive reasonable compensation based upon the then current hourly rates being charged in Jackson, Mississippi, for services comparable to those being rendered by the individual Trustee.

G. Unless otherwise provided, in referring to the Trustee, any masculine terminology also includes the feminine and neuter or vice versa and any reference in the singular shall also include the plural or vice versa.

ITEM XV.

Unless otherwise provided, the administration of any trust herein created, the sale and conveyance of trust assets, the investment and reinvestment of trust assets, and the rights, powers, duties and liabilities of the Trustee shall be governed by the terms and provisions of the Uniform Trustees' Powers Law of Mississippi, as amended. In addition to the powers contained in that Law, and the power to make "legal investments" under Mississippi law, the Trustee shall have full power and authority:

A. To invest or reinvest the funds belonging to the Trust Estate in units of any common trust fund or mutual fund, or any other securities issued by corporate Trustee, or in such common or preferred stock or bonds, or other securities, whether listed or unlisted, or properties (real or personal), without being restricted to statutory investments, and to hold any investment belonging to the Trust Estate in bearer form or to register and hold any such investment in the name of the duly authorized nominee of the Trustee.

B. To receive additional property conveyed to the trust by any person, and to administer and dispose of the property in accordance with the terms of the trust.

C. To distribute income of the trust in cash or in kind. In making distributions of both principal and income, the Trustee may make a non pro rata distribution of property in kind. The judgment of the Trustee concerning values and purposes of such division or distribution of the property or securities held in the trust shall be binding and conclusive on all interested parties. In making a division or distribution, the Trustee is specifically excused from a duty of impartiality with respect to the income tax basis of the property distributed. The Trustee may select assets to be allocated or distributed without regard to the income tax basis of the property.

D. To sell, transfer, convey, mortgage, lease and dispose of the trust property upon such terms and in such manner and for such prices as the Trustee shall deem proper, and any lease

or other instrument which is executed by the Trustee shall continue in full force and effect under its terms, notwithstanding the termination of the trust.

E. To determine the allocation of receipts and expenses between income and principal. However, such allocation shall not be inconsistent with the beneficial enjoyment of trust property accorded to a life tenant or remainderman under the general principles of the law of trusts. Further, all rights to subscribe to new or additional stocks or securities and all liquidating dividends shall be deemed to be principal.

F. To invest funds in a common fund established by the Trustee pursuant to the Uniform Common Trust Fund Act of Mississippi.

G. To merge and consolidate the assets of this trust with another trust if at the time of my death the Trustee herein named shall then be serving as Trustee of another trust created by me during my lifetime or by the terms of the Will of my Spouse, and if the beneficiaries are the same and the terms of that other trust are substantially similar to the trust created herein. The Trustee shall administer the two trusts as one if such consolidation shall result in more effective and efficient management of the two trusts.

H. To divide any trust established by this instrument, at any time, without court approval, into two or more separate trusts so that after such division the generation-skipping transfer tax inclusion ratio as defined in §2642(a) of the Internal Revenue Code of 1986, as amended, with respect to each trust shall be either zero or one. Any such separate trust shall have provisions identical to the trust so divided. If the trust is divided into separate trusts, the Trustee may (1) make different tax elections with respect to each such separate trust, (2) expend principal and exercise or not exercise any other discretionary powers with respect to each such separate trust differently, (3) invest the property of each such separate trust differently, and (4) take all other actions consistent with each such trust being a separate entity. Further, the person holding any power of appointment with respect to a trust so divided may exercise such power differently with respect to the separate trusts created by the division.

I. To receive and retain all types of property and especially to receive and retain shares of stock in closely-held corporations and nonincome producing real estate regardless of where it may be situated, without liability and without regard to the proportion such property or property of a similar character so held may bear to the entire amount of the trust estate and whether or not such property is of the class in which trustees generally are authorized to invest by law.

J. To carry out agreements made by me during my lifetime, including the consummation of any agreements relating to the capital stock of corporations owned by me at the

time of my death, and including the continuation of any partnership of which I may be a member at the time of my death whether the terms of the partnership agreement obligate my estate or my personal representative to continue my interest therein, and to enter into agreements for the rearrangement or alteration of my interests or obligations under any such agreements in effect at the time of my death.

K To borrow money to pay taxes; to exercise subscriptions, rights and options; to pay assessments; to accomplish any other purpose of any nature incidental to the administration of the trust, and to pledge any securities or other property held by it as security for such loan.

L. To execute and deliver oil, gas and other mineral leases containing such unitization or pooling agreements and other provisions as the Trustee deems advisable; to execute mineral and royalty conveyances; to purchase leases, royalties and any type of mineral interests; to own, hold, acquire and dispose of working interest and royalty interest in properties held in the trust and to expend funds of the trust necessary with respect to the ownership of such interest; to execute and deliver drilling contracts and other contracts, options and other instruments necessary or desirable in engaging actively in the oil, gas or other mining business; all of the foregoing to be done with such terms, conditions, agreements, covenants, provisions or undertakings as the Trustee deems advisable.

M. To manage any farm property, including the authority to plant and harvest crops; to breed, raise, purchase and sell equipment and farm produce of all kinds; to make improvements; to construct, repair or demolish any buildings; to engage agents, managers and employees and delegate powers to them; to set up reasonable reserves for depreciation out of income to replace improvements and equipment; to fertilize and improve the soil; to engage in the growing, improvement and sale of trees and other forest crops; and to perform any other acts deemed necessary or desirable to operate the farm property.

N To terminate any trust if the Trustee, in its sole discretion, determines the assets of the trust are of such small value that the continued existence and operation of the trust is not in the best interest of the beneficiaries. This power shall be exercisable only if the income beneficiaries and the remainder beneficiaries are the same and have the same interest in the trust. Upon termination, the Trustee shall distribute the assets of the trust to the beneficiaries in the beneficiaries' proportionate share.

#### ITEM XVI.

A. In the event my Spouse is or becomes unable or unwilling to serve as my Executor, I appoint my son, **FRANCIS S. MORRISON, JR.**, to serve as my successor Executor. All rights, powers, duties and discretions granted to or imposed upon my Executor shall be

exercisable by and imposed upon any successor Executor or Administrator. Where used throughout this Will, the terms "Executor," "Executrix" and "Administrator" may be used interchangeably and shall apply to whoever may be serving as personal representative of my estate, whether one or more than one.

B. I direct that neither my Executor nor any successor Executor shall be required to make any bond as Executor. To the extent permissible by law, I waive the requirement that my Executor or any successor Executor be required to make a formal appraisal, provide an inventory or file an accounting for my estate with any court.

C. My Executor shall have discretion to select property to be distributed in satisfaction of any devise or bequest provided in this Will without respect to the income tax basis of the property. In making a selection, my Executor is excused from any duty of impartiality with respect to the income tax basis of the property.

My Executor may satisfy any pecuniary bequest provided in this Will in cash or in kind or partly in cash and partly in kind; however, any asset distributed in kind shall be valued at its date of distribution value.

D. No person dealing with my Executor shall be obligated to see to the application of any moneys, securities, or other property paid or delivered to my Executor, or to inquire into the expediency or propriety of any transaction or the authority of my Executor to enter into and consummate the transaction upon such terms as my Executor may deem advisable.

E. My Executor shall have the power to disclaim any part or all of my interest in any property which is or has been devised or bequeathed to me, whether outright or in trust, provided such disclaimer is made within the time period required for the disclaimer to qualify under Section 2518 of the Internal Revenue Code of 1986, as amended, or corresponding provisions of any future law.

F. In order to avoid depreciation in value of the interests or losses to my estate or my business associates, my Executor shall have authority to continue any business operations in which I am engaged at my death for the time permitted by law. My Executor may continue to act as a partner, engage in any partnership, and take all actions with regard to any partnership my Executor deems advisable.

G. I specifically authorize my Executor to borrow such funds as may be necessary to pay my debts, administration expenses, and taxes of my estate; and to pledge such of my property, real or personal, as may be necessary to secure such loan. However, my Executor shall not pledge any property specifically devised or bequeathed herein. My Executor shall not be required

to pay or otherwise satisfy such loan prior to the closing of my estate and the discharge of my Executor, but in satisfaction of any bequest herein, my Executor may distribute such property at its value net of such loan.

H. My Executor shall not be required to reduce any or all of my personal or real property to cash during the administration of my estate, but in my Executor's discretion may sell only so much of my property as is necessary to obtain cash to pay taxes, debts and costs of the administration of my estate. After the payment of debts, taxes and costs, in the sole discretion of my Executor, my Executor is authorized to make distributions to devisees and legatees either in cash or in kind or a combination of each.

I. My Executor shall take all actions necessary to comply with any agreements made by me during my lifetime, including the consummation of any agreements relating to the stock of corporations in which I am a stockholder at the time of my death, and including the continuation of any partnership of which I may be a partner at the time of my death whenever the terms of any such agreement obligate my estate or my personal representatives to sell or continue my interest therein.

J. I authorize my Executor to allocate my generation-skipping transfer tax exemption to and among dispositions of property with respect to which I am the transferor, whether contained in this Will or otherwise, in such manner as my Executor, in my Executor's sole discretion, deems best calculated to secure the most effective utilization of such exemption, based on circumstances and events either known or reasonably foreseeable as of the expiration of the time within which such allocation is required to be made. While equality of treatment among different beneficiaries should be an important consideration in allocating such exemption, it should not be the sole or even the primary consideration. Any allocation so made by my Executor shall be binding on all persons interested in dispositions with respect to which I am the transferor, and my Executor shall have no liability if, as the result of or in light of subsequent events, the benefits of the exemption fall inequitably, or a different allocation would have protected a higher value of assets from generation-skipping transfer tax.

K. I further nominate and appoint my Executor herein named to petition the proper Court and to take all necessary action to effect an ancillary administration covering any property I may own in any other state. I direct that no bond or other security shall be required of my Executor named herein, nor shall my Executor be required to file an inventory or accounting with any court in any foreign jurisdiction. If the laws of any foreign jurisdiction in which I may own property require that a resident of that state serve as Executor or Administrator in any ancillary proceeding by my estate, my Executor shall have the power and right to select and designate a proper party resident of the foreign jurisdiction involved to serve with the Executor of my estate as Co-Administrators. In such event, the Co-Administrators shall not be required to post any

bond or other security or file any accounting or inventory with any court in the foreign jurisdiction.

IN WITNESS WHEREOF, I have signed and declared this to be my Last Will and Testament on this the 11th day of August, 1999.

*Francis S. Morrison*

FRANCIS S. MORRISON  
TESTATOR

This instrument was, on the day and year shown above, signed, published and declared by FRANCIS S. MORRISON to be his Last Will and Testament in our presence and we have subscribed our names as witnesses in his presence and in the presence of each other.

*Beter C. Kony*  
Witness

O. O. Box 2422  
Jackson, Ms 39225  
Address

*[Signature]*  
Witness

8703 Talon Ct.  
McKinnis TX 7570  
Address

STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 13th day of January, 2000, at 9:00 o'clock A. M., and was duly recorded on the 13th day of January, 2000, Book No. 32, Page 195.

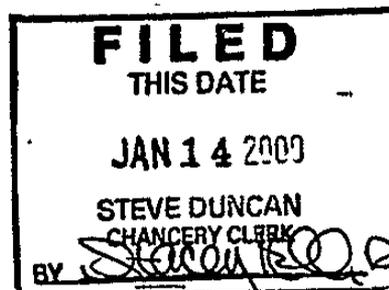
STEVE DUNCAN, CHANCERY CLERK

BY: *Karent Fupp* D.C.



LAST WILL AND TESTAMENT  
OF  
FANNIE VIRDEN MCGEHEE

#2000-016



I, FANNIE VIRDEN MCGEHEE, a resident of Madison County, Mississippi, being over the age of eighteen years, and being of sound and disposing mind and memory, do hereby make, declare and publish this to be my Last Will and Testament, and hereby revoke all other wills and codicils heretofore made by me.

## I.

I appoint the Trustmark National Bank, Jackson, Mississippi, as the Executor of this my Last Will and Testament, and as Trustee of any trusts created hereunder. I direct that my Executor and my Trustee be allowed to serve in such capacity without bond and without accounting to any court, and I hereby waive the requirement for an appraisal of my estate.

## II.

I direct that all of my just debts, all taxes, and all expenses of my last illness, funeral, and burial be paid as soon after my death as conveniently can be done from money in my bank checking account, if the balance on deposit is sufficient, and if not, then from money held by Trustmark National Bank in my trust account; provided, however, that nothing herein shall be construed to create a constructive trust for the payment of such amounts. I direct that the

administration of my estate be accomplished and closed as soon after my death as is reasonably possible.

III.

I hereby give, devise and bequeath all of my tangible personal property, including without limitation, household furniture and furnishings, jewelry, paintings, and personal effects wherever it may be located, but not including money, bank accounts, stocks, bonds, or negotiable instruments, unto my niece, CYNTHIA MORSE TAYLOR, who I have advised of my desires on the disposition of certain items of personal property, and in whom I have complete faith and confidence to make the wisest distribution of my remaining personal property. It is my intention that my niece, CYNTHIA MORSE TAYLOR, have complete freedom in determining the distribution of my items of personal property, and that she not be accountable to any individual, institution, or court as to any actions she may take or decisions she may make in these matters.

IV.

If my niece, CYNTHIA MORSE TAYLOR, does not survive me, then I nominate my niece, MARY ANNA MORSE JOHNSON, to take possession of my tangible personal property, and to make distribution thereof based upon her knowledge of my desires, and following any written directions left by my departed niece, CYNTHIA MORSE TAYLOR. It is my intention that my niece, MARY ANNA MORSE JOHNSON, also have complete freedom to determine the distribution of my personal property.

V.

I give, devise and bequeath the following amounts from funds in my estate to the individuals named below; and I direct my Executor to determine from which part of my estate to make such payments giving due consideration to the investment market before selling stocks or bonds, it being my intention that the following bequests be paid as promptly as possible from which ever part of my estate, i.e. trust account, bank checking account, or proceeds from sale of stocks or bonds, my Executor determines most appropriate:

A. My Executor shall pay over and deliver to my grandniece, DIANE PRICE SCHNORR, or to her estate if she shall not survive me, the sum of twenty five thousand dollars (\$25,000).

B. My Executor shall pay over and deliver to my son-in-law, JOHN HAWKINS NAPIER, the sum of twenty five thousand dollars (\$25,000), if he survives me. If my said son-in-law does not survive me, I intend this to be a lapsed legacy, and this twenty five thousand dollars (\$25,000) be added to my residuary estate.

C. My Executor shall pay over and deliver to my friend, KITTY LESTER TUCKER, or to her estate if she shall not survive me, the sum of five thousand dollars (\$5,000).

D. My Executor shall pay over and deliver to my cousin, NANNETTE VIRDEN ALFORD, the sum of five thousand dollars (\$5,000), if she survives me. If she does not survive me, I intend this to be a lapsed legacy, and this

3.

five thousand dollars (\$5,000) be added to my residuary estate.

E. My Executor shall pay over and deliver to my cousin, LESLIE ALFORD, the sum of one thousand dollars (\$1,000), if she survives me. If she does not survive me, I intend this to be a lapsed legacy, and this one thousand dollars (\$1,000) be added to my residuary estate.

VI.

I give, devise and bequeath all the rest, residue and remainder of my estate, real, personal and mixed, and wherever situated, including any dividends (stock and or cash, ordinary and extraordinary), stock splits, bond revenues, and any income of any sort accruing on or with respect to said stocks and bonds, but not received by me prior to my death, in equal shares to the following children or children-in-law of my deceased sister, ANNIE VIRDEN MORSE:

A. SAMUEL VIRDEN MORSE, if he survives me; or to his wife, MARGARET PHILLIPS MORSE, if he does not survive me; or to his estate if neither the said SAMUEL MORSE nor MARGARET MORSE survive me.

B. CYNTHIA MORSE TAYLOR, if she survives me; or to her husband, JOHNNY SEYMOUR TAYLOR, JR., if she does not survive me; or to her estate if neither the said CYNTHIA TAYLOR nor JOHNNY TAYLOR, JR. survive me.

C. MARY ANNA MORSE JOHNSON, if she survives me; or to her estate if she does not survive me.

D. MARY MOSELLE CHRISTIAN MORSE, if she survives me; or to her estate if she does not survive me.

VII.

Should any beneficiary, having become entitled to any of my property under this will, be under the age of twenty-one (21) years, or be under any other legal disability, I direct that his or her share be held in a separate trust until he or she attains the age of twenty-one (21) years, or until the legal disability of such beneficiary is removed, at which time his or her property shall be delivered to him or her free of trust. The Trustee shall pay, apply or accumulate the income from each such separate trust estate to or for the use of the beneficiary thereof in such amounts and in such manner as it shall determine in its uncontrolled discretion, and said Trustee may pay or apply such amounts of principal in like manner if the income is not sufficient for the comfort, maintenance and education of any such beneficiary.

VIII.

The trust or trusts specified herein are intended to be within the definition of a "trust" as set forth in the Uniform Trustees' Powers Act, (Sections 91-9-101 through 91-9-119 of the Mississippi Code of 1972, Annotated), and the Trustee shall have all the powers afforded to trustees, in and by the terms and provisions of said Act, as now or hereafter amended, reference to which Act is hereby made for all purposes.

