

2008-163

STATE OF MISSISSIPPI  
COUNTY OF RANKIN

AFFIDAVIT OF SUBSCRIBING WITNESS

This date personally appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, the within named KRISTA S. ANDY, 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 DIANE HIGHTOWER STEPHENS, personally known to the affiant, and whose signature is affixed to said Last Will and Testament, which Last Will and Testament is dated the 16th day of May, 2002.

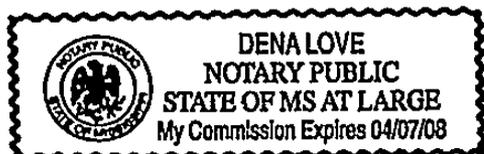
(2) That on the 16<sup>th</sup> day of May, 2002, the said DIANE HIGHTOWER STEPHENS signed, published and declared said instrument of writing as her Last Will and Testament, in the presence of this affiant and in the presence of MATTHEW P. MCLAUGHLIN, the other subscribing witness to said instrument.

(3) That the said DIANE HIGHTOWER STEPHSN was then and there of sound and disposing mind and memory, and above the age of twenty-one (21) years.

(4) That this affiant, together with MATTHEW P. MCLAUGHLIN, 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 DIANE HIGHTOWER STEPHENS, and in the presence of each other.

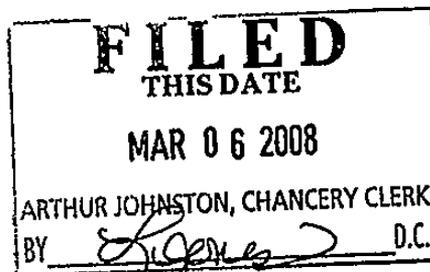
Krista S. Andy  
Krista S. Andy

SWORN TO AND SUBSCRIBED BEFORE ME, this the 18<sup>th</sup> day of February, 2008



Dena Love  
Notary Public

Harris H. Barnes, III, Esq. (MSB 2018)  
BARNES, BROOM, AND ASSOCIATES, P.A.  
5 River Bend Place, Suite A  
Flowood, Mississippi 39232-7618  
Telephone: (601) 981-6336  
ATTORNEY



MADISON COUNTY MS This Instrument was  
filed for record March 6, 2008.  
Book 42 Page 601  
ARTHUR JOHNSTON, C. C.  
BY: [Signature] D.C.



**FILED**

THIS DATE

MAR 06 2008

ARTHUR JOHNSTON, CHANCERY CLERK

BY: L. Jones D.C.

BOOK 042 PAGE 602

Sept. 30, 2007

To Whom It May Concern:

I have an existing will with Harris Barnes. I would like for everything to remain the same except for the house. On Nov. 9, 2006, I changed the will for the house to be divided between my son and daughter, Glenn Stephens and Kathryn Samply. However, I would like for the house to be left to only my son, Glenn Hightower Stephens. He is good with finances and will take care of my daughter, Kathryn Stephens Samply!

Diane Hightower Stephens

Bobby Sue Brewer  
Witness 9-30-07

Juanita Bourn  
Witness 10-5-07

MADISON COUNTY MS This instrument was filed for record March 6, 2008.

Book 42 Page 602  
ARTHUR JOHNSTON, C. C.

BY: L. Jones D.C.



2008-163

STATE OF MISSISSIPPI

COUNTY OF RANKIN

AFFIDAVIT

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

(1) That this affiant has reviewed and examined an instrument of writing dated the 30<sup>th</sup> day of September, 2007, purporting to be a Codicil to the Last Will and Testament of DIANE HIGHTOWER STEPHENS, who was personally known to the affiant and whose writing and/or signature are recognizable by the affiant.

(2) That the said DIANE HIGHTOWER STEPHENS was personally known by the affiant.

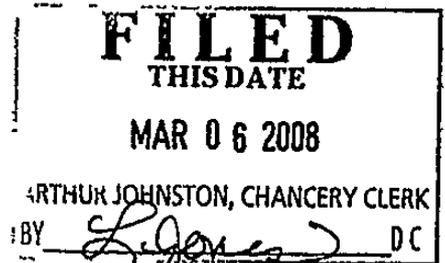
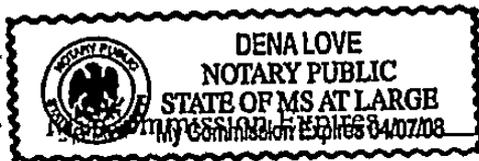
(3) That the said instrument of writing is solely in the handwriting of the said DIANE HIGHTOWER STEPHENS.