## IX.

During the period of the administration thereof, my estate shall be considered as a trust within the meaning of the said Uniform Trustees' Powers Act, reference to which is again hereby made, and my Executor shall have all the powers during the period of administration that are afforded to trustees in and by the terms and provisions of said Act, as now or hereafter amended. Title to real property not specifically devised shall be vested in my Executor with full authority to sell such property and add the proceeds to my residuary estate.

WITNESS MY SIGNATURE, this the 25 day of July, 1997.

Fannie Virden McGehee

FANNIE VIRDEN MCGEHEE

WITNESSES:

George J. Taylor II  
Fannie C. Taylor

ATTESTATION

We, the undersigned, as subscribing witnesses, do hereby acknowledge and affirm that the foregoing written instrument was exhibited to us by FANNIE VIRDEN MCGEHEE, as her Last Will and Testament, that she signed the same in our presence and in the presence of each of us, and that we, at

her request, and in our presence and in the presence of each other, hereto affixed our signatures as subscribing witnesses thereto, this the 25 day of July, 1997.

George J. Taylor III

Fannie C. Taylor



**STATE OF MISSISSIPPI, COUNTY OF MADISON:**

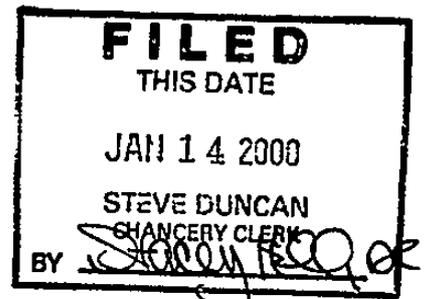
I certify that the within instrument was filed for record in my office this 14th day of Jan, 2000, at 9:30 o'clock A.M., and was duly recorded on the JAN 14 2000, Book No. 32, Page 209.

STEVE DUNCAN, CHANCERY CLERK

BY: Stacey Hill D.C.

## AFFIDAVITT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI  
 COUNTY OF MADISON



This day personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Fannie C. Taylor, 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 FANNIE VIRDEN MCGEHEE, who was personally known to the affiant, and whose signature is affixed to the Last Will and Testament, dated the 25 day of July, 1997.

2. That on the 25 day of July, 1997, the said FANNIE VIRDEN MCGEHEE 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 George J. Taylor, III, the other subscribing witness to the instrument.

3. That FANNIE VIRDEN MCGEHEE was then and there of sound and disposing mind and memory, and well above the age of twenty-one (21) years.

4. That FANNIE VIRDEN MCGEHEE was not under any undue pressure or influence from any person in executing the aforesaid instrument, and acted freely and of her own accord in executing and publishing her Last Will and Testament.

5. That this affiant, together with George J. Taylor, III, 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 FANNIE VIRDEN MCGEHEE, and in the presence of each other.

Fannie E. Taylor  
Address: 200 Dominica Dr  
apt 3311  
Telephone: 886-0459

SWORN TO AND SUBSCRIBED before me, this the 25 day of July, 1997.

[Signature]  
NOTARY PUBLIC  


My Commission Expires:  
Notary Public State of Mississippi At Large  
My Commission Expires October 21, 2000  
BONDED THRU HEIDEN MARSHETTI, INC.



STATE OF MISSISSIPPI, COUNTY OF MADISON:

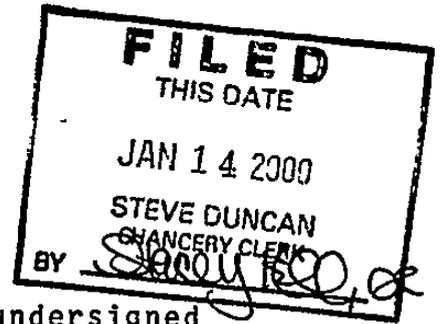
I certify that the within instrument was filed for record in my office this 14th day of January, 2000 at 9:30 o'clock A M., and was duly recorded on the JAN 14 2000, Book No. 32, Page 216.

STEVE DUNCAN, CHANCERY CLERK BY: [Signature] D.C.

## AFFIDAVITT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF MADISON



This day personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named George J. Taylor, III, 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 FANNIE VIRDEN MCGEHEE, who was personally known to the affiant, and whose signature is affixed to the Last Will and Testament, dated the 25 day of July, 1997.

2. That on the 25 day of July, 1997, the said FANNIE VIRDEN MCGEHEE 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 Fannie C. Taylor, the other subscribing witness to the instrument.

3. That FANNIE VIRDEN MCGEHEE was then and there of sound and disposing mind and memory, and well above the age of twenty-one (21) years.

4. That FANNIE VIRDEN MCGEHEE was not under any undue pressure or influence from any person in executing the aforesaid instrument, and acted freely and of her own accord in executing and publishing her Last Will and Testament.

5. That this affiant, together with Fannie C. Taylor, 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 FANNIE VIRDEN MCGEHEE, and in the presence of each other.

George J. Taylor III

Address: 200 Dominion Dr. Apt 3311

Madison, Ms. 39110

Telephone: 856-0459

SWORN TO AND SUBSCRIBED before me, this the 25 day of

July, 1997.

[Signature]

NOTARY PUBLIC



My Commission Expires:

Notary Public State of Mississippi At Large  
My Commission Expires October 21, 2000  
BONDED THRU HEIDEN-MARCHETTI, INC.

STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 14th day of January, 2000 at 9:30 o'clock A M., and was duly recorded on the JAN 14 2000, Book No. 32, Page 218.

STEVE DUNCAN, CHANCERY CLERK

BY: [Signature] D.C.



FILED  
 THIS DATE  
 JAN 14 2000  
 STEVE DUNCAN  
 CHANCERY CLERK  
 BY *Stacy Hood*

# Last Will and Testament

OF

BETTIE ELIZABETH NASH

I, BETTIE ELIZABETH NASH, of Madison County, Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all previous Wills and Codicils:

I.

I appoint as the Executrix of my estate, my neice, Betty Jean Pate, to serve without bond and to act as her good judgment and discretion will determine; and she shall not be required to file any accounting, annual or final, to any Court of her actions as Executrix.

II.

I give, devise and bequeath to Albert Nash, any and all monies that I may have in any banking institutions at the time of my death.

III.

I give, devise and bequeath to Betty Jean Pate, at the time of my death, my undivided interest in the house and real property located at Route 4, Box 158 and described as follows, to-wit:

A parcel of land containing 10.0 acres, more or less and being more particularly described as beginning at a point that is 7.5 chains West of North East Corner of Southwest 1/4, Section 8, from said point of beginning, run thence South for 14.30 chains, thence West for 7.0 chains, thence North for 14.12 chains to south ROW line of Miss. No. 16 Highway, thence in a northeasterly direction along said ROW to its intersection with the North line of SW 1/4, thence East to point of beginning, containing 10.0 acres, more or less, in Township 9 North, Range 4 East, Less and except three-fourths interest in

oil, gas and other minerals reserved by Mrs. Mary P. Jiggetts in her deed conveying said land to me.

IV.

I give, devise and bequeth to my husband, Albert Nash any and all interest that I may have in any cattle at the time of my death.

V.

I give, devise and bequeath the remainder of my estate unto Albert Nash.

VI.

I request that all my just debts, duly probated, be paid out of any non-exempt money or property that I may have in my estate and that I be buried in a manner befitting my station in life, the expense of which shall be paid out of my estate.

WITNESS MY SIGNATURE, this the 6<sup>th</sup> day of August, 1985.

Bettie Elizabeth Nash  
BETTIE ELIZABETH NASH

WITNESSES:

[Signature]  
Dorinda S. Ware

STATE OF MISSISSIPPI  
COUNTY OF MADISON

WE, the undersigned, do hereby certify that we subscribed our signatures as attesting witnesses to the above and foregoing instrument on the date therein stated at the request of BETTIE ELIZABETH NASH, who declared the said instrument to be her Last Will and Testament, and who signed

said instrument in our presence and that at her request we affixed our signatures hereto as attesting witnesses in her presence and in the presence of each other.

WITNESS OUR HANDS, this the 6<sup>th</sup> day of

August, 1985.

WITNESS NAME

ADDRESS

Len Smith

Rt 4 Box 400  
Curtis, MS 39051

Brenda J. Ware

Rt. 4 Box 1216  
Curtis, Ms 39046

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 Jan, 2000, at 10:00 o'clock A.M., and was duly recorded on the JAN 14 2000, Book No. 32, Page 220.



STEVE DUNCAN, CHANCERY CLERK

BY: Stacy KEO D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE  
OF BETTIE ELIZABETH NASH, DECEASED

<b>FILED</b>
JAN 14 2009
STEVE DUNCAN CHANCERY CLERK
BY <i>[Signature]</i>

CIVIL ACTION FILE NO. 99-814

**AFFIDAVIT OF SUBSCRIBING WITNESS**

STATE OF MISSISSIPPI

COUNTY OF MADISON

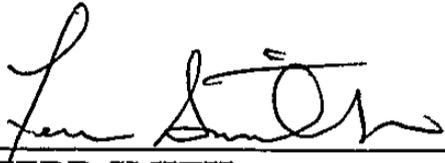
**THIS DATE** personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named **FERR SMITH**, who being by me first duly sworn according to law states on oath as follows, to-wit:

(1) That this affiant is one of two subscribing witnesses to an instrument of writing purporting to be the Last Will and Testament of **BETTIE ELIZABETH NASH**, whose signature is affixed to the Last Will and Testament dated August 6, 1985.

(2) That on the 6<sup>th</sup> day of August, 1985, the said **BETTIE ELIZABETH NASH** signed, published and declared the instrument of writing as her Last Will and Testament, in the presence of the affiant and in the presence of **BRENDA WARE**, the other subscribing witness to the instrument.

(3) That **BETTIE ELIZABETH NASH** was then and there of sound and disposing mind and memory and well above the age of eighteen (18) years.

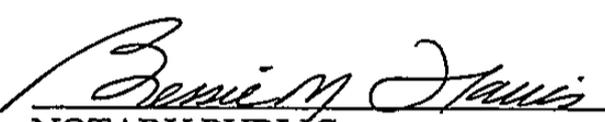
(4) That this affiant, together with **BRENDA WARE**, subscribed and attested said instrument as witnesses to the signature and publication thereof at the special instance and request, and in the presence of **BETTIE ELIZABETH NASH**, and in the presence of each other.

  
FERR SMITH

SWORN TO AND SUBSCRIBED before me, this the 18th day of



November 1999.  
NOTARY PUBLIC  
MADISON COUNTY, MS  
MY COMMISSION EXPIRES:  
Notary Public State of Mississippi At Large  
My Commission Expires: November 7, 2001  
Bonded Trust Holder, Brooks & Garland, Inc.  
A VESTATE Bettie-Nash-Aff-Witness Wpd

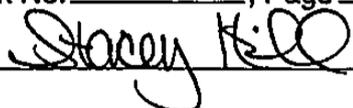
  
NOTARY PUBLIC



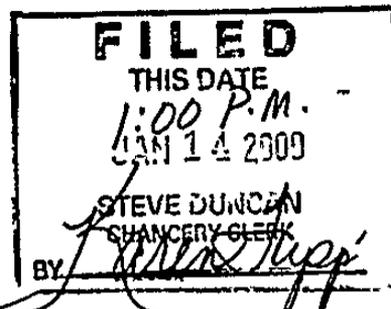
STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 14th day of Jan, 2000 at 10:00 o'clock A M., and was duly recorded on the JAN 14 2000, Book No. 32, Page 223.

STEVE DUNCAN, CHANCERY CLERK

BY:  D.C.

LAST WILL AND TESTAMENT  
OF  
ANABEL BRADFORD ELLIS



# 2000-033

I, ANABEL BRADFORD ELLIS, of 904 Lakeland Apt B-4 Jackson, Mississippi, 39214, in the First Judicial District of Hinds County, Mississippi, being over the age of twenty-one (21) years, and of sound and disposing mind, and memory and understanding, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all former wills and codicils by me at any time heretofore made.

## ARTICLE I

I hereby constitute and appoint my son, William Lewis Perdue, of Walnut Creek, California, as Executor of my estate and I hereby direct that no bond be required of said Executor, and I further waive the necessity of having a formal appraisement made of my estate. My Executor shall have full and plenary power and authority to do and perform any act deemed by him to be in the best interest of my estate, without any limitations whatsoever; said authority shall include, but shall not be limited to, the right to take possession, hold, manage, invest and reinvest the same, and to collect the income, dividends, rents, interest and profits therefrom, and to employ any agent and accountants that he may deem necessary for the best interest of my estate.

## ARTICLE II

I hereby direct the Executor to pay all just debts, funeral expenses and the expenses incurred in the settlement of My estate as soon as is practical out of the property of which I die seized and possessed.

## ARTICLE III

I do hereby will, devise, and bequeath my entire Estate, including all property, real, personal, and mixed, whatsoever and wheresoever situated, of which I die seized and possessed, or to

which I may be entitled, to my two children William Lewis Perdue and Susan Bradford Kendrick share and share alike.

IN WITNESS WHEREOF, I have hereunto signed my name this the February day of 13, 1989, in the presents of the subscribing witnesses.

Anabel Bradford Ellis  
ANABEL BRADFORD ELLIS

WE Carolyn A. Mayberry and Betty Jean Salers, the undersigned witnesses to the execution by Anabel Bradford Ellis of her above and foregoing Last Will and Testament, hereby certify that on the date of said Last Will and Testament, we and each of us, were called upon by the said Testator to witness his execution of the same which she declared to us to be her true Last Will and Testament, and in our presence, the Testatrix executed said Will by signing his name thereto and thereafter, we, in the presence of the Testator and in the presence of each other, signed our names as witnesses to the execution of said Will by Testatrix, Anabel Bradford Ellis, who, at the said time, was of sound and disposing mind and memory.

WITNESS OUR SIGNATURES, on this the 13th day of February, 1989.

Carolyn A. Mayberry  
WITNESS

Betty Jean Salers  
WITNESS

PAGE TWO Anabel Bradford Ellis - DATE 2/13/89



STATE OF MISSISSIPPI, COUNTY OF MADISON:  
I certify that the within instrument was filed for record in my office this 14th day of January, 2000, at 1:00 o'clock P. M, and was duly recorded on the 14th day of January, 2000 Book No 32, Page 225  
STEVE DUNCAN, CHANCERY CLERK BY Steve Duncan DC

IN THE CHANCERY COURT

OF THE FIRST JUDICIAL DISTRICT OF  
Madison  
HINDS COUNTY, MISSISSIPPI

**FILED**  
THIS DATE  
JAN 14 2009  
STEVE DUNCAN  
CHANCERY CLERK  
BY [Signature]

ESTATE OF Anabel Bradford Ellis

Testatrix \_\_\_\_\_

NO. 2000-033

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 ~~Caroly A. Mayberry~~ Carolyn A. Mayberry, 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 Testatrix, Anabel Bradford Ellis, who was personally known to the affiant, and whose signature is affixed to said Last Will and Testament, which Last Will and Testament is dated the 13th day of Feb., 1989.

(2) That on the 13th day of February, 1989, the said Anabel Bradford Ellis signed, published and declared said instrument of writing as his/ her Last Will and Testament, in the presence of this affiant and in the presence of Betty Jean Salers, the other subscribing witness to said instrument.

(3). That the said Anabel Bradford Ellis was then and there of sound and disposing mind and memory, as well above the age of twenty-one (21) years.

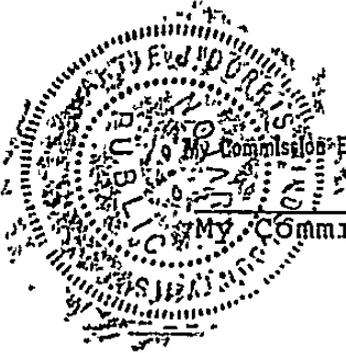
(4) That this affiant, together with Betty Jean Salers subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance and request, and in the presence of said Anabel Bradford Ellis and in the presence of each other.

[Signature]  
Carolyn A. Mayberry

EXHIBIT  
B

SWORN TO AND SUBSCRIBED before me, this the 13 day of February, 19 89.

*Artie J. Derris*  
Notary public



My Commission Expires April 13, 1991  
My Commission expires:

**STATE OF MISSISSIPPI, COUNTY OF MADISON:**

I certify that the within instrument was filed for record in my office this 14th day of January, 2000, at 1:00 o'clock P. M., and was duly recorded on the 14th day of January, 2000, Book No. 32 Page 227.



STEVE DUNCAN, CHANCERY CLERK

BY: *Karen Tapp* D.C.

IN THE CHANCERY COURT

OF THE FIRST JUDICIAL DISTRICT OF  
MADISON  
HINDS COUNTY, MISSISSIPPI

**FILED**  
THIS DATE  
JAN 14 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

ESTATE OF Anabel Bradford Ellis

Testatrix \_\_\_\_\_

NO. 200-033

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 *Betty Jean Salers* Betty Jean Salers, 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 Testatrix, Anabel Bradford Ellis, who was personally known to the affiant, and whose signature is affixed to said Last Will and Testament, which Last Will and Testament is dated the 17th day of Feb, 1989.

(2) That on the 13<sup>th</sup> day of February, 1989, the said Anabel Bradford Ellis signed, published and declared said instrument of writing as his/ her Last Will and Testament, in the presence of this affiant and in the presence of *Carolyn A. Mayberry* Carolyn A. Mayberry, the other subscribing witness to said instrument.

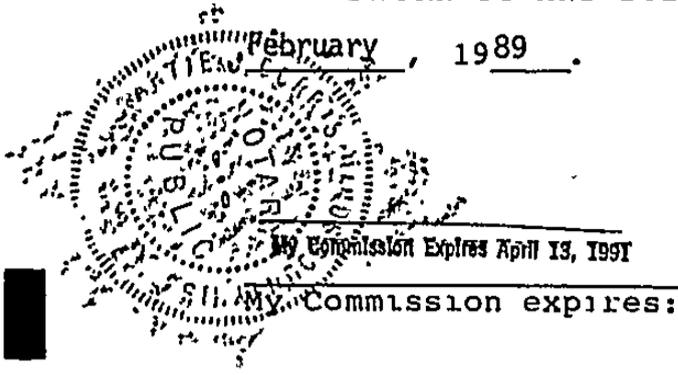
(3) That the said Anabel Bradford Ellis was then and there of sound and disposing mind and memory, as well above the age of twenty-one (21) years.

(4) That this affiant, together with *Carolyn A. Mayberry* Carolyn A. Mayberry 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 Anabel Bradford Ellis and in the presence of each other.

*Betty Jean Salers*  
Betty Jean Salers

EXHIBIT  
C

SWORN TO AND SUBSCRIBED before me, this the 13th day of February, 1989.



Artie J. Davis  
Notary public

My Commission Expires April 13, 1991  
My Commission expires:

STATE OF MISSISSIPPI, COUNTY OF MADISON:



I certify that the within instrument was filed for record in my office this 14th day of January, 2000, at 1:00 o'clock P. M., and was duly recorded on the 14th day of January, 2000, Book No. 32, Page 229.

STEVE DUNCAN, CHANCERY CLERK BY: Karen Jupp D.C.

Last Will and Testament by *Karegou D*

OF

ALMA BLACKMON BRINDLEY

I, ALMA BLACKMON BRINDLEY, an adult resident citizen of Jackson, First Judicial District of Hinds County, Mississippi, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all former Wills and Codicils heretofore executed by me.

ITEM I.

I give and bequeath to my husband, SEARCY W. BRINDLEY, if he be living at the time of my death, all of my clothing, books, jewelry, automobiles or other motor vehicles, bank accounts, and other items of personal use and adornment; and if he does not survive me, I give and bequeath all of said property to my son, JAMES BARRY BRINDLEY.

ITEM II.

I give, devise and bequeath to my husband, SEARCY W. BRINDLEY, any household furniture, carpets, rugs, pictures, silverware, linen, china and all other household effects that I may own at my death or that may be contained in any dwelling house occupied by us at the time of my death; and, if he does not survive me, I give and bequeath all of said property to my son, JAMES BARRY BRINDLEY.

ITEM III.

Any person who shall die at the same time as I, or in a common disaster with me, or under such circumstances that it is difficult or impossible to determine which died first, shall be deemed to have predeceased me.

## ITEM IV.

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 or possessed or to which I shall be entitled at the time of my death, or over which I shall have any power of appointment, I do hereby give, devise and bequeath to my husband, SEARCY W. BRINDLEY, or in the event he predeceases me, my son, JAMES BARRY BRINDLEY.

## ITEM V.

I direct my Executor to pay all Federal and Estate inheritance, succession, transfer or other death taxes which are assessed against my estate or against any beneficiary, including estate and inheritance taxes assessed on account of life insurance proceeds or any other property which shall be included in my gross estate for the purpose of such taxes, whether or not included in my estate for probate purposes, out of my residuary estate.

## ITEM VI.

I hereby nominate, appoint and constitute my husband, SEARCY W. BRINDLEY of Jackson, First Judicial District of Hinds County, Mississippi, as Executor of this my Last Will and Testament or, in the event he predeceases me, my son, JAMES BARRY BRINDLEY. My Executor shall have full and plenary power to do and perform any act deemed by him to be for the best interest of the estate, without any limitation whatsoever, without bond or security. Said authority shall include, but shall not be limited to, the right to take possession, hold, manage, invest and reinvest the same, and to collect the income, dividends, rents, interests, and profits therefrom, and to employ and to pay any attorneys, agents and accountants that he may deem necessary and for the best interests of my estate and to pay unto himself a just and reasonable compensation as Executor.

The foregoing Will consists of three pages, including this page, at the bottom of each of which I have signed my name and affixed the date.

IN WITNESS WHEREOF, I have hereunto set my hand and signature on this the 2<sup>nd</sup> day of September, A.D., 1970.

Alma Blackmon Brindley  
ALMA BLACKMON BRINDLEY

WITNESSES:

[Signature]

[Signature]

STATE OF MISSISSIPPI  
COUNTY OF HINDS

We, each of the subscribing witnesses to the Last Will and Testament of ALMA BLACKMON BRINDLEY, do hereby certify that said instrument was signed by said ALMA BLACKMON BRINDLEY in our presence and in the presence of each of us, and that the said ALMA BLACKMON BRINDLEY declared the same to be her 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 ALMA BLACKMON BRINDLEY, in her presence and in the presence of each other.

WITNESS our signatures on this the 2<sup>nd</sup> day of September, A.D., 1970.

[Signature]

[Signature]

WITNESSES



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 25<sup>th</sup> day of Jan, 2000, at 9:20 o'clock A. M., and was duly recorded on the JAN 25 2000, Book No. 32, Page 231.

STEVE DUNCAN, CHANCERY CLERK

BY: [Signature] D.C.

2000-053  
MADISON COUNTY, MISS.

**FILED**

JAN 25 2000

AT 9:20 O'CLOCK A M  
STEVE DUNCAN, CHANCERY CLERK

BOOK 0032 PAGE 234

**AFFIDAVIT OF SUBSCRIBING WITNESS  
TO THE LAST WILL AND TESTAMENT OF  
ALMA BLACKMON BRINDLEY**

By: *Kenneth G. Perry*

STATE OF MISSISSIPPI

COUNTY OF HINDS

This day personally appeared before me, the undersigned authority of law in and for the jurisdiction aforesaid, **Kenneth G. Perry**, who, being by me first duly sworn, deposes and states as follows, to wit

That he is one of the subscribing and attesting witnesses to a certain instrument of writing purporting to be the Last Will and Testament of **Alma Blackmon Brindley**, who was personally known to this affiant, that said affiant has this day examined said Last Will and Testament; that to the personal knowledge of affiant, the said **Alma Blackmon Brindley**, now deceased, signed, published and declared said instrument as her Last Will and Testament on the 2nd day of September, 1970; that said testatrix, **Alma Blackmon Brindley**, now deceased, was then of sound and disposing mind, memory and understanding, and above the age of twenty-one (21) years and under no duress whatsoever, that the said **Alma Blackmon Brindley** signed, published and declared said original instrument of writing as her Last Will and Testament on the date aforesaid in the presence of affiant and **E. P. Lobrano Jr.**, the other subscribing and attesting witness thereto, and that he, the said affiant, and the said **E. P. Lobrano, Jr.** subscribed and attested said Last Will and Testament as witnesses to the publication thereof and the signature of said testatrix, **Alma Blackmon Brindley**,

thereon, at the special instance and request of and in the presence of said testatrix and in the presence of each other on the ~~21st~~ day of September, 1970



MY COMMISSION EXPIRES:  
Aug. 23, 2003

SWORN to and subscribed before me, this the 20<sup>th</sup> day of January, 2000

*Kenneth G. Perry*  
KENNETH G. PERRY

*Barbara R. Hester*  
NOTARY PUBLIC

My Commission Expires

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES Aug. 23, 2003  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 25<sup>th</sup> day of Jan, 2000, at 9:20 o'clock A M., and was duly recorded on the JAN 25 2000, Book No. 32, Page 234.



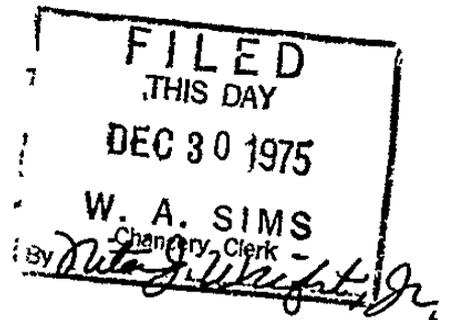
STEVE DUNCAN, CHANCERY CLERK

BY: *Stacey Hill* D.C.

# 22-442

LAST WILL AND TESTAMENT  
OF  
ANNA ELIZA WARD

---



I, Anna Eliza Ward, of Madison County, Mississippi, being of the age of twenty-one years and over and of sound and disposing mind and memory, do make, publish and declare this to be my last will and testament, revoking all previous wills and codicils.

## I.

I name, constitute and appoint James M. Ward, my son, as executor of my estate and direct that he be not required to give bond or make any formal accounting to any court other than the probation of this my last will and testament.

## II.

I direct that all of my just legal debts be paid as promptly as practical after my death.

## III.

I will, devise and bequeath unto William H. Beal and Dora Mae Beal, or the survivor of them, the property upon which their home is situated lying and being situated in Madison County, Mississippi, more particularly described as follows, to wit:

Commencing at the intersection of the private driveway leading to my residence and the Rocky Hill Public Road, situated in E 1/2 NE 1/4 of Section 8, Township 11 North, Range 4 East, and run thence Northwesterly along the center line of said private driveway a distance of 400 feet, more or less, to the West line of E 1/3 E 1/2 NE 1/4 of said Section 8, run thence South to the Rocky Hill Public Road, thence Northeasterly along said public road to the point of beginning.

In the event that both William H. Beal and Dora Mae Beal should predecease me without issue, then, in that event, I will, devise and bequeath said property to Frederick E. Beal and Juanita Beal, or the survivor of them.

Last Will and Testament  
of Anna Eliza Ward  
Page 2  
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## IV.

I will, devise and bequeath unto Frederick E. Beal and Juanita Beal for and during the term of the natural lifetime of the survivor of them the following described property lying and being situated in Madison County, Mississippi, to wit:

E 1/2 NE 1/4 of Section 8, Township 11 North, Range 4 East, LESS AND EXCEPT the property described and devised to William H. Beal and Dora Mae Beal under Paragraph III above.

Upon the death of Frederick E. Beal and Juanita Beal I will, devise and bequeath said property as follows:

(a) I will devise and bequeath unto William H. Beal the following described property lying and being situated in Madison County, Mississippi, to wit:

E 1/3 E 1/2 NE 1/4 of Section 8, Township 11 North, Range 4 East, LESS AND EXCEPT the property described in Paragraph III above.

(b) I will, devise and bequeath unto Margaret Ann James and Anna McNeer, in equal shares, the following described property lying and being situated in Madison County, Mississippi, to wit:

W 2/3 E 1/2 NE 1/4 of Section 8, Township 11 North, Range 4 East.

## V.

All of the rest, residue and remainder of my property, real, personal and mixed, of whatever nature and wheresoever located and situated, I will, devise and bequeath unto my five children, Sallie V. Wood, Juanita Beal, James M. Ward, Ruth N. Hines and J. L. Ward, to be divided equally between them, share and share alike.

IN WITNESS WHEREOF I have executed this will this the 22 day of October, 1974, in the presence of the undersigned attesting and credible

Last Will and Testament  
of Anna Eliza Ward  
Page 3  
-----

witnesses who at my request and in my presence have witnessed my signature  
hereto.

Lucille Parker  
Ernest Draper

Her  
Anna Eliza Ward  
Anna Eliza Ward  
mark

Signed, published and declared by the testatrix, Anna Eliza Ward, as  
and for her last will and testament, in the presence of us, who at her  
request and in her presence and in the presence of each other, subscribe our  
names hereto as attesting witnesses, this the 22 day of October, 1974.

Lucille Parker  
Ernest Draper  
Witnesses.



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 30th day  
of Dec, 1975, at        o'clock — M., and was duly recorded  
on the JAN 25 2000, Book No. 32, Page 236.

STEVE DUNCAN, CHANCERY CLERK

BY: Stacey Hill D.C.

PROOF OF WILL

# 22-442

STATE OF MISSISSIPPI  
MADISON COUNTY

CHANCERY COURT

In the matter of a certain instrument of writing, purporting to be the last will and testament of \_\_\_\_\_

Anna Eliza Ward

\_\_\_\_\_, deceased, late of Madison County, Mississippi.

Personally appeared before the undersigned Clerk of the Chancery Court in and for said County and State,

~~Ernest Draper~~

~~xxx~~

a

\_\_\_\_\_, subscribing witnesses to a certain

instrument of writing, purporting to be the last will and testament of the said Ann Eliza Ward

who, being duly sworn, deposed and said, that the said Ann Eliza Ward

\_\_\_\_\_  
signed, published and declared said instrument as her last will and testament on the

22nd day of October

\_\_\_\_\_, A. D., 1974, the day of the date of said instrument, in the presence of this

deponent, and in the presence of Lucille Parker

the other subscribing witness \_\_\_\_\_, and that said Testatrix \_\_\_\_\_ was then of sound and disposing mind and

memory, and more than twenty-one years of age, and having her usual place of abode in

said County and State, and this deponent and Lucille Parker

~~xxx~~ \_\_\_\_\_ subscribed and attested said instrument as witness

to the signature and publication thereof, at the special instance of said Testatrix \_\_\_\_\_, and in the presence of the

said Testatrix \_\_\_\_\_ and in the presence of each other, on the day and year of the date of said instrument.

x W. E. Draper

FILED  
THIS DAY  
DEC 30 1975

Sworn to and subscribed before me this the 30 day of December, A. D., 1975

By W. A. Sims  
Chancery Clerk

W. A. SIMS, Chancery Clerk.

By V. R. Snyder A. C.



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 30th day of Dec, 1975, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and was duly recorded on the JAN 25 2000, Book No. 32, Page 239.

STEVE DUNCAN, CHANCERY CLERK

BY: Stacey Hill D.C.

# Last Will and Testament

#2000-067

OF

BARBARA JEAN THOMPSON

<b>FILED</b>
THIS DATE
JAN 31 2000
STEVE DUNCAN
CHANCERY CLERK
BY <i>[Signature]</i>

I, BARBARA JEAN THOMPSON, being over the age of eighteen (18) years and of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby expressly revoking all former wills and codicils made by me at any time heretofore.

I.

I hereby appoint JIMMY WAYNE LYNCH as Executor of this my Last Will and Testament, and it is my desire that my Executor shall have full and complete power and authority to do and to perform any act deemed by him to be in the best interest of my estate. In the event JIMMY WAYNE LYNCH is unwilling or unable to serve, I hereby name, CURTIS LYNCH and BRENDA LYNCH as Co-Executors. I hereby direct that no bond be required of the Executors and I further waive the necessity of having a formal appraisal made of my estate and I further waive the necessity of an accounting.

II.

I hereby give, devise and bequeath unto my brother, RAY PATRICK THOMPSON, the sum of One Hundred Thousand Dollars (\$100,000.00).

III.

I hereby give, devise and bequeath all of the rest, residue and remainder of my estate, real, personal and mixed wheresoever situated and howsoever described unto JIMMY WAYNE LYNCH.

IV.

In the event JIMMY WAYNE LYNCH predeceases me, I hereby give, devise and bequeath all of the rest, residue and remainder of my estate, real, personal and mixed wheresoever situated and howsoever described unto RAY PATRICK THOMPSON, and ABBIE LYON in equal shares to share and share alike.

*[Handwritten signature]*

V.

I hereby forgive and cancel any and all indebtedness owed by JIMMY WAYNE LYNCH unto me.

VI.

If JIMMY WAYNE LYNCH and I should die in a common accident or under such circumstances wherein there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that I predeceased him and my estate shall be administered and distributed, in all respects, in accordance with such presumption.

VII.

If any beneficiary hereunder shall contest the probate or validity of this Will or any provision thereof, or shall institute or join in (except as a party defendant) any proceeding to contest the validity of this Will or to prevent any provision thereof from being carried out in accordance with its terms (regardless of whether or not such proceedings are instituted in good faith and with probable cause), then all benefits provided for such beneficiary are revoked and such benefits shall pass to the residuary beneficiaries of this will (other than such beneficiary) in the proportion that the share of each such residuary beneficiary bears to the aggregate of the effective shares of the residuary. If all of the residuary beneficiaries join in such contest or proceedings, then cash benefits shall pay to those persons (other than the persons joining in such contest) who are living at my death and who would have been my distributees had I died intestate a resident of the State of Mississippi and had the person or persons contesting my will died immediately before me. Each benefit conferred herein is made on the condition precedent that the beneficiary shall accept and agree to all of the provisions of this will and the provisions of this Article are an essential part of each and every benefit.

IN WITNESS WHEREOF, I, BARBARA JEAN THOMPSON, have hereunto set my signature on, and published and declare this to be my Last Will and Testament on this the 16<sup>th</sup> of Dec., 1998, in the

*lgt*

presence of two witnesses who have each signed as witnesses at my request, in my presence and in the presence of each other.