(4) That this affiant is not a beneficiary under said instrument of writing, and that this affiant is in no other way interested in the Estate of DIANE HIGHTOWER STEPHENS.

Juanita Bourn  
JUANITA BOURN

SWORN TO AND SUBSCRIBED BEFORE ME, this the 4<sup>th</sup> day of March, 2008

Dena Love  
Notary Public



Prepared By:

Harris H. Barnes, III (MSB 2018)  
BARNES, BROOM, AND ASSOCIATES, P.A.  
5 River Bend Place, Suite A  
Flowood, Mississippi 39232  
(601) 981-6336  
ATTORNEY

MADISON COUNTY MS This instrument was  
filed for record March 6, 2008.  
Book 42 Page 603  
ARTHUR JOHNSTON, C. C.  
BY: Arthur Johnston D.C.



FILED  
THIS DATE  
MAR 18 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY *Kim Sullivan* D.C.

LAST WILL AND TESTAMENT  
OF  
MARY PACE IRVIN

2008-226

I, MARY PACE IRVIN, an adult resident of Canton, Madison County, Mississippi, make this my Will and revoke all prior Wills and Codicils.

ITEM I.

I have three (3) children now living, as follows:

- ELVIN COY IRVIN, JR.;
- JACQUELINE IRVIN MORGAN; and
- JOHN PACE IRVIN.

ITEM II.

I appoint my daughter, JACQUELINE IRVIN MORGAN, Executor of my estate under this Will. In the event my daughter is or becomes unable or unwilling to serve, I appoint ELVIN COY IRVIN, JR. and JOHN PACE IRVIN to serve jointly as Executor.

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, and to any successor Executor or Administrator.

ITEM III.

My Executor shall pay all funeral expenses, costs of administration and other proper claims against my estate.

FOR IDENTIFICATION:

*Mary Pace Irvin*

ITEM IV.

I give and bequeath all jewelry which I own at my death to my daughter, JACQUELINE IRVIN MORGAN.

I give and bequeath my five (5) piece silver service to MARY VIRGINIA MORGAN.

I give and bequeath all Chantilly flatware which I own at my death to HENRY WEBB MORGAN.

ITEM V.

I give, devise and bequeath the rest and residue of my estate, real and personal, of whatsoever kind or character, and wheresoever located, to my children, ELVIN COY IRVIN, JR., JACQUELINE IRVIN MORGAN, and JOHN PACE IRVIN, in equal shares with the descendants of a deceased child of mine to take per stirpes the share the child would have received if living. If there are any bank accounts, securities, or other assets which are titled prior to my death in the names of a child of mine and me with rights of survivorship, the full value of such assets received by that child on my death shall constitute a part of his or her one-third (1/3) share of my estate.

ITEM VI.

In addition to the powers and authorities specifically granted to my Executor under this Will, I expressly confer upon my Executor all rights, powers, duties, and authorities conferred upon a Trustee under the Uniform Trustees' Powers Law of Mississippi as it now exists or may hereafter be amended. I authorize my Executor to exercise any such powers and authorities granted in this Will or by the Uniform Trustees' Powers Law of Mississippi without the necessity of attaining court approval. All rights, powers, duties and discretion granted to or imposed upon my Executor shall be exercisable by and imposed upon any successor Executor or Administrator. I direct that neither my Executor nor any successor Executor or Administrator shall be required to make any bond as Executor or Administrator. To the extent permissible by law, I waive the requirement that my Executor, or any successor Executor or

FOR IDENTIFICATION:

*Mary Virginia Morgan*

Administrator, be required to make a formal appraisal, provide an inventory, or file an accounting for my estate with any court.

IN WITNESS WHEREOF, I have signed and declared this to be my Last Will and Testament on this the 16 day of June, 1993.

Mary Pace Irvin  
Mary Pace Irvin

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

James K. Rosenthal

Jackson, Mississippi  
Address

Lou L. McKee

Jackson, Mississippi  
Address

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE  
OF MARY PACE IRVIN, DECEASED

CIVIL ACTION, FILE NO. \_\_\_\_\_

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF HINDS

THIS DAY PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction above mentioned, James K. Dossett, Jr., one of the subscribing witnesses to a certain instrument in writing purporting to be the Last Will and Testament of Mary Pace Irvin, deceased, late of the County of Madison, Mississippi, who having been duly sworn makes oath that the said Mary Pace Irvin, signed, published and declared said instrument as her Last Will and Testament on the 16<sup>th</sup> day of June, 1993, the day and date of said instrument, in the presence of this affiant and Lori L. Miksa, 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, James K. Dossett, Jr., the Affiant and Lori L. Miksa, 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.