Barbara Jean Thompson  
BARBARA JEAN THOMPSON

WITNESSES:

James J. Canten  
Wanda [unclear]

ATTESTATION CLAUSE

WE, each of the subscribing witnesses to the Last Will and Testament of BARBARA JEAN THOMPSON, do hereby certify that said instrument was signed in the presence of each of us, and that said BARBARA JEAN THOMPSON, declared the same to be her Last Will and Testament in the presence of each of us, and that we signed as subscribing witnesses to the said Will at the request of BARBARA JEAN THOMPSON, in her presence and in the presence of each other.

WITNESS OUR SIGNATURES on this the 16<sup>th</sup> day of December, 1998.

James J. Canten  
Wanda [unclear]  
WITNESSES



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 31st day of January, 2000, at 9:30 o'clock A. M., and was duly recorded on the 31st day of January, 2000, Book No. 32, Page 240.

STEVE DUNCAN, CHANCERY CLERK BY: Karen Jupp D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
BARBARA JEAN THOMPSON, DECEASED

**FILED**  
MISSISSIPPI  
THIS DATE  
JAN 31 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

CIVIL ACTION, FILE NO. 2000-067

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, Dawn F. Rankin, one of the subscribing witnesses to a certain instrument in writing purporting to be the Last Will and Testament of Barbara Jean Thompson, deceased, late of the County of Madison, Mississippi, who having been duly sworn makes oath that the said Barbara Jean Thompson, signed, published and declared said instrument as her Last Will and Testament on the 16<sup>th</sup> day of December, 1998, the day and date of said instrument, in the presence of this affiant and Don A. McGraw, Jr., the other subscribing witness to said instrument; that the testator was then of sound and disposing mind and memory and twenty-one (21) years and upward of age and that I, Dawn F. Rankin, the Affiant and Don A. McGraw, Jr., 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.

Dawn F. Rankin  
Dawn F. Rankin

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 27<sup>th</sup> day of January, 2000.

[Signature]  
NOTARY PUBLIC

MY COMMISSION EXPIRES: 1-18-2003  
(SEAL)



I:\FIRM\DAMP\ESTATE\HINES\AFFSUB 110



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 31st day of January, 2000, at 9:30 o'clock A. M., and was duly recorded on the 31st day of January, 2000, Book No. 32, Page 243.

STEVE DUNCAN, CHANCERY CLERK

BY: [Signature] D.C.

# Last Will and Testament

I, **FELIX R. DePERRO**, of the  
 City of **Niles**, County of **Trumbull**,  
 and State of **Ohio**, being of full age and sound mind and  
 memory, do make, publish and declare this to be my **Last Will and Testament**,  
 hereby revoking and annulling any and all Will or Wills by me heretofore made.

**Item 1.** I direct that all my just debts and funeral expenses be paid out of my  
 estate as soon as practicable after my decease.

**Item 2.** All the rest, residue and remainder of my property, both real  
 and personal, which I may own or have the right to dispose of at the time of  
 my death I give, devise and bequeath, absolutely and in fee simple, to my be-  
 loved spouse, **LILLIAN F. DePERRO**.

**ITEM 3.** In the event my spouse does not survive me, or in the event the  
 deaths of my spouse and myself occur in a common casualty or catastrophe or  
 under such circumstances that it cannot readily be determined which of us  
 died first, then all of the property hereinbefore given to my spouse shall  
 not succeed to her, but I give, devise and bequeath all said property, in  
 equal shares, to my children:

- ROBERT DePERRO,**
- PHILIP B. DePERRO, and**
- MARILYN ELIZABETH CROFT.**

**FILED**  
 THIS DATE  
**FEB 0 1 2000**  
**STEVE DUNCAN**  
 CHANCERY CLERK  
 BY *Steve Duncan*

Item 4. I nominate and appoint my spouse, LILLIAN F. DePERRO  
Executrix of this, my Last Will and Testament, if she be able and willing to  
serve, otherwise I make, nominate and appoint my daughter, MARILYN CROFT,  
as alternate or successor executrix of this, my Last Will and Testament;  
hereby authorizing and empowering my said executrix to compound, compromise,  
settle and adjust all claims and demands in favor of or against my estate;  
and to sell, at public or private sale, in such prices and upon such terms  
of credit, or otherwise, as she may deem best, the whole or any part of my  
real or personal property, and to execute, acknowledge and deliver deeds and  
other proper instruments of conveyance thereof to the purchaser or purchasers

No purchaser from my executrix need see to the application of the purchase  
money to or for the purpose of the trust, but the receipt of my executrix  
shall be a complete discharge and acquittance therefor.

I request that no bond be required of either my spouse or my daughter as  
executrix.

In Witness Whereof, I have hereunto set my hand to this, my Last Will and  
Testament at Warren, Ohio, this 22nd day of  
October, in the year of our Lord, 1973.

*Felix R. DePerro*  
(Felix R. DePerro)

The foregoing instrument was signed by the said FELIX R. DePERRO  
in our presence and by him published and declared as  
and for his Last Will and Testament, and at his request and in his  
presence, and in the presence of each other, we hereunto subscribe our names as  
attesting witnesses at Warren, Ohio, this 22nd  
day of October, A. D. 19 73.

*Donald J. Flickinger* residing at Warren, Ohio  
*Ruth A. Flickinger* residing at Warren, Ohio  
(Two Witnesses Required in Ohio)

**FILED**  
THIS DATE  
FEB 01 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *Stacey KEO*



FELIX R. DePERRO

Subscribed, October 22, 19 73

This instrument prepared by  
DONALD J. FLICKINGER, Attorney  
8256 E. Market Street  
Warren, Ohio 44484  
(856-3116)



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 1st day  
of Feb, 2000, at 9:00 o'clock A.M., and was duly recorded  
on the FEB 1 2000, Book No 32, Page 245

STEVE DUNCAN, CHANCERY CLERK BY *Stacey KEO* D.C.

**FILED**  
THIS DATE  
FEB 01 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY: *Stacy KEO*

STATE OF OHIO  
COUNTY OF *Wahoning*

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Ruth A. Birskovich (a/k/a Ruth A. Flickinger), a credible and competent subscribing witness to the instrument of writing dated the 22nd day of October, 1973, purporting to be the Last Will and Testament of FELIX R. DePERRO, who, having been first duly sworn, states on oath that the said FELIX R. DePERRO signed, made, published and declared said instrument as his Last Will and Testament on the 22nd day of October, 1973, the date of said instrument, in the presence of this affiant and in the presence of Donald J. Flickinger, the other subscribing witness to this instrument; that the Testator was then of sound and disposing mind and memory, and above the age of twenty-one (21) years; that the Testator was acting voluntarily without undue influence, fraud or restraint, that the affiant and Donald J. Flickinger subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of FELIX R. DePERRO, and in the presence of FELIX R. DePERRO and in the presence of each other, that the Testator at the time of the attestation was mentally capable of recognizing, and actually conscious of said act and attestation, that the subscribing witnesses were, at the time of said attestation, competent witnesses under the laws of the State of Ohio.

*Ruth A. Birskovich*  
Ruth A. Birskovich  
(a/k/a Ruth A. Flickinger)  
1310 5<sup>th</sup> Avenue, Apt. 603  
Youngstown, OH 44504

SWORN TO AND SUBSCRIBED before me on this, the 10<sup>th</sup> day of January, 2000.

*George B. Wood*  
Notary Public

My Commission Expires:

GEORGE B WOOD, Attorney At Law  
STATE OF OHIO - NOTARY PUBLIC  
My Commission has no expiration date  
Section 147.03 R. C.  
L:\1445\Estate of DePerro\W002.proof.wpd



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 1st day of Feb, 2000, at 9:00 o'clock A.M., and was duly recorded on the FEB 1 2000, Book No. 32, Page 247.

STEVE DUNCAN, CHANCERY CLERK

BY: *Stacy KEO* D.C.

#2000-074

LAST WILL AND TESTAMENT  
OF  
ELIZABETH HAYNES

FILED  
THIS DATE  
FEB 04 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

I, ELIZABETH HAYNES, a widow, a resident of Hinds County, Mississippi, being over the age of eighteen (18) years and of sound and disposing mind and memory, do hereby make, publish, and declare this to be my Last Will and Testament, hereby expressly revoking all last wills and testaments and codicils thereto heretofore made by me.

ARTICLE I.

I direct that all of my debts, all expenses of my last illness, and funeral and burial expenses and the cost of administration of my estate be paid as soon as practicable after my death out of the principal of my residuary estate.

It is my intention, however, that nothing in this Article of my Will should be construed as creating an express trust or fund for the payment of debts and expenses which would in any way extend the normal statute of limitations for the payment for the payment of my debts or enlarge upon my statutory duty to pay debts.

ARTICLE II.

I hereby nominate, appoint and constitute my sister, Lucille Rouser as Executrix of my Last Will and Testament. My Executrix shall have full and plenary power and authority to do and perform any act deemed by her to be in the best interest of my estate, without any limitation whatsoever, and to serve without bond. Said authority shall include, but shall not be limited to the right to take possession, hold, manage and invest and reinvest the same, and to collect the income, dividends, rents, interests and profits therefrom, and to employ and pay any attorneys, agents and accountants that she may deems necessary for the best interest of my estate. In addition, my Executrix shall have full authority to

EXHIBIT  
A

sell any real or personal property of my estate either at a public or private sale, in her sole discretion, for cash or upon such other conditions as she may deem appropriate, with said sales to be made without the necessity of my Executrix first securing a court order approving said sale.

ARTICLE III.

I direct my Executrix to sell the real property located at 2516 Montebello Drive, Jackson, Hinds County, Mississippi, and distribute the proceeds equally among my children, Annabelle Hearn and Ernest McClinty. If a beneficiary named in this Article shall not survive me, then I devise the beneficiary's share of the proceeds from the sale of the real property to the deceased beneficiary's issue, if any, in equal shares, share and share alike, *per stirpes*. If a beneficiary without issue shall not survive me, then I direct the Executrix to distribute all proceeds of the sale of real property to the surviving beneficiary.

ARTICLE IV.

I bequeath unto my sister, Lucille Rouser, the following furniture: One loveseat, two lamps, two end tables, and one chair.

ARTICLE V.

All of the residue of the property which I may own at the time of my death, real or personal, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises, or other gifts made by this Will which fail for any reason, I bequeath and devise an equal share to my children and sister, Annabelle Hearn, Ernest McClinty, and Lucille Rouser, in equal shares, share and share alike.

ARTICLE VI.

If any beneficiary of my Will or any codicil hereto before or after the admission of this Will to probate, directly or indirectly, contest or aids in the contest of the same or any provisions thereof, or contests the distribution of my say in accordance with my Will or any codicil, the provisions herein made to or for the benefit of such contestant or contestants are hereby

revoked and for the purpose of my Will and any codicil, said contestant or contestants shall be deemed to have predeceased me.

I, Elizabeth Haynes, have signed this Last Will and Testament consisting of 3 pages on this 10 day of September, 1999, in the presence of Greg McIntyre and Heather Tudor who have attested it at my request.

[Signature]  
ELIZABETH HAYNES

WITNESSES:

Heather Tudor  
451 Pemberton Drive  
Pearl, MS 39208

Greg McIntyre  
1628 Wilhurst St  
Jackson, MS 39211

In our presence this day the Testator, Elizabeth Haynes signed the foregoing attached instrument of writing and declared it to be her Last Will and Testament, and we, at the request and in the presence of Elizabeth Haynes and in the presence of each other, did on this day affix our signatures thereto as subscribing witnesses to said Last Will and Testament of Elizabeth Haynes.

WITNESS OUR SIGNATURES on this 10 day of September, 1999.

Heather Tudor  
Greg McIntyre



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 4th day of Feb, 2000, at 9:00 o'clock A.M., and was duly recorded on the FEB 4 2000, Book No. 32 Page 248

STEVE DUNCAN, CHANCERY CLERK BY: [Signature] D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
ELIZABETH HAYNES, DECEASED

**FILED**  
THIS DATE  
FEB 04 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

CAUSE NO. 2000-074

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the county and state aforesaid, Heather Tudor, who, being by me first duly sworn, makes oath to the following:

1. The undersigned, Heather Tudor, was a subscribing witness to that certain instrument dated September 10, 1999, which is the true and original Last Will and Testament of Elizabeth Haynes.

2. That said Elizabeth Haynes signed, published and declared said instrument as her Last Will and Testament on the 10th day of September, 1999. the date of said instrument in the presence of two (2) subscribing witnesses, Heather Tudor and Greg McIntyre.

3. The said Elizabeth Haynes was then and there of sound and disposing mind, memory, and understanding was over 18 years of age.

4. Affiant, Heather Tudor, a competent adult, subscribed and attested said instrument as a witness to the signature, publication and declaration thereof by the said Elizabeth Haynes, at the special instance and request of the said Elizabeth Haynes, in

**EXHIBIT**  
B

her presence and in the presence of Greg McIntyre.

I declare the foregoing to be true of my personal knowledge.

Heather Tudor  
HEATHER TUDOR

SWORN TO AND SUBSCRIBED BEFORE ME this the 25 day of January, 2000.

James B. Siler, III  
Notary Public



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 4th day of Feb, 2000, at 9:00 o'clock A. M., and was duly recorded on the FEB 4 2000, Book No. 32, Page 251.



STEVE DUNCAN, CHANCERY CLERK

BY: Stacy Hill D.C.

#2000-096

BOOK 0032 PAGE 253

# Last Will and Testament

OF

EVELYN R. GRANT

**FILED**  
 THIS DATE  
 FEB 11 2000  
 STEVE DUNCAN  
 CHANCERY CLERK  
 BY *Steve Duncan*

I, EVELYN R. GRANT, an adult resident citizen of Madison County, Ridgeland, Mississippi, being of sound and disposing mind, memory and understanding and fully able and competent to make a Will, and not under the restraint and influence of any person do hereby make, declare, and publish this to be my Last Will and Testament, hereby revoking any and all other wills and codicils heretofore made by me.

I am the widow of JAMES K. GRANT. We have no children.

## ARTICLE I.

I nominate and appoint SHANNON P. JOHNSON as Executrix of this my Last Will and Testament. If she should predecease me or is unable or unwilling to serve in such capacity then CAROLYN PHILLIPS shall serve as Successor Executrix. My Executrix shall not be required to enter into any bond to insure the faithful performance of her duties, nor be required to return to any Court any formal appraisal, inventory or accounting, including final accounting, of the administration of my Estate.

INITIALED FOR IDENTIFICATION

*ERG*

E.R.G.

The terms "Executor", "Executrix" and "Administrator" may, where used in this Will, be used interchangeably and shall apply to whomever may be serving as personal representative of my estate and to any Successor Executor or Administrator.

Unless otherwise provided, in referring to the Executrix any neuter terminology also includes the masculine and feminine or vice versa and any reference in the singular shall also include the plural or vice versa.

All Section references, as used in this Will, refer to the Internal Revenue Code of 1986, as amended, or any corresponding provisions of future laws.

**ARTICLE II.**

I direct my Executrix to pay all expenses of my last illness, funeral, the debts properly probated against my estate, and the cost of administration of my estate, as well as, all federal and state estate, inheritance, succession and transfer or other death taxes which are assessed on account of life insurance proceeds or other property which shall be included in my gross estate, whether or not included in my estate for probate purposes, out of my residuary estate.

**ARTICLE III.**

I give, devise and bequeath to the following named relatives the items of personal property indicated as follows:

INITIALED FOR IDENTIFICATION

ERG

E.R.G.

- A. To my niece NINA HAMMONS JOHNSON, my sterling silver table service;
- B. To my niece DEBRA HAMMONS RISHER, my cultured pearls, my white gold diamond pendant, my collection of Hummel figurines, and my collection of Hummel plates;
- C. To my niece RONICE HAMMONS FILLYAW, my yellow gold diamond cocktail ring;
- D. To my niece MELBA KING VOTH, my gold engagement ring and wedding band and any other jewelry I may possess at the time of my death;
- E. To my late husband's niece, LISA GRANT COFFIN and my late husband's nephew MICHAEL G. GRANT, my old coins in equal shares, share and share alike.
- F. To my niece LINDSEY R. RISHER, my Buick automobile or whatever vehicle I own at that time.
- G. I may leave a memorandum, written in my own handwriting, signed and dated, directing disposition of certain additional personal property. If I leave no such memorandum, any household property, jewelry, china, silverware, furniture, pictures, furnishings, appliances, tools, equipment, supplies, books, ornaments, works of art and other personal effects are to be divided among my residuary legatees. It is my wish that each of them will select the items that they shall prefer to the extent that they will agree about the selections; otherwise, my Executrix shall determine the distribution to be made by lot or other method and the Executrix's determination shall be conclusive and binding on the legatees.

INITIALED FOR IDENTIFICATION

*E.R.G.*

\_\_\_\_\_  
E.R.G.

ARTICLE IV.

I give, devise and bequeath all of the rest, residue and remainder of my property of every kind and description, real and personal, tangible and intangible, wheresoever situated and howsoever held, including lapsed legacies and devises, and whether acquired before or after the execution of this Will, as follows:

1. One-sixth (1/6) to my late husband's brother, LOWELL G. GRANT or to his living descendants per stirpes should he predecease me.
2. One-sixth (1/6) to my late husband's niece LISA GRANT COFFIN or her living descendants per stirpes should she predecease me.
3. One-sixth (1/6) to my late husband's nephew MICHAEL G. GRANT or his living descendants per stirpes should he predecease me.
4. One-sixth (1/6) to my sister WILLIE LOUISE KING or her living descendants per stirpes should she predecease me.
5. One-sixth (1/6) to my brother ROY N. HAMMONS or his living descendants per stirpes should he predecease me.
6. One-eighteenth (1/18) each to RONICE HAMMONS FILLYAW, DEBRA HAMMONS RISHER, and MELBA KING VOTH, all of whom are my

INITIALED FOR IDENTIFICATION

E R G.

E.R.G.

nieces but who are not all of my nieces, with the heirs of any named niece who predeceases me taking per stirpes her one-eighteenth (1/18) share.

#### ARTICLE V.

The devisees and legatees of property in this my Last Will and Testament, shall have the right to disclaim all or any part of their interest in any property I have devised or bequeathed to them outright. Any such disclaimer shall be made within the period of time and in a manner required for the disclaimer to qualify under Section 2518 of the Internal Revenue Code. Any such disclaimer shall be made in writing, stating specifically the property or interest disclaimed, and the disclaimer may be filed with the Chancery Court in which my Will is probated. Any property or interest so disclaimed shall be disposed of as if such disclaiming party had predeceased me.

#### ARTICLE VI.

In the administration of my estate, I give and grant to my Executrix all of the powers and discretions given Trustees under statutes of the Uniform Trustees' Powers Law of Mississippi as set forth in the Miss. Code Ann. (1972), and any additional powers and discretions as may result from subsequent legislation. No legislation subsequent to the date of the execution of this will shall reduce or limit these powers and discretions.

INITIALED FOR IDENTIFICATION

ERG.

E.R.G.

In addition to the powers afforded to my Executrix by the aforesaid statutes of the Miss. Code Ann. (1972), which statutes are hereby adopted by reference thereto, I specifically give and grant to them the continuing, absolute, discretionary power to deal with any property, real or personal, held in my estate, as freely as I might in the handling of my own affairs. This shall include the power to sell and transfer any interest I may own in a home or any real estate or personal property of any kind including my personal effects and household goods without prior or subsequent approval of any judicial authority, and without any inventory, appraisal, or accounting to any judicial authority.

**ARTICLE VII.**

No persons dealing with my Executrix hereunder shall be obligated to see to the application of any moneys, securities, or other property paid or delivered to my Executrix, or to inquire into the expediency or propriety of any transaction or her authority to enter into and consummate the same upon such terms as she may deem advisable.

**ARTICLE VIII.**

The Executrix shall be entitled to reasonable and normal fees for her services and she is hereby also fully empowered to engage the services of attorneys, accountants, or others capable of rendering services in pursuance of the administration of my estate.

INITIALED FOR IDENTIFICATION

ERH

E.R.G.

IN WITNESS WHEREOF, I, EVELYN R. GRANT, have hereunto subscribed my name to this, my Last Will and Testament consisting of 8 pages, in the presence of two (2) witnesses, who have attested the same in my presence, and at my request and in the presence of each other, on this the 2nd day of October, 1998.

Evelyn R. Grant  
EVELYN R. GRANT

WITNESSES:

Bridgett Ford

W. C. Noblin Jr.

ATTESTATION

We, Bridgett Ford and W. C. Noblin Jr., the subscribing witnesses to the above and foregoing Last Will and Testament of EVELYN R. GRANT, certify that the said Testatrix declared to us that the above and foregoing instrument is her true Last Will and Testament and that she especially requested us to act as subscribing and attesting witnesses thereto; that said Testatrix signed said instrument in our presence on the day and year therein mentioned; that we signed said instrument as attesting witnesses on said day and year in the presence of said Testatrix, and in the presence of each other; and that to the personal knowledge of each of us the said

Testatrix was at such time above the age of eighteen (18) years and of sound and disposing mind, memory and understanding.

This the 2 day of October, 1998.

Budgett Jond

Address 3770 Old Jackson Rd  
Terry, MS 39170

W. C. Noblin Jr  
W. C. NOBLIN Jr

Address 4323 Audubon Park Lane  
Jackson, MS 39211



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 11th day of Feb, 2000 at 9:00 o'clock A M., and was duly recorded on the FEB 11 2000, Book No. 32, Page 253.

STEVE DUNCAN, CHANCERY CLERK

BY: Stacey Hill D.C.

FILED  
THIS DATE  
FEB 11 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY Stacey K. Co

PROOF OF WILL

STATE OF MISSISSIPPI

COUNTY OF MADISON

We Bridgett Ford and W.C. Noble Jr. on oath state that we are the subscribing witnesses to the attached written instrument dated the 2nd day of October, 1998, which purports to be the Last Will and Testament of EVELYN R. GRANT, who indicated to us that she is a resident of and has a fixed place of residence in the County of Madison, State of Mississippi. On the execution date of the instrument, the Testatrix in our presence and in the presence of each of us, signed the instrument at the end thereof and declared the instrument to be her Will and requested that we attest to the execution thereof whereupon, in the presence of the Testatrix and in the presence of each other, each of us signed our respective names as attesting witnesses. At the time of the execution of the instrument, the Testatrix was over eighteen (18) years of age, and in our opinion was of sound mind, in full possession of her mental faculties, and acting without undue influence, fraud or restraint.

DATED this the 2nd day of October, 1998.

Bridgett Ford

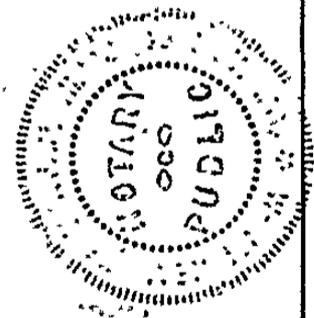
W. C. Noble Jr.

Subscribed and sworn to before me on this the 2nd day of October, 1998.

Wendi Neal Stevenson  
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATE NOTARY PUBLIC  
MY COMMISSION EXPIRES 13, 1999



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 11th day of Feb, 2000 at 9:00 o'clock A. M., and was duly recorded on the FEB 11 2000, Book No. 32 Page 261.

STEVE DUNCAN, CHANCERY CLERK

BY: Stacey K. Co D.C.



# Last Will and Testament

OF

CINDERELLA G. DEWEESE

# 2000-095

I, CINDERELLA G. DEWEESE, a resident of Madison County, Mississippi, being over the age of twenty-one and of sound and disposing mind and memory do hereby make, publish and declare this to be my Last Will and Testament, hereby expressly revoking any and all wills or codicils heretofore made by me, as follows:

I.

I hereby direct that all of my just debts and funeral expenses be paid as soon as possible from the proceeds of my estate. I hereby appoint Lee Roma Huff, as my Executrix, to serve without bond.

II.

To my daughter, LEE ROMA D. HUFF, I hereby give, devise and bequeath all of the household furnishings, equipment and appliances which I may own located or situated in or at the residence at 458 Hoover Street, Canton, Mississippi.

III.

To my daughter, LEE ROMA D. HUFF, I also hereby give, devise and bequeath the following described parcels of land and the house which is situated on Parcel II (458 Hoover St.), lying and being situated in the City of Canton, Madison County, Mississippi, to-wit:

Parcel I

Lot 29, Block D, Part 3 Oak Hill Subdivision, as

per map or plat of said subdivision on file and of record in the office of the Chancery Clerk of Madison County, Mississippi.

Parcel II

Lot 12, Block G, Part 1, Oak Hill Subdivision, as per map or plat of said subdivision on file and of record in the office of the Chancery Clerk of Madison County, Mississippi.

III.

To my daughter, LEE ROMA D. HUFF, I also hereby give, devise and bequeath the following described parcel of land lying and being situated in Neshoba County, Mississippi, to-wit:

All of that part of E $\frac{1}{2}$  of SW $\frac{1}{4}$ , Section 13, Township 12 North, Range 10 East, lying north of a certain branch or ditch and west of public road as now located, being 16 $\frac{1}{2}$  acres, more or less.

IV.

To my daughter, LEE ROMA D. HUFF, I also hereby give, devise and bequeath my car:

1969 Ford Galaxie, 4 door, SN 9A54Y135258

which I now own or any car which I may own in the future.

IN WITNESS WHEREOF, I, CINDERELLA G. DEWEESE, have hereunto set my signature and published and declared this to be my Last Will and Testament on this the 12<sup>th</sup> day of January, 1971, in the presence of two witnesses, who have each signed as witnesses at my request, in my presence, and in the presence of each other.

*Alex Mark*  
*X Witnessed Kay Pace*  
 Cinderella G. DeWeese

WITNESSES:

*Kay Pace*  
*Sandra Ashley*

ATTESTATION CLAUSE

We, each of the subscribing witnesses to the Last Will and Testament of CINDERELLA G. DEWEESE, do hereby certify that said instrument was signed by the said CINDERELLA G. DEWEESE, in our presence and in the presence of each of us, and that the said CINDERELLA G. DEWEESE, declared 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 CINDERELLA G. DEWEESE, in her presence and in the presence of each other.

WITNESS OUR SIGNATURES on this the 12<sup>th</sup> day of January, 1971.

Kay Pace  
Sandra Ashley  
WITNESSES

STATE OF MISSISSIPPI, COUNTY OF MADISON:



I certify that the within instrument was filed for record in my office this 11th day of February, 2000, at 9:30 o'clock A. M., and was duly recorded on the 11th day of February, 2000, Book No. 32, Page 262.

STEVE DUNCAN, CHANCERY CLERK

BY: Karen Jupp D.C.

PROOF OF WILL

STATE OF MISSISSIPPI

COUNTY OF MADISON

COMES NOW KAY PACE, one of the subscribing witnesses to the instrument filed herein for probate and purporting to be the Last Will and Testament of CINDERELLA G. DEWEESE, and enters her appearance herein as provided by Section 91-7-7, *Miss. Code Ann.* (1972), as amended, and makes oath before the undersigned authority that CINDERELLA G. DEWEESE, the above named decedent, signed, published and declared said instrument to be her Last Will and Testament on the 12th day of January, 1971, the day of the date of said instrument, in the presence of this deponent and SANDRA ASHLEY, the other subscribing witness, and that said testatrix 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 SANDRA ASHLEY subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of said testatrix and in the presence of said testatrix and in the presence of each other, on the day of the date of said instrument.

*Kay Pace*  
\_\_\_\_\_

KAY PACE

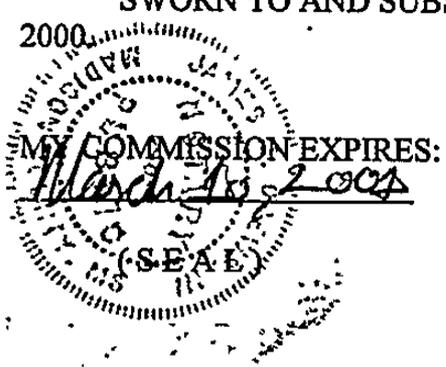
STATE OF MISSISSIPPI

COUNTY OF MADISON

SWORN TO AND SUBSCRIBED BEFORE ME on this the 11th day of February,

*[Signature]*  
\_\_\_\_\_

NOTARY PUBLIC



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 11th day of February, 2000, at 9:30 o'clock A. M., and was duly recorded on the 11th day of February, 2000, Book No. 32 Page 265.



STEVE DUNCAN, CHANCERY CLERK BY: *[Signature]* D.C.

Last Will and Testament

OF

SARA R. FLANNES

FILED  
THIS DATE  
10:00 A.M.  
FEB 14 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

#2000-107

\* \* \* \* \*

I, SARA R. FLANNES, of Jackson, Mississippi, being of sound and disposing mind and memory and of lawful age, do hereby make, publish and declare this to be my Last Will and Testament, and I hereby revoke any and all former wills and codicils which I have heretofore made.

I hereby appoint

ITEM I.

my son, MICHAEL

S. FLANNES, Executor

of this my Last Will and Testament and my estate. If my said son is unable or unwilling to serve in such capacity, I then appoint DEPOSIT GUARANTY NATIONAL BANK as Executor of my Last Will and Testament. In any event, I direct that no bond, appraisal, inventory or accounting be required of my Executor insofar as the same may be legally waived.

A.

I hereby direct that my Executor shall, out of the property and estate coming into his (its) hands which is subject to the

## BOOK 0032 PAGE 267

payment of debts, pay all of my just debts which are properly probated and allowed as claims against my estate and all expenses of my last illness and funeral.

## B.

I hereby direct that my Executor shall not be required to reduce any or all of my personal or real property to cash during the administration of my estate, but in his (its) discretion may sell only so much of my property as is necessary to obtain adequate cash (in addition to the cash which I leave at the time of my death) to pay taxes, debts, and the costs of the administration of my estate, and after the payment of the said items, my Executor is authorized in his (its) sole discretion to make distribution to my devisees and legatees either in cash or in kind or in both.

## C.

I hereby direct that my Executor shall have, with reference to my estate, all of the powers during the administration of my estate

as are granted to trustees under the Mississippi Uniform Trustees Powers Law, more specifically §§91-9-101 thru 91-9-119, Miss. Code Ann. (1972), including the power to sell any of my real or personal property at public or private sale for cash or credit, or to mortgage, pledge, lease or exchange it, all to be exercisable without court order.

D.

I hereby authorize my Executor to acquire any necessary cemetery lot or lots for my burial and any appropriate marker for my grave, the expense of such to be paid for out of my estate.

ITEM II.

I give, devise and bequeath all of my estate of every kind

and character and wheresoever located, whether real, personal or mixed, unto my children, MICHAEL S. FLANNES, JAMES TIMOTHY FLANNES, and SARA KATHERINE FLANNES, in equal shares, the children of a deceased child taking per stirpes the share to which

their deceased parent would have been entitled had he or she survived me.

IN WITNESS WHEREOF, I have hereunto set my hand on this, the 23<sup>rd</sup> day of March, 1998.

*Sara R. Flannes*

SARA R. FLANNES

WITNESSES:

*Annie Lee Walker*

ANNIE LEE WALKER  
337 Leron Avenue  
Jackson, MS 39206

*W. M. McDonald Nichols*

W. McDONALD NICHOLS  
172 St. Andrews Drive  
Jackson, MS 39211

ATTESTATION

We, the undersigned subscribing witnesses to the within and foregoing Last Will and Testament of SARA R. FLANNES, do hereby acknowledge and attest that the same was exhibited to us by the said Sara R. Flannes as her Last Will and Testament, that she signed the same in our presence and in the presence of each of us, and that at her request and in her presence and in the presence of each other, we signed the same as subscribing witnesses thereto.

This the 23<sup>rd</sup> day of March, 1998.

*Annie Lee Walker*  
ANNIE LEE WALKER

*W. M. McDonald Nichols*  
W. McDONALD NICHOLS

Page 4.

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 February, 2000, at 10:00 o'clock A. M., and was duly recorded on the 14<sup>th</sup> day of February, 2000, Book No. 32 Page 266.

STEVE DUNCAN, CHANCERY CLERK

BY: *Steve Jupp* D.C.



IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN RE: WILL AND ESTATE  
OF SARA R. FLANNES

**FILED**  
THIS DATE  
10:00 A.M.  
FEB 14 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY: *[Signature]*

NO. 2000-107

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI  
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, W. McDONALD NICHOLS, who being by me first duly sworn, on oath stated:

That he is an adult resident citizen of Jackson, Mississippi, and that he knew Sara R. Flannes, Deceased, who departed this life on February 8, 2000; and

That the attached document entitled "Last Will and Testament of Sara R. Flannes" dated March 23, 1998, was exhibited by the said Sara R. Flannes to affiant and Annie Lee Walker as her Last Will and Testament and was signed by her on the 23rd day of March, 1998, in the presence of affiant and Annie Lee Walker, declaring the same to be her Last Will and Testament, and at her request and in her presence and in the presence of each other, the affiant and Annie Lee Walker signed the same as witnesses; and

That the signature of the said Sara R. Flannes is her genuine signature and the signatures of the affiant and Annie Lee Walker are their genuine signatures; and

That the said Sara R. Flannes was on the 23rd day of March, 1998, of sound and disposing mind and memory and was over the age of eighteen (18) years.

*W. McDonald Nichols*  
W. McDONALD NICHOLS

SWORN TO AND SUBSCRIBED before me, this the 10<sup>th</sup> day of February, 2000.

*Jim Fairley*  
Notary Public

My commission expires:

1-5-2002  
flannes aff 1

STATE OF MISSISSIPPI, COUNTY OF MADISON:

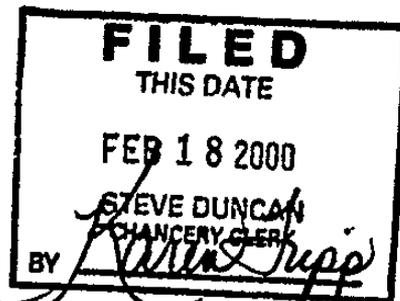
I certify that the within instrument was filed for record in my office this 14<sup>th</sup> day of February, 2000, at 10:00 o'clock A. M., and was duly recorded on the 14<sup>th</sup> day of February, 2000, Book No. 32, page 270.