  
James K. Dossett, Jr.

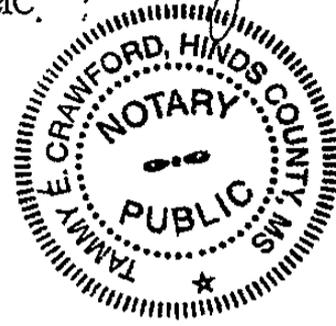
SWORN TO AND SUBSCRIBED BEFORE ME, on this the 4<sup>th</sup> day of

March, 2008.

*Tammy E. Crawford*  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MAY 13, 2009  
BONDED THRU STEGALL NOTARY SERVICE



- 2 -

MADISON COUNTY MS. This instrument was  
filed for record March 10, 2008  
Book 42 Page 605  
ARTHUR JOHNSTON, C. C.  
BY: R. Steiner DC



FILED  
THIS DATE  
MAR 12 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY *[Signature]* D.C.

LAST WILL AND TESTAMENT 2008-99

OF

ELIZABETH IRENE ABERNATHY

I, ELIZABETH IRENE ABERNATHY, an adult resident citizen of Flora, Madison County, Mississippi, do hereby make, publish, and declare this to be my last Will and hereby revoke all other Wills and Codicils that I may have made.

ARTICLE I

PAYMENT OF DEBTS AND ESTATE TAXES

I direct that all of my just debts which are probated and allowed as provided by law and all Federal and State Estate taxes payable by reason of my death in respect to all items included in the computation of such taxes, whether passing under this Will or otherwise, shall be paid.

ARTICLE II

BEQUESTS AND DEVISES

I will, devise, and bequeath all of my property, real, personal, or mixed unto my niece, Brenda Powell DeLaughter, should she survive me.

ARTICLE III

If, at the time of my death, my niece, Brenda Powell DeLaughter, is deceased, then I will, devise, and bequeath all of my property real, personal or mixed unto my grand nephew, John Anthony Curtis.

ARTICLE IV

APPOINTMENT OF FIDUCIARY

I hereby nominate and appoint my niece, Brenda Powell DeLaughter, as Executrix of this my Last Will and Testament. Should she fail to qualify or cease to act, I hereby nominate and appoint my grand nephew, John Anthony Curtis, as alternative

*Elizabeth Irene Abernathy*  
ELIZABETH IRENE ABERNATHY

Executor. Either or both to serve without inventory, accounting, appraisal, or bond.

I, Elizabeth Irene Abernathy, have read and signed this Will consisting of THREE (3) typewritten pages on this the 28<sup>TH</sup> day of AUGUST, 2003, in the presence of INEZ H. PURVIS and REITA S KEYES.

Elizabeth Irene Abernathy  
ELIZABETH IRENE ABERNATHY

The above Will of Elizabeth Irene Abernathy was declared by her in our presence to be her last Will and was signed by her in our presence and at her request and in her presence and in the presence of each other.

We, the undersigned witnesses, hereby attest the due execution of this Will by Elizabeth Irene Abernathy on this the 28<sup>TH</sup> day of AUGUST, 2003.

Reita S Keyes  
WITNESS REITA S KEYES

2202 COX FERRY ROAD  
ADDRESS  
FLORA, MS. 39071  
ADDRESS

Inez H. Purvis  
WITNESS INEZ H. PURVIS

141 PURVIS ROAD  
ADDRESS  
FLORA, MS 39071  
ADDRESS

Elizabeth Irene Abernathy  
ELIZABETH IRENE ABERNATHY

AFFIDAVIT

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named ELIZABETH IRENE ABERNATHY, REITA S. KEYES and JNEZ H. PURVIS, known to me to be the testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said ELIZABETH IRENE ABERNATHY, testator, declared to me and to the said witnesses in my presence that the said instrument is her Last Will and Testament and that she has willingly made and executed it as her free act and deed for the purposes therein expressed, and the said REITA S KEYES and JNEZ H. PURVIS, witnesses, each on their oath, stated to me in the presence and hearing of the testator, that the said testator had declared to them that said instrument is her Last Will and Testament, and that she executed the same as such and wanted each of them to sign it as a witness; and, upon their oath, each witness stated further that they did sign the same as witnesses in the presence of the said testator and at her request and signed the same as witnesses in the presence of each other; and, at the time of executing said Last Will and Testament, the testator and all witnesses were at the age of majority, and the testator appeared to be of sound and disposing mind and not acting under duress, menace, fraud, undue influence, or misrepresentation.