STEVE DUNCAN, CHANCERY CLERK

BY: *[Signature]* D.C.



LAST WILL AND TESTAMENT  
 OF  
HENRY MELTON PARTAIN



I, HENRY MELTON PARTAIN, of Madison County, Mississippi, being of the age of eighteen (18) years and over and of sound and disposing mind and memory, do make, declare and publish this to be my Last Will and Testament, revoking all previous wills and codicils thereto heretofore made by me.

## I.

I name, constitute and appoint Mary Evelyn Partain, my wife, as Executrix of this, my Last Will and Testament, and direct that she be not required to give bond or make any formal appraisal, inventory or accounting to any Court other than the probate of this my Last Will and Testament. Should my said wife predecease me or refuse or be unable to serve as Executrix hereunder, I name, constitute and appoint Henry Melton Partain, Jr., my son, as Executor, also without bond, and also waiving appraisal, inventory and accounting.

## II.

I direct that all of my just legal debts, expenses of my last illness and funeral expenses be paid as promptly after my death as practical.

## III.

I will, devise and bequeath unto Mary Evelyn Partain, my wife, all of my estate, real, personal, and mixed of whatever nature and wheresoever located or situated if she shall survive me. Should the said Mary Evelyn Partain predecease me, I will, devise and bequeath all of my said estate unto Henry Melton Partain, Jr., John Sherman Partain and Sarah Grace Partain Guidry, my children, in equal shares, share and share alike.

IN WITNESS WHEREOF I have executed this Last Will and Testament on this the 28<sup>TH</sup> day of August, 1996, in the presence of the undersigned attesting and credible witnesses who, at my request and

Last Will and Testament of HENRY MELTON PARTAIN - Page 2.

in my presence, and in the presence of each other, have witnessed my signature hereto.

Henry Melton Partain  
Henry Melton Partain

Signed, published and declared by the Testator, HENRY MELTON PARTAIN, on the date shown above, as and for his Last Will and Testament in the presence of us, who, at his request and in his presence and in the presence of each other, subscribe our names hereto as attesting witnesses.

Lucy Walker Shest  
Doc R. Funder, Jr.

WITNESSES

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 February 2000, at 5:00 o'clock P.M., and was duly recorded on the 24<sup>th</sup> day of February, 2000, Book No. 32, Page 271.

STEVE DUNCAN, CHANCERY CLERK

BY: Michelle R. Speight D.C.



IN THE CHANCERY COURT OF MADISON COUNTY  
STATE OF MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
HENRY MELTON PARTAIN, DECEASED

CIVIL ACTION,  
FILE NO. 2000-134

PROOF OF WILL

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction above mentioned, ~~Lucy~~ Lucy West, a subscribing witness to a certain instrument of writing purported to be the *Last Will and Testament of Henry Melton Partain*, who being duly sworn, deposed and said that the said Henry Melton Partain signed, published and declared said instrument as his *Last Will and Testament* on the 28<sup>th</sup> day of August, 1996 the day of the date of said instrument, in the presence of this deponent and in the presence of Mary Lucy West and Joe R. Fancher, Jr., and that said Testator was then of sound and disposing mind and memory and more than twenty-one (21) years of age, and this deponent and Mary Lucy West and Joe R. Fancher, Jr., 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 and year of the date of said instrument.

WITNESS MY SIGNATURE on this the 27<sup>th</sup> day of January, 2000.

Lucy West  
~~Lucy~~ Lucy West

SWORN TO AND SUBSCRIBED BEFORE ME on this the 27<sup>th</sup> day of January, 2000

(SEAL)

Edith Stater  
NOTARY PUBLIC

My Commission Expires: March 6, 2003

**FILED**  
THIS DATE  
FEB 18 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY Michelle K. Speights



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 February, 2000, at 5:00 o'clock P.M., and was duly recorded on the 24<sup>th</sup> day of February, 2000, Book No. 32, Page 273.

STEVE DUNCAN, CHANCERY CLERK

BY: Michelle K. Speights D.C.

FILED  
THIS DATE  
FEB 25 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

#200-142

LAST WILL AND TESTAMENT  
OF

BE IT KNOWN that I, *Timothy M. Simms*, a resident of *Canton, Miss*, County of *Madison*, in the State of *Miss*, being of sound mind, do make and declare this to be my Last Will and Testament expressly revoking all my prior Wills and Codicils at any time made.

I. PERSONAL REPRESENTATIVE:

I appoint *Mildred Ann Simms* of *Canton, Miss*, as Personal Representative of this my Last Will and Testament and provide if this Personal Representative is unable or unwilling to serve then I appoint *Eunice Elaine Worthy* of *Vicksburg Miss*, as alternate Personal Representative. My Personal Representative shall be authorized to carry out all provisions of this Will and pay my just debts, obligations and funeral expenses. I further provide my Personal Representative shall not be required to post surety bond in this or any other jurisdiction, and direct that no expert appraisal be made of my estate unless required by law.

II. GUARDIAN:

In the event I shall die as the sole parent of minor children, then I appoint *Eunice Elaine Worthy* as Guardian of said minor children. If this named Guardian is unable or unwilling to serve, then I appoint *Edward Eugene Simms* as alternate Guardian.

III. BEQUESTS:

I direct that after payment of all my just debts, my property be bequeathed in the manner following:

*I Leave All my property of every nature & description to my wife, Ann, but if she does not survive me, I leave all said property to my daughter, Lacy Eyanne Simms.*

*Timothy M. Simms*  
Testator Signature

Page \_\_\_ of \_\_\_.

Execute and attest before a notary.

Caution: Louisiana residents should consult an attorney before preparing a will.

IN WITNESS WHEREOF, I have hereunto set my hand this 4TH day of March, 19 98, to this my Last Will and Testament.

Timothy M. Simms  
Testator Signature

IV. WITNESSED:

The testator has signed this will at the end and on each other separate page, and has declared or signified in our presence that it is his/her last will and testament, and in the presence of the testator and each other we have hereunto subscribed our names this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

[Signature] \_\_\_\_\_  
Witness Signature Address 1230 Sunset Dr - Carter, Ms 39046

[Signature] \_\_\_\_\_  
Witness Signature Address 1130 Mill Quarters - Carter, Ms 39046

\_\_\_\_\_  
Witness Signature Address

ACKNOWLEDGMENT

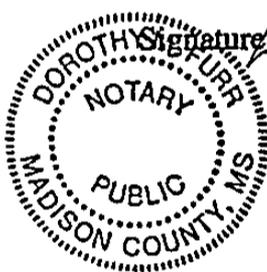
State of Mississippi }  
County of Madison }

We, Timothy M. Simms, Nancy M. Rings,  
Carolyn Drane, and \_\_\_\_\_,

the testator and the witnesses, respectively, whose names are signed to the attached and foregoing instrument, were sworn and declared to the undersigned that the testator signed the instrument as his/her Last Will and Testament and that each of the witnesses, in the presence of the testator and each other, signed the will as witnesses.

Testator: [Signature] Witness: [Signature]  
Witness: [Signature]  
Witness: \_\_\_\_\_

On March 4, 1998 before me, Dorothy M. Furr, appeared Timothy M. Simms personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.



[Signature]  
Notary Public State of Mississippi At Large  
My Commission Expires August 31, 1998  
BONDED THRU HEIDEN MARCHETTI, INC.

Affiant \_\_\_\_\_ Known \_\_\_\_\_ Produced ID \_\_\_\_\_  
Type of ID \_\_\_\_\_ (Seal)

Page \_\_\_\_\_ of \_\_\_\_\_.

K107-1C

STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 25th of Feb, 20 00, at 11:00 o'clock A M., and was duly recorded on the FEB 25 2000, Book No. 32, Page 274.

STEVE DUNCAN, CHANCERY CLERK BY: [Signature] D.C.

**FILED**  
FEB 25 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY: *Stacy Hill*

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
TIMOTHY M. SIMMS, DECEASED

CIVIL ACTION FILE  
NO. 2000-142

PROOF OF WILL

STATE OF MISSISSIPPI  
COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for said county and state, MS. CAROLYN DRANE, subscribing witness to a certain instrument of writing purporting to be the Last Will and Testament of Timothy M. Simms, deceased, and who, being by me first duly sworn and deposed, said that the said Timothy M. Simms signed, published and declared said instrument as his Last Will and Testament on March 4, 1998, the date of said instrument, in the presence of this deponent, and that the said Testator was then of sound and disposing mind and memory, more than twenty-one years of age, and had his usual place of residence in Canton, Madison County, Mississippi; and the said Ms. Carolyn Drane subscribed and attested said instrument, as witness to the signature and publication thereof, at the special instance of the said Testator, in the presence of the said Timothy M. Simms and in the presence of Nancy M. Rings, the other subscribing witness, on the day and year of the date of said instrument.

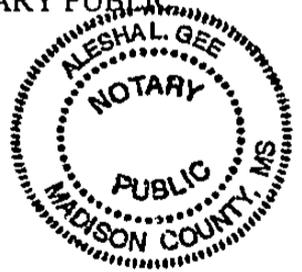
And Affiant affirmed under oath that she is in no wise interested in the estate of the Testator.

*Carolyn Drane*  
MS. CAROLYN DRANE

SWORN TO AND SUBSCRIBED before me, this the 16<sup>th</sup> day of February, 2000.

*Alesha G. Gee*  
NOTARY PUBLIC

My Notary Public State of Mississippi At Large  
Commission Expires March 23, 2003  
Bonded Thru Heald, Brown & Garland, Inc.  
W/Vel/Alesha's Binders/Legal Files/Simms, Timothy M., Estate of/P POW-Drane



STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 25<sup>th</sup> day of Feb, 2000, at 11:00 o'clock A M., and was duly recorded on the FEB 25 2000, Book No. 32, Page 276.

STEVE DUNCAN, CHANCERY CLERK BY: *Stacy Hill* D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

**FILED**  
THIS DATE  
FEB 25 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY: *Stacy Hill*

IN THE MATTER OF THE ESTATE OF  
TIMOTHY M. SIMMS, DECEASED

CIVIL ACTION FILE  
NO. 2000-142

PROOF OF WILL

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, **NANCY M. RINGS**, subscribing witness to a certain instrument of writing purporting to be the Last Will and Testament of Timothy M. Simms, deceased, and who, being by me first duly sworn and deposed, said that the said Timothy M. Simms signed, published and declared said instrument as his Last Will and Testament on March 4, 1998, the date of said instrument, in the presence of this deponent, and that the said Testator was then of sound and disposing mind and memory, more than twenty-one years of age, and had his usual place of residence in Canton, Madison County, Mississippi; and the said Nancy M. Rings subscribed and attested said instrument, as witness to the signature and publication thereof, at the special instance of the said Testator, in the presence of the said Timothy M. Simms and in the presence of Ms. Carolyn Drane, the other subscribing witness, on the day and year of the date of said instrument.

And Affiant affirmed under oath that she is in no wise interested in the estate of the Testator.

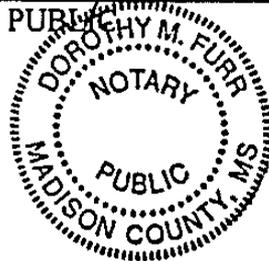
*Nancy M. Rings*  
\_\_\_\_\_  
NANCY M. RINGS

SWORN TO AND SUBSCRIBED before me, this the 31 day of JANUARY, 2000.

*Dorothy M. Furr*  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Notary Public, State of Mississippi, Term Expires 12/31/2002  
Notary Public, State of Mississippi, Term Expires 12/31/2002  
Bonded Thru Holden, Brooks & Garland, Inc.



STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 25th day of Feb, 2000, at 11:00 o'clock A M., and was duly recorded on the FEB 25 2000, Book No. 32, Page 277.

STEVE DUNCAN, CHANCERY CLERK

BY: *Stacy Hill* D.C.

#2000-144

BOOK 0032 PAGE 278  
LAST WILL AND TESTAMENT  
OF  
THOMAS M. MONDAY

FILED  
THIS DATE  
FEB 25 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *Steve Duncan*

I, THOMAS M. MONDAY, a resident of Madison County, Mississippi, being above the age of twenty-one years and being of sound and disposing mind and memory, and desiring to arrange my worldly affairs and material possessions in an orderly and just manner, the better to safeguard the interest of those to whom I am most obligated, do this day, make, ordain, declare and publish this instrument of writing as my Last Will and Testament, hereby revoking any and all former will and codicils thereto heretobefore made by me.

ITEM I

I hereby direct my Executrix to pay out of my estate all of my just debts and to settle any claim against my estate in her sole and absolute discretion.

ITEM II

I hereby name, nominate and appoint my beloved wife, BETTYE L. MONDAY, as Executrix of my estate and to whom no bond, security, inventory, appraisal or accounting shall be required by the Court for her serving in such capacity.

ITEM III

I hereby give, devise and bequeath to my daughter, TOMA MONDAY CORUM the sum of \$1.00.

ITEM IV

I hereby give, devise and bequeath unto my beloved wife, BETTYE L. MONDAY, all of the rest, remainder and residue of my estate, being all my property, real, personal and mixed, of whatsoever kind and wheresoever situated.

IN WITNESS WHEREOF, I, THOMAS M. MONDAY, have in the presense of witnesses, signed, ordained, declared and published this instrument of writing consisting of two typewritten pages,

to be my Last Will and Testament on this the 6 day of April, 1992.

Thomas M. Monday  
THOMAS M. MONDAY, TESTATOR

The above and foregoing writing was on the day and date set forth therein, signed, ordained, declared and published by THOMAS M. MONDAY to be his Last Will and Testament in our presence, and at his special instance and request we have subscribed our names as witnesses in his presence, and in the presence of each other.

Phillip M. Nelson  
WITNESS

P.O. 384  
Wedgeland, Ms 39158  
ADDRESS

Ronald M. Kirk  
WITNESS

310 2d St. Flowa, Mo., 39071  
ADDRESS

STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 25th day of Feb, 2000, at 1:30 o'clock P M., and was duly recorded on the FEB 25 2000, Book No. 32, Page 278.

STEVE DUNCAN, CHANCERY CLERK BY: Stacy Hill D.C.

IN THE MATTER OF THE LAST WILL AND TESTAMENT OF THOMAS M. MONDAY, DECEASED

AFFIDAVIT OF SUBSCRIBING WITNESS

FILED THIS DATE FEB 25 2000 STEVE DUNCAN CHANCERY CLERK BY [Signature]

STATE OF MISSISSIPPI COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named PHILLIP M. NELSON, one of the subscribing witnesses of that certain instrument of writing being dated April 6, 1992, and purporting to be the Last Will and Testament of THOMAS M. MONDAY now deceased, who having been by me first duly sworn, did state on his oath that the said THOMAS M. MONDAY, on the 6th day of April, 1992, in the presence of Affiant, and in the presence of RONALD M. KIRK, the other subscribing witness to said instrument, did sign, publish and subscribe and declare said instrument to be his Last Will and Testament, this affidavit being attached to the original of said Last Will and Testament; and

That at the signing of said Last Will and Testament, the said THOMAS M. MONDAY was of sound disposing mind and memory and above the age of 21 years, and fully capable of executing and competent to execute the said Last Will and Testament.

Affiant herein, and the other subscribing witness did subscribe and attest said Last Will and Testament, as witnesses to the signing, subscription and publication thereof at the special instance and request of the said THOMAS M. MONDAY in her presence and in the presence of each other.

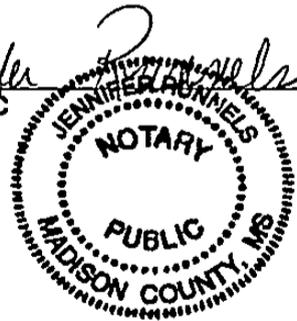
WITNESS MY HAND this the 1st day of February, 2000.

[Signature of Phillip M. Nelson] PHILLIP M. NELSON

SWORN TO AND SUBSCRIBED BEFORE ME, this the 1st day of February, 2000.

[Signature of Jennifer Runnels] NOTARY PUBLIC

MY COMMISSION EXPIRES: November 11, 2001



STATE OF MISSISSIPPI, COUNTY OF MADISON

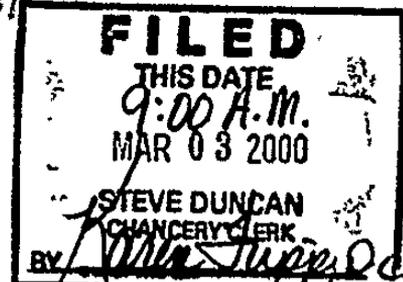


I certify that the within instrument was filed for record in my office this 25th day of Feb, 2000, at 1:30 o'clock P.M., and was duly recorded on the FEB 25 2000, Book No. 32, Page 280.

STEVE DUNCAN, CHANCERY CLERK BY: [Signature] D.C.

Book 32 Page 281

LAST WILL AND TESTAMENT  
OF  
EILEEN D. SHORT



I, EILEEN D. SHORT, a resident of Hinds County, State of Mississippi, being of sound and disposing mind and memory, 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 other wills, testaments and Jodicials tnereto heretofore made by me.

I.

I do hereby direct that my son, WILLIAM H. SHORT, be appointed Executor of this my Last Will And Testament. I hereby direct that my Executor shall not be required to give any bond, and I hereby waive the necessity of having a formal appraisement made of my estate.

II.

I hereby direct my Executor to pay all of my just debts which may be probated, registered and allowed against my estate as soon as may be conveniently done. I direct my Executor to pay all Federal and State, estate, inheritance, succession, transfer and other death taxes which are assessed against my estate or against any beneficiary, including estate and inheritance taxes assessed on account of life insurance proceeds or any other property which shall be included in my gross estate for the purpose of such taxes whether or not included in my estate for probate purposes, out of my residuary estate.

III.

I give and bequeath to my three sons, E. L. SHORT, JR., WILLIAM H. SHORT and DEWITT CURTIS SHORT, if they be living at the time of my death, all of my property, both real and personal, including all my clothing, books, jewelry, stocks and bonds, and other items of personal adornment; to share equally, per stirpes.

IN WITNESS WHEREOF, I have hereunto subscribed my name,  
This, The 11 day of January, 1983.

Eileen D. Short  
EILEEN D. SHORT

This instrument was, on the day and year shown above,  
signed, published and declared by EILEEN D. SHORT, to be her  
Last Will And Testament in our presence, and we, at her request  
have subscribed our names hereto as witnesses in her presence  
and in the presence of each other.

NAMES:

ADDRESSES:

Herman S. Mason 5175 Galaxie Dr. Jackson, Ms  
Arnold H. Carter 5115 Lumbard Dr., Jackson, Ms

STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 3rd day  
of March, 2000, at 9:00 o'clock A: M., and was duly recorded  
on the 3rd day of March, 2000, Book No. 32, Page 281.

STEVE DUNCAN, CHANCERY CLERK

BY: Karen Supp D.C.



AFFIDAVIT OF SUBSCRIBING WITNESS TO WILL

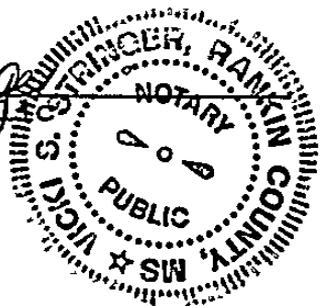
STATE OF Mississippi  
COUNTY OF Hinds

BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, this day personally appeared HERMAN M. MASON, one of the two attesting and subscribing witnesses to a certain instrument of writing, hereto attached, purporting to be the Last Will and Testament of MRS. EILEEN D. SHORT, who, having been by me first duly sworn, on oath deposed and said that the said MRS. EILEEN D. SHORT, published and declared said instrument as her Last Will and Testament in the presence of this deponent and Deloris W. Coats, the other attesting and subscribing witness to said instrument, as attesting and subscribing witnesses thereto, on the day and date thereof, to-wit: the 11th day of January, 1983; that said testatrix was then of sound and disposing mind, memory and understanding, and more than twenty-one years of age, and that this deponent and the said Betty Tynes Carroll attested and subscribed said instrument as witnesses to the signature, execution and publication thereof, at the special instance and request, and in the presence of said testatrix, and in the presence of each other on the day and year aforesaid.

Herman M. Mason  
HERMAN M. MASON

SWORN TO AND SUBSCRIBED BEFORE ME, this the 4<sup>th</sup> day of February, 2000.

Nicki L. Stringer  
Notary Public



My commission expires:

4-4-2001

STATE OF MISSISSIPPI, COUNTY OF MADISON:



I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:00 o'clock A. M., and was duly recorded on the 3rd day of March, 2000, Book No. 32, Page 283.

STEVE DUNCAN, CHANCERY CLERK

BY: Naren Hipp D.C.

#2000-165

# Last Will and Testament

OF  
LORENE R. EVERETT

<b>FILED</b>
THIS DATE
MAR 03 2000
STEVE DUNCAN CHANCERY CLERK
BY <i>Sally Moore</i>

I, LORENE R. EVERETT, being over the age of eighteen (18) years and of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby expressly revoking all former wills and codicils made by me at any time heretofore.

I.

I hereby appoint DANIEL D. EVERETT, JR., as Executor of this my Last Will and Testament, and it is my desire that my Executor shall have full and complete power and authority to do and to perform any act deemed by him to be in the best interest of my estate. Should DANIEL D. EVERETT, JR., be unwilling or unable to serve, I hereby appoint KATHRYN SUE EVERETT MOORE as Executrix and I further waive the necessity of having a formal appraisal made of my estate and I further waive the necessity of a bond or an accounting.

II.

I hereby give, devise and bequeath unto my granddaughter, CALLIE WELCH EVERETT, my diamond ring which consists of a gold band set with three diamonds, and unto my daughter, KATHRYN SUE EVERETT MOORE, all of my remaining jewelry.

III.

I hereby give, devise and bequeath all of the rest, residue and remainder of my property, whether it be real, personal or mixed, wheresoever situated or howsoever situated or howsoever described unto KATHRYN SUE EVERETT MOORE and DANIEL D. EVERETT, JR., in equal shares to share and share alike.

IN WITNESS WHEREOF, I, LORENE R. EVERETT, have hereunto set my signature on, and published and declare this to be my Last Will and Testament on this the 6th day of November, 1992, in the

*L.R.*

presence of two witnesses who have each signed as witnesses at my request, in my presence and in the presence of each other.

Lorene R. Everett  
LORENE R. EVERETT

WITNESSES:

Uma McKinnis  
Darryl Hudson

ATTESTATION CLAUSE

WE, each of the subscribing witnesses to the Last Will and Testament of LORENE R. EVERETT, do hereby certify that said instrument was signed in the presence of each of us, and that said LORENE R. EVERETT declared the same to be her Last Will and Testament in the presence of each of us, and that we signed as subscribing witnesses to the said Will at the request of LORENE R. EVERETT, in her presence and in the presence of each other.

WITNESS OUR SIGNATURES on this the 6<sup>th</sup> of November, 1992.

Uma McKinnis  
Darryl Hudson  
WITNESSES

LAFORMADAMPWILLAEVERETT.104

STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:30 o'clock A M, and was duly recorded on the MAR 3 2000, Book No. 32, Page 284

STEVE DUNCAN, CHANCERY CLERK BY: Darryl Hudson D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

**FILED**  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY Stacey Hill

IN THE MATTER OF THE ESTATE OF  
LORENE R. EVERETT, DECEASED

CIVIL ACTION FILE  
NO. 2000-165

PROOF OF WILL

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, **DON A. MCGRAW**, subscribing witness to a certain instrument of writing purporting to be the Last Will and Testament of Lorene R. Everett, deceased, and who, being by me first duly sworn, deposed and said that the said Lorene R. Everett signed, published and declared said instrument as her Last Will and Testament on November 6, 1992, the date of said instrument, in the presence of this deponent, and that the said Testatrix was then of sound and disposing mind and memory, more than twenty-one years of age, and had her usual place of residence in Canton, Madison County, Mississippi; and the said Don A. McGraw subscribed and attested said instrument, as witness to the signature and publication thereof, at the special instance of the said Testatrix, in the presence of the said Lorene R. Everett and in the presence of Dewey Hembree, the other subscribing witness, on the day and year of the date of said instrument.

And Affiant affirmed under oath that he is in no wise interested in the estate of the Testatrix.

[Signature]  
DON A. MCGRAW

SWORN TO AND SUBSCRIBED before me, this the 8<sup>th</sup> day of February, 2000.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

Dec 2001  
Civil Duty Under Seal of Notary Public Lorene, Estate of U-POW-McGraw

STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:30 o'clock A. M., and was duly recorded on the MAR 3 2000, Book No. 32, Page 286.

STEVE DUNCAN, CHANCERY CLERK BY: Stacey Hill D.C.

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

**FILED**  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY Stanley H. [Signature]

IN THE MATTER OF THE ESTATE OF  
LORENE R. EVERETT, DECEASED

CIVIL ACTION FILE  
NO. 2000-165

PROOF OF WILL

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, **DEWEY HEMBREE**, subscribing witness to a certain instrument of writing purporting to be the Last Will and Testament of Lorene R. Everett, deceased, and who, being by me first duly sworn, deposed and said that the said Lorene R. Everett signed, published and declared said instrument as her Last Will and Testament on November 6, 1992, the date of said instrument, in the presence of this deponent, and that the said Testatrix was then of sound and disposing mind and memory, more than twenty-one years of age, and had her usual place of residence in Canton, Madison County, Mississippi; and the said Dewey Hembree subscribed and attested said instrument, as witness to the signature and publication thereof, at the special instance of the said Testatrix, in the presence of the said Lorene R. Everett and in the presence of Don A. McGraw, the other subscribing witness, on the day and year of the date of said instrument.

And Affiant affirmed under oath that he is in no wise interested in the estate of the Testatrix.

[Signature]  
DEWEY HEMBREE

SWORN TO AND SUBSCRIBED before me, this the 9<sup>th</sup> day of February, 2000.

[Signature]  
NOTARY PUBLIC

My Commission Expires:

1-25-03

C:\MSB\g\Alaska's Binders\Legal Files\Everett, Lorene, Estate of\A-POW-McGraw



STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:30 o'clock A. M., and was duly recorded on the MAR 3 2000, Book No. 32, Page 287.

STEVE DUNCAN, CHANCERY CLERK

BY: [Signature] D.C.

CODICIL TO WILL OF LORENE EVERETT

On this, the 10th day of July, 1995, I hereby add this codicil to my will, and will change any items in the previous will to reflect my wishes.

- 1. Pewter Airplanes - divide between the boys
- 2. Duck Plates - 1 set each belong to the boys
- 3. All other plates go to Callie, Fostoria glass pitcher goes to Callie, Lamoge China goes to Callie
- 4. Big glass bowls go to boys, one has to be repaired
- 5. Divide glass chickens among the children
- 6. All debts owed to me by Kathryn Sue Everett Moore are hereby canceled in full
- 7. \$10,000.00 is to be given to each grandchild, remaining money will be divided between Daniel and Kathryn.

Signed this the 10th day of July, 1995.

Lorene R Everett  
Lorene Everett

Dinger P Monk  
Witness

William M. Smith  
Witness

**FILED**  
THIS DATE  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY Jarvis Hill

STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:30 o'clock A. M., and was duly recorded on the MAR 3 2000, Book No. 32, Page 288.

STEVE DUNCAN, CHANCERY CLERK BY: Jarvis Hill D.C.

**FILED**  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY Stacy Hill

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
LORENE R. EVERETT, DECEASED

CIVIL ACTION FILE  
NO. 2000-165

PROOF OF CODICIL

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, **KATHRYN M. SMITH**, subscribing witness to a certain instrument of writing purporting to be a Codicil to the Last Will and Testament of Lorene R. Everett, deceased, and who, being by me first duly sworn, deposed and said that the said Lorene R. Everett signed, published and declared said instrument as a Codicil to her Last Will and Testament on July 10, 1995, the date of said instrument, in the presence of this deponent, and that the said Testatrix was then of sound and disposing mind and memory, more than twenty-one years of age, and had her usual place of residence in Canton, Madison County, Mississippi; and the said Kathryn M. Smith subscribed and attested said instrument, as witness to the signature and publication thereof, at the special instance of the said Testatrix, in the presence of the said Lorene R. Everett and in the presence of Ginger P. Monk, the other subscribing witness, on the day and year of the date of said instrument.

And Affiant affirmed under oath that she is in no wise interested in the estate of the Testatrix.

Kathryn M. Smith  
KATHRYN M. SMITH

SWORN TO AND SUBSCRIBED before me, this the 18<sup>th</sup> day of February, 2000.

Jarvis Wheeler Breeland  
NOTARY PUBLIC

My Commission Expires:

Steve Duncan, Chancery Clerk  
Notary Public, State of Mississippi At Large  
My Commission Expires September 18, 2002  
Bonded Thru Heidon, Brooks & Garland, Inc.



STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:30 o'clock A M., and was duly recorded on the MAR 3 2000, Book No. 32, Page 289.

STEVE DUNCAN, CHANCERY CLERK

BY: Stacy Hill D.C.

**FILED**  
THIS DATE  
**MAR 03 2000**  
STEVE DUNCAN  
CHANCERY CLERK  
BY Stacey Hill

BOOK **0032** PAGE **290**

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
LORENE R. EVERETT, DECEASED

CIVIL ACTION FILE  
NO. 2000-165

PROOF OF CODICIL

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, **GINGER P. MONK**, subscribing witness to a certain instrument of writing purporting to be a Codicil to the Last Will and Testament of Lorene R. Everett, deceased, and who, being by me first duly sworn, deposed and said that the said Lorene R. Everett signed, published and declared said instrument as a Codicil to her Last Will and Testament on July 10, 1995, the date of said instrument, in the presence of this deponent, and that the said Testatrix was then of sound and disposing mind and memory, more than twenty-one years of age, and had her usual place of residence in Canton, Madison County, Mississippi; and the said Ginger P. Monk subscribed and attested said instrument, as witness to the signature and publication thereof, at the special instance of the said Testatrix, in the presence of the said Lorene R. Everett and in the presence of Kathryn M Smith, the other subscribing witness, on the day and year of the date of said instrument.

And Affiant affirmed under oath that she is in no wise interested in the estate of the Testatrix.

Ginger P Monk  
GINGER P. MONK

SWORN TO AND SUBSCRIBED before me, this the 03 day of February 2000

Steve Duncan  
NOTARY PUBLIC

My Commission Expires:

1/1/2004  
C:\Bulge\Althea\T\Binders\Legal Files\Everett, Lorene, Estate of\P-POW-McGraw

STATE OF MISSISSIPPI, COUNTY OF MADISON



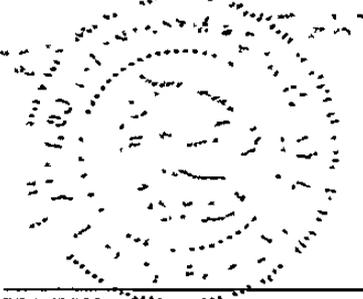
I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 9:30 o'clock A.M., and was duly recorded on the MAR 3 2000, Book No. 32, Page 290.

STEVE DUNCAN, CHANCERY CLERK BY: Stacey Hill D.C.

STATE OF MISSISSIPPI }  
County of Washington } ss.

I Margaret P. Tucker as clerk of the Chancery court, of Washington County, in the State of Mississippi, do hereby certify that the foregoing fourteen page s of        written matter contain a true, perfect, full, complete and compared transcript of the Last Will and Testament of Mary ~~sther~~ Howell Newton <sup>filed</sup> ~~copy attached~~ on the 22nd day of December A.D., 1999 and First Codicil thereto and Second ~~wherein~~ Codicil thereto, filed on the same date

      , and duly entered of record in the records of my office "Will Book 27" at page 296 through 308.



IN TESTIMONY WHEREOF, I, as such clerk, do hereunto subscribe my name, and affix the seal of said court, at the City of Greenville in said Washington County, in the State of Mississippi this the 28th day of February A.D., 2000

Margaret P. Tucker  
Clerk.

STATE OF MISSISSIPPI }  
County of Washington } ss.

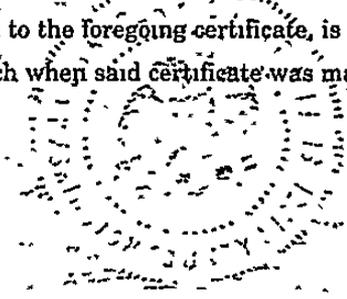
I Ceola James, Chancellor of the Chancery court of Washington County, in the State of Mississippi do hereby certify that Margaret P. Tucker whose name is subscribed to the foregoing attestation, was at the time of his making said certificate of authentication, and is now, the duly elected, commissioned, qualified and acting clerk of said court; that as such clerk he is, under the laws of the State of Mississippi, the legal custodian of the records of said court, and the officer authorized by the laws of the said State to make the said certificate of authentication; that as such clerk his certificates, attestations, acts and doings are entitled to full faith and credit; and that his foregoing attestation of the transcript of the record of said court, rendered and duly entered of record, Will Book 27, Pages 296 through 308, being the Last Will and Testament of Mary Howell Newton, First Codicil thereto and Second Codicil thereto

      , is in due form  
IN TESTIMONY WHEREOF, I do hereunto subscribe my name as the Chancellor of said court, at the City of Greenville, in the State of Mississippi, this the 29th day of February A.D., 2000

Ceola James  
Chancellor

STATE OF MISSISSIPPI, }  
County of Washington } ss.

I, Margaret P. Tucker, as clerk of the Chancery court, of Washington County, in the State of Mississippi, do hereby certify that Ceola James whose name is subscribed to the foregoing certificate, is the sole Chancellor of the Chancery Sub-District One court; and he was such when said certificate was made; and that the signature thereto is his genuine signature



IN TESTIMONY WHEREOF, I hereunto subscribe my name as such clerk, and affix the seal of said court at the City of Greenville in the State of Mississippi, this the 29th day of February A.D., 2000

Margaret P. Tucker  
Clerk

LAST WILL AND TESTAMENT  
OF  
MARY HOWELL NEWTON

**FILED**  
THIS DATE  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

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

ITEM I.