Elizabeth Irene Abernathy  
ELIZABETH IRENE ABERNATHY

WITNESSES:

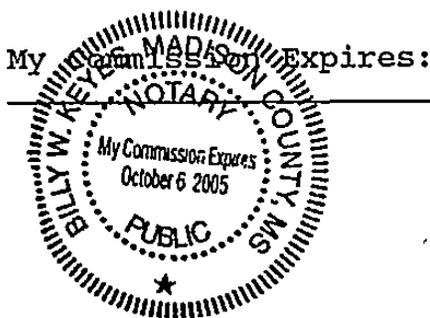
Reita S Keyes  
NAME  
2102 Cox Ferry Road  
ADDRESS  
Flora, MS. 39071

Jnez H. Purvis  
NAME  
141 Purvis Road  
Flora, MS. 39071

SWORN TO AND SUBSCRIBED BEFORE ME on this the 28<sup>TH</sup> day of AUGUST, 2003.

Billy W. Keyes  
NOTARY PUBLIC

My Comm. Expires: \_\_\_\_\_



MADISON COUNTY MS. This instrument was filed for record March 12, 2008.  
Book 42 Page 610  
ARTHUR JOHNSTON, C. C.  
BY: R. Steven b.c.

2008-176

# Last Will and Testament

OF

ALICE BARBER WARTON

I, ALICE BARBER WARTON, a resident of and domiciled in Madison County, State of Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, and in all respects competent and qualified, do hereby make, publish and declare this to be my true Last Will and Testament, hereby revoking all prior wills and codicils heretofore made by me.

## ARTICLE ONE

### Family Members

At the time of the execution of this Will, I am unmarried, being the surviving spouse of DAVID J. WARTON. I have no living children or other direct lineal descendants.

## ARTICLE TWO

### Payment of Debts, Funeral Expenses and Expenses of Administration

I hereby direct my Executor to pay all expenses of my last illness and funeral expenses (which have not been prepaid), and to pay all of my just debts which may be probated, registered and allowed against my estate as soon as may be conveniently done; provided, however, that my Executor is authorized to pay any debt which I may owe at the time of my death not exceeding Five Hundred Dollars (\$500) without the necessity of such debt being probated, registered or allowed against my estate so long as my said Executor determines that such debt is a valid debt of my estate. Provided, however, that nothing in this Article of my Will shall be construed as creating an express trust or fund for the payment of my debts and

*ABW*  
A. B. W.

expenses which would in any way extend the statute of limitations for the payment of debts, or enlarge my legal obligation or any statutory duty of my Executor to pay debts.

### ARTICLE THREE

#### Payment of Taxes

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

### ARTICLE FOUR

#### Specific Bequests of Tangible Personal Property

I make the following specific bequests of tangible personal property:

- A. To LAURA PADULA, my great-niece, if she survives me, I will, give and bequeath my emerald ring and my diamond watch.
- B. To SAMANTHA (CASEY) GILES, my great-niece, if she survives me, I will, give and bequeath the double diamond ring that I usually wear on my right hand (which I believe to be described as a love knot ring).
- C. To ANNIE WILLIAMSON, my great-niece, if she survives me, I will, give and bequeath my oriental screens, oriental chest, oriental plaques and other oriental pieces located within my apartment at the time of my death.
- D. To AMANDA WARTON, my great-niece, I will, give and bequeath the single diamond ring that I usually wear on my right hand.
- E. To my friend, SUSAN COPELAND, if she survives me, I will, give and bequeath all of my Haviland and Wedgewood china.

If any beneficiary of tangible personal property provided for under this Article of my Will shall not survive me, then in that event, the bequest to such person provided for in this

  
A. B. W.

Article shall lapse and the property that would have otherwise been distributed to such person shall instead be added to and become a part of my residuary estate to be distributed as hereinafter provided.

#### ARTICLE FIVE

##### Disposition of Residuary Estate

I will, give, devise and bequeath all of the rest, residue and remainder of my property and estate, real, personal and mixed, of whatsoever kind and character and wheresoever situated, including any and all lapsed bequests and devises (my "residuary estate") as follows:

- A. My Executor shall divide my residuary estate into six (6) shares of equal value. Each such share shall be fairly representative of the appreciation or depreciation in the value of the property of my estate that occurs after my death to the date or dates of distribution of such shares. Provided, my Executor's decision regarding the property allocated to each such equal share shall be final and binding on all beneficiaries and other interested persons.
- B. I will, give, devise and bequeath one (1) such equal share in equal shares to STEVEN WARTON and JAMES WARTON, share and share alike, such that each of them receives a share having a value equal to one-twelfth (1/12) of my residuary estate. STEVEN WARTON and JAMES WARTON are the children of my deceased brother-in-law, JOSEPH WARTON.
- C. I will, give, devise and bequeath one (1) such equal share to JONATHAN D. ITEN and TIMOTHY J. ITEN, share and share alike, such that each of them receives an equal one-twelfth (1/12) share of my residuary estate. JONATHAN D. ITEN and TIMOTHY D. ITEN are the children of my deceased sister-in-law, RUTH WARTON ITEN.
- D. I will, give, devise and bequeath one (1) such equal share to CAROL WARTON as Trustee of a trust which shall be created for the benefit of AMANDA WARTON and DAVID JOHN WARTON, which trust shall be named and

  
 A. B. W.

known as the "Warton Family Trust" and which shall be administered in accordance with the terms and conditions hereinafter set forth in Article Six of this, my Last Will and Testament.

- E. I will, give, devise and bequeath one (1) such equal share to **JONATHAN D. ITEN** as Trustee of a trust which shall be created for the benefit of my sister, **JUANITA PADULA**, which trust shall be named and known as the "**Juanita Padula Trust**." This trust shall be administered in accordance with the terms and conditions hereinafter set forth in Article Six of this, my Last Will and Testament.
- F. I will, give, devise and bequeath one (1) such equal share to **JONATHAN D. ITEN** as Trustee of a trust which shall be created for the benefit of **ANN PADULA WILLIAMSON** and **LAURA PADULA**, which trust shall be named and known as the "**Padula Family Trust**" and which shall be administered in accordance with the terms and conditions hereinafter set forth in Article Six of this, my Last Will and Testament.
- G. I will, give, devise and bequeath one (1) such equal share to **ANN BARBER GILES** as Trustee of a trust which shall be created for the benefit of **CHARLES W. GILES** and **SAMANTHA (CASEY) GILES**, which trust shall be named and known as the "**Giles Family Trust**" and which shall be administered in accordance with the terms and conditions hereinafter set forth in Article Six of this, my Last Will and Testament.

In the event that any beneficiary hereinabove named (other than **JUANITA PADULA**, as hereinafter provided) who is to receive property outright (rather than as a beneficiary of a trust) shall predecease me, such deceased person's share of my residuary estate shall be distributed to the descendants of such deceased person, per stirpes, or if such deceased person shall predecease me leaving no living descendant (by which I mean a direct lineal descendant such as a child or grandchild), the share of my residuary estate that would have otherwise been distributed to such person shall instead be reallocated among the shares of my residuary estate

*A. B. W.*  
A. B. W.

provided for above. Provided, however, that if the beneficiary of one-half (1/2) of the share of such deceased person, or any descendant of such beneficiary shall then be living, such share shall not be reallocated by instead shall be paid to the other beneficiary of such share or, if such beneficiary is then deceased, to his or her surviving lineal descendants, per stirpes. By way of illustration and not limitation, if **TIMOTHY J. ITEN** shall predecease me leaving no living lineal descendant, then, in that event, the one-twelfth (1/12) share of my residuary estate that would have otherwise been distributed to him shall instead be distributed to **JONATHAN D. ITEN** as the beneficiary of the other half of the share of which **TIMOTHY J. ITEN** was an original beneficiary or if **JONATHAN D. ITEN** is then also deceased but has living descendants, then such share shall be distributed to the living descendants of **JONATHAN D. ITEN**, per stirpes. If both **TIMOTHY J. ITEN** and **JONATHAN D. ITEN** should predecease me leaving no lineal descendants, then, in that event, the share of my residuary estate that would have otherwise been distributed to them shall instead be reallocated to the other five (5) shares of my residuary estate in equal proportions to be distributed as hereinabove provided.

Provided further that in the event **JUANITA PADULA** shall predecease me, the share of my residuary estate that would have otherwise been distributed to the **Juanita Padula Trust** shall not be reallocated, but instead, in that event, I give, devise and bequeath such share of my residuary estate to **ST. CATHERINE'S VILLAGE, INC.**, a Mississippi nonprofit corporation, to be used for such purposes at **ST. CATHERINE'S VILLAGE** as the governing board of the corporation shall determine.

#### ARTICLE SIX

##### Administration of Trusts

The Trustee of each trust to be created under Article Five of this, my Last Will and Testament, shall, upon receipt of the trust property from the Executor of my estate, hold, maintain, administer, invest, reinvest and distribute the income and principal of the trust for the uses and purposes and upon the terms and conditions hereinafter set forth:

- A. The Trustee may distribute to each beneficiary for whom such trust is created so much of the net income as the Trustee, shall, in her or his discretion, determine is necessary or desirable for such beneficiary's health, maintenance, support and education (including college, graduate, technical, professional and fine arts education). Distributions of income as necessary or desirable for health may include costs and expenses of hospital care, doctors, nurses, nursing care, hospice care, institutional care facilities, hospitalization insurance and other insurance and costs and expenses relating to or associated with the maintenance of such beneficiary's health. In the event the net income of the trust is insufficient to provide for such purposes, the Trustee may invade and distribute principal from the trust for such purposes. Distributions of income (and principal, if required) shall be made in such proportions, in such amounts, and at such intervals during the term of the trust as the Trustee determines. Any income of a particular trust not distributed to the beneficiaries of such trust or for their benefit shall be added to principal and shall be distributed according to the provisions of this Article of my Will. In making principal distributions, the Trustee may consider the needs of the beneficiary and funds available to such beneficiary from other sources known to the Trustee. It shall not be necessary for the Trustee to make equal distributions of income and principal to each beneficiary of the trust, but it is my desire that each beneficiary of the trust be treated equitably.
- B. The Warton Family Trust shall terminate upon the youngest named beneficiary attaining twenty-five (25) years of age. Upon attainment of such age by the youngest beneficiary, the Trustee shall divide the balance then remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) and shall distribute such balance in equal shares to AMANDA WARTON and DAVID JOHN WARTON. In the event one of such beneficiaries shall then be deceased, such beneficiary's share of the trust shall instead be distributed to such deceased beneficiary's descendants, per stirpes, or

if such beneficiary has no then living descendants, then to the other beneficiary, or if he or she is not then living, then to his or her descendants, per stirpes. In the event that AMANDA WARTON and DAVID JOHN WARTON shall both die prior to termination and distribution of the trust estate and neither of them shall leave any living descendant, then, in that event, the balance remaining in the trust estate shall be distributed in equal shares to STEVEN WARTON, JAMES WARTON, JONATHAN D. ITEN, and TIMOTHY J. ITEN, or if one of them is then deceased then such deceased beneficiary's share shall be distributed to his descendants, per stirpes.

- C. The Juanita Padula Trust shall continue for the life of JUANITA PADULA and upon her death the property remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) shall be distributed to ST. CATHERINE'S VILLAGE, INC., a Mississippi nonprofit corporation, to be used for such purposes at ST. CATHERINE'S VILLAGE as the governing board of the corporation shall determine.
- D. The Padula Family Trust shall terminate upon the youngest named beneficiary attaining forty (40) years of age. Upon attainment of such age by the youngest beneficiary, the Trustee shall divide the balance then remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) and shall distribute such balance in equal shares to ANN PADULA WILLIAMSON and LAURA PADULA. In the event one of such beneficiaries shall then be deceased, such beneficiary's share of the trust shall instead be distributed to such deceased beneficiary's descendants, per stirpes, or if such beneficiary has no then living descendants, then to the other beneficiary, or if she is not then living, then to her descendants, per stirpes. In the event that ANN PADULA WILLIAMSON and LAURA PADULA shall both die prior to termination and distribution of the trust estate and neither of them shall leave any living descendant, then, in that event, the balance remaining in the trust estate

shall be distributed in equal shares to **CHARLES W. GILES** and **SAMANTHA (CASEY) GILES**, or if one of them is then deceased then such deceased beneficiary's share shall be distributed to his or her descendants, per stirpes.

- E. The Giles Family Trust shall terminate upon the youngest named beneficiary attaining twenty-five (25) years of age. Upon attainment of such age by the youngest beneficiary, the Trustee shall divide the balance then remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) and shall distribute such balance in equal shares to **CHARLES W. GILES** and **SAMANTHA (CASEY) GILES**. In the event one of such beneficiaries shall then be deceased, such beneficiary's share of the trust shall instead be distributed to such deceased beneficiary's descendants, per stirpes, or if such beneficiary has no then living descendants, then to the other beneficiary, or if he or she is not then living, then to his or her descendants, per stirpes