I hereby direct my Executor to pay all of my just debts as soon as may be conveniently done after my death without the necessity of having claims therefor filed and allowed in the Court in which this my Last Will and Testament is probated. I further direct my Executor to pay all Federal and State estate, inheritance, succession, transfer or other death taxes which are assessed against my estate or against any beneficiary, including estate and inheritance taxes assessed on account of life insurance proceeds or any other property which shall be included in my gross estate for the purpose of such taxes, whether or not included in my estate for probate purposes, out of my residuary estate.

ITEM II.

In the event he survives me, I give, devise and bequeath to my husband, Isaac James Newton, all of my interest in the household effects, furniture and fixtures located in our residence at the time of my death, together with all of my interest in china, silverware, crystal, paintings, books and art objects which I have not listed or designated (in a manner which will be known to him) as gifts to other persons;

*Mary Howell Newton*  
MARY HOWELL NEWTON

and in the event he shall not survive, me, I give, devise and bequeath all of said articles and property to my children, share and share alike, and if any of my children should also predecease me, his or her share shall go to his or her issue per stirpes, and the share of anyone dying with a child or children shall go to his or her siblings in equal shares.

## ITEM III.

In the event, at the time of my death, I own any interest in any residence and the lot on which it is situated, I give, devise and bequeath such interest to my husband if he survives me, and if he does not survive me, then to my children in equal shares.

## ITEM IV.

If my husband, Isaac James Newton, survives me, I give and devise to my husband, Isaac James Newton, as trustee, a sum equal to the dollar amount, if any, which can pass free of Federal estate tax in my estate by reason of the unified credit against Federal estate tax allowable to my estate (the credit shelter amount) reduced by the aggregate of all items includable in my estate for Federal estate tax purposes which either are disposed of in previous articles of this will or outside of this will but only if such items do not qualify for the Federal estate tax marital deduction or the Federal estate charitable deduction. My said trustee (or successor-trustees) shall hold this sum in trust during the life of my husband, Isaac James Newton, or until the earlier termination of the trust, for the following purposes and on the following terms and conditions:

A. LIFE INCOME TO MY HUSBAND WITH LIMITED RIGHT OF INVASION.

(1) After paying all expenses of maintaining, repairing, insuring and preserving the trust property,

*Mary Howell Newton*  
 MARY HOWELL NEWTON

any ad valorem taxes assessed against the same, and the expenses of managing the property and administering this Trust, my Trustee shall pay all of the net income thereof to or for the benefit of my husband, Isaac James Newton, during his lifetime, such payments to be made at least as often as annually or more often if practicable.

(2) In addition to the income payable to my husband under Paragraph (1) above, whenever my Trustee determines that the income and principal available to my husband from all sources is not sufficient for his health, support, and maintenance at the standard of living which was maintained for him up until the time of my death and for his medical care, my Trustee shall pay to, or for the benefit of, my husband so much of the principal as is reasonably necessary for his health, support and maintenance and to provide such standard of living; provided that in the event there is needed in any calendar year from principal for any or all of such purposes more than five percent (5%) thereof, then the Trustee shall, prior to withdrawal of or payment from principal of such excess amount, advise the persons named as successor-Trustees, and then willing and able to act as such, of the facts necessitating such withdrawal, and such successor-Trustees shall have the sole discretion to authorize such withdrawal or payment from principal in excess of any such five percent (5%) limitation.

(3) In the event of the death, resignation or disqualification of my husband as Trustee, I name and appoint as his successors my sons, Isaac James Newton, Jr. and Erle Jackson Newton, and in the event of the

*Mary Howell Newton*  
 MARY HOWELL NEWTON

disqualification or inability to serve of either of them, the other shall be fully qualified to act as Trustee. And further in the event of the disqualification or inability to serve of both of them, I name and appoint as successor-Trustee my daughter, Blanche Howell Newton Tyson, and similarly in the event of her disqualification or inability to serve, my daughter, Julia Margaret Newton. Neither my Trustee nor any successor-Trustee shall be required to give any bond before acting as Trustee and each successor shall be vested with all the powers of my original Trustees.

(4) My Trustee(s) shall have the full power to sell, exchange and lease the Trust property and invest and re-invest the same as my Trustee deems prudent, to lend and borrow money and secure the same by mortgage, deed of trust or pledge of the Trust property, and generally to do anything that he or she could do if the sole owner of said property, all without Court order. Without dimunition or restriction of the powers vested in such Trustee(s) by law or elsewhere in this instrument and subject to all other provisions of this Will, my Trustee(s), without the necessity of procuring any judicial authorization therefor, or approval thereof, shall be vested with, and in the application of his or her best judgment and discretion in behalf of the beneficiaries of the Trust, shall be authorized to exercise, the powers specifically set forth and conferred under the Mississippi Uniform Trustees' Powers Act or otherwise conferred upon Trustees under Mississippi law. With respect to properties located outside the State of Mississippi, my said Trustee(s) shall have any

  
 MARY HOWELL NEWTON

additional powers granted by the laws of that jurisdiction to Trustees. I specifically provide that my Trustee(s) on termination of the Trust need not make pro rata distributions in kind, but may make non-pro rata distributions all or partially in cash and all or partially in kind, so long as each beneficiary gets his or her proportionate share in value as reasonably determined by the Trustee(s).

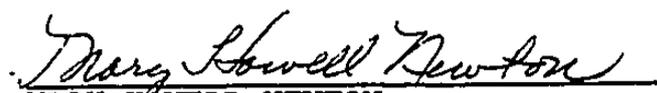
B. REMAINDER AFTER LIFE ESTATE.

Upon the death of my husband if he shall have survived me, or if he shall have predeceased me, then upon my death, all the rest, residue and remainder of my property, real, personal and mixed, devised under this Item IV, I give, devise and bequeath in equal shares to my four children, Isaac James Newton, Jr., Erle Jackson Newton, Blanche Howell Newton Tyson and Julia Margaret Newton, provided that if any of them shall have predeceased me, the share intended for such one shall go to his or her issue per stirpes and if he or she shall have none, then to his or her siblings in equal shares, the children of any brother or sister who may have died to take the parent's share.

ITEM V.

If my husband, Isaac James Newton, survives me, I give all the rest, residue and remainder of my property, real, personal and mixed (my residuary estate) to my husband, Isaac James Newton, and my sons, Isaac James Newton, Jr. and Erle Jackson Newton, as Trustees, in Trust, during the life of my husband for the following purposes:

- (1) To pay the income to my husband in convenient installments at least as often as annually.
- (2) To pay to my husband such sums from or such part of the principal of the Trust, including the whole thereof,

  
 MARY HOWELL NEWTON

as he may from time to time request by a written instrument or instruments delivered to the remaining two Trustees, namely Isaac James Newton, Jr. and Erle Jackson Newton.

(3) To pay to him at any time and from time to time such sums from or such part of the principal of the Trust including the whole thereof as my Trustees may in their sole discretion determine to be necessary or desirable to permit my husband to maintain his usual standard of living, including payment of the cost of any illness or accident which may affect him.

(4) To pay any principal or accumulated income remaining after my husband's death to such person or others, including his estate, his creditors or the creditors of his estate, in such shares, on such terms, outright or in trust as my husband may appoint by Will in which he expressly refers to the power herein given him. This power shall be exercisable by my husband alone and in all events.

(5) If my husband fails to exercise or does not fully and effectively exercise the power of appointment granted him in sub-paragraph (4) above, my surviving trustees shall pay the principal and any accumulated income, if any, remaining on my husband's death and not effectively appointed by him to my four children, Isaac James Newton, Jr., Erle Jackson Newton, Blanche Howell Newton Tyson and Julia Margaret Newton in equal shares, and if any of them shall have predeceased me, the share intended for such one shall go to his or her issue in equal shares and if he or she has no issue, then to his or her siblings per stirpes.

(6) My Trustees appointed under this item shall have all the powers and authorities granted to my Trustees under Item IV A(4), it being my intent to give my Trustees similar

*Mary Howell Newton*  
 MARY HOWELL NEWTON

powers and authorities as are granted and given under Item IV A(4).

(7) In the event of the death, resignation or disqualification of my husband as Trustee, my two successor-trustees shall have full power to act hereunder. In the event of the death, resignation or disqualification of either of my sons, the other shall be fully qualified to exercise the powers and authorities granted hereunder to them. Further in the event of the death, resignation or disqualification of both of them, I name and appoint as successor-trustee my daughter, Blanche Howell Newton Tyson, and similarly in the event of her death, resignation or disqualification, I name my daughter, Julia Margaret Newton. No trustee nor successor-trustee appointed hereunder shall be required to give any bond before acting as trustee and each successor-trustee shall be vested with all the powers of my original trustees.

In the event my husband, Isaac James Newton, does not survive me, then upon my death my residuary estate, devised under this Item V, I give, devise and bequeath in equal shares to my four children, Isaac James Newton, Jr., Erle Jackson Newton, Blanche Howell Newton Tyson and Julia Margaret Newton, provided that if any of them shall have predeceased me, the share intended for such one shall go to his or her issue per stirpes and if he or she shall have none, then to his or her siblings in equal shares, the children of any brother or sister who may have died to take the parent's share.

ITEM VI.

Notwithstanding anything to the contrary herein contained in the event that any grandchild, that is the child of any

*Mary Howell Newton*  
 MARY HOWELL NEWTON

child of mine, is because any of my children shall have predeceased my husband, the beneficiary of any devise or any part of such devise made under this Will, then if any such beneficiary taking shall be under the age of twenty-one (21) years, the share which otherwise would have passed outright to him or her, shall be held in trust for his or her benefit until he or she reaches twenty-one (21) years of age. The Trustee of any such trust shall be the surviving parent of such beneficiary, and if none or such surviving parent resigns, becomes disabled or dies, then said Trustee shall be my oldest surviving child willing and able to qualify. Said Trustee shall serve without bond. The Trustee may distribute so much of the net income as he deems desirable for the comfort, happiness, support and welfare of such beneficiary and shall accumulate the rest of such income. When any such minor beneficiary attains the age of twenty-one (21) years, there shall be paid over and distributed to him or her outright the principal and any undistributed income belonging to him or her.

Notwithstanding anything to the contrary contained herein, no trust hereunder shall in any event exist longer than twenty-one (21) years after the death of the last to die of a class composed of my children and the children of any child living at my death. If such date occurs prior to the termination date otherwise specified, then the trust shall terminate at such earlier date and all the property and income shall pass outright to the beneficiary of such trust.

The Trustee of any such trust shall have full power to sell, exchange and lease the trust property and invest and

*Mary Howell Newton*  
 \_\_\_\_\_  
 MARY HOWELL NEWTON

re-invest the same as is deemed prudent and shall have all other powers with respect to such trust as is given the Trustee(s) under Item IV A(4).

## ITEM VII.

If my husband and I should die under circumstances that the order of our death cannot reasonably be shown by proof, it shall be presumed for all purposes hereunder that I survived my husband.

## ITEM VIII.

I nominate and appoint my husband, Isaac James Newton, as Executor of this my Last Will and Testament, and direct that no bond, formal appraisal, inventory or accounting be required of him as Executor. If for any reason my husband shall become incapacitated, unable or unwilling to serve as Executor, then I name and appoint as co-executors my sons, Isaac James Newton, Jr., and Erle Jackson Newton, to serve without bond, and in the event either of them shall become incapacitated, unable or unwilling to serve as Executor, the other of said co-Executors shall be fully empowered and authorized so to act. I give to my Executors full power, without authorization from any Court, to sell, lease and exchange any property of my estate, real, personal or mixed, and to invest and re-invest the same as they may deem fit, to continue any business or partnership that I may own or in which I may be interested, vote any stock, and to do whatever my Executors deem necessary or prudent in the managing and handling of my estate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this, my Last Will and Testament, this, the 12<sup>th</sup> day of August, 1982.

B.A. 2  
AN/E

Mary Howell Newton  
MARY HOWELL NEWTON

ATTESTING WITNESSES:

C. A. Judd

Arthur H. Keen, Jr.

CERTIFICATE OF ATTESTATION

We, C. A. Judd and Arthur H. Keen, Jr.

hereby certify that the testatrix, MARY HOWELL NEWTON, signed the foregoing document in our presence and in the presence of each of us, and at the same time declared the same to be her Last Will and Testament, and that we and each of us, at her request and in her presence and in the presence of each other, signed the same as attesting witnesses.

WITNESS OUR SIGNATURES, this, the 12<sup>th</sup> day of August, 1982.

C. A. Judd

Arthur H. Keen, Jr.

1200K 27 11 200

FILED  
THIS DATE  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

CODICIL TO THE LAST WILL AND TESTAMENT OF  
MARY HOWELL NEWTON

I, MARY HOWELL NEWTON, an adult resident citizen of Greenville, Washington County, Mississippi, being of sound and disposing mind and memory, do hereby make, publish, and declare this Codicil to my Last Will and Testament which was made on August 12, 1982.

ARTICLE 1.

Item II of my said Last Will and Testament is amended by changing the word "with" appearing in the next to the last line of said Item II to read "without", with the result that the last clause of said Item II will read ". . . and the share of anyone dying without a child or children shall go to his or her siblings in equal shares."

Except as modified and amended by this Codicil, my said Last Will and Testament executed on August 12, 1982, shall remain in full force and effect and I do hereby redeclare it as my Last Will and Testament, but modified as herein provided.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the presence of two subscribing witnesses who have at my request attested the same on this the 12<sup>th</sup> day of April, 1984.

*Mary Howell Newton*  
MARY HOWELL NEWTON

ATTESTING WITNESSES:

*Charles S. Simdell III*  
*Charles S. Simdell*

CERTIFICATE OF ATTESTATIONWe, Charles S Tindall III and Charles S. Tindall Jr.

hereby certify that the testatrix, Mary Howell Newton, signed the foregoing document in our presence and in the presence of each of us, and at the same time declared the same to be her Codicil to her Last Will and Testament, and that we and each of us, at her request and in her presence and in the presence of each other, signed the same as attesting witnesses.

WITNESS OUR SIGNATURES, this, the 12<sup>th</sup> day of April, 1984.

Charles S Tindall IIICharles S. Tindall Jr.

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SECOND CODICIL TO  
LAST WILL AND TESTAMENT  
OF  
MARY HOWELL NEWTON

FILED  
THIS DATE  
MAR 03 2000  
STEVE DUNCAN  
CHANCERY CLERK  
BY *[Signature]*

I, MARY HOWELL NEWTON, an adult resident citizen of Greenville, Washington County, Mississippi, being of sound and disposing mind and memory, do hereby make, publish and declare this Second Codicil to my Last Will and Testament made on August 12, 1982 and supplemented by my First Codicil thereto executed on April 12, 1984.

ARTICLE 1.

My said Last Will and Testament, as supplemented and amended by my First Codicil thereto, is modified and amended as follows:

Item VIII of my said Last Will and Testament made on August 12, 1982 is added to and amended to provide that if my husband fails for any reason to serve as executor and if my son, Erle Jackson Newton (my son, Isaac James Newton, Jr., being no longer living), should die, become incapacitated, unable or unwilling for any reason to serve as executor, then I name and appoint as successor-executrix my daughter, Blanche Howell Newton Tyson, and similarly in the event of her death, resignation or disqualification, I name my daughter, Julia Margaret Newton Reynolds, with direction that my successor-executrix shall not be required to give or make any bond, or file any formal appraisal, inventory or accounting as executrix. Any successor-executrix will have the same powers and authorities as are granted to my executor under Item VIII of my said Last Will and Testament.

ARTICLE 2.

Except as amended and modified by this Second Codicil, my said Last Will and Testament executed on August 12, 1982, as amended and supplemented by my First Codicil thereto made on April 12, 1984, shall remain in full force and effect and I do hereby redeclare and republish the same as my Last Will and Testament and Codicil thereto, as supplemented and modified as herein provided.

*Mary Howell Newton*  
MARY HOWELL NEWTON

IN WITNESS WHEREOF, I sign, seal, publish and declare this Second Codicil to my said Last Will and Testament, in the presence of two subscribing witnesses, who at my request have attested to the same, on this, the 22 day of May, 1991.

MARY HOWELL NEWTON  
MARY HOWELL NEWTON

ATTESTING WITNESSES:

Edwin W. Tindall

Jeanie T. Wright

CERTIFICATE OF ATTESTATION

WE, Edwin W. Tindall and Jeanie T. Wright, hereby certify that the testatrix, MARY HOWELL NEWTON, signed the foregoing document in our presence, and in the presence of each of us and at the same time declared the same to be the Second Codicil to her Last Will and Testament made on August 12, 1982, as supplemented and added to by her First Codicil thereto made on April 12, 1984, and that we and each of us, at her request and in her presence and in the presence of each other, signed the same as attesting witnesses.

WITNESS OUR SIGNATURES, this, the 22 day of May, 1991.

Edwin W. Tindall

Jeanie T. Wright



STATE OF MISSISSIPPI, COUNTY OF MADISON:

I certify that the within instrument was filed for record in my office this 3rd day of March, 2000, at 12:15 o'clock P. M., and was duly recorded on the 3rd day of March, 2000, Book No/ 32, Page 291.

STEVE DUNCAN, CHANCERY CLERK

BY: Karen Tupp D.C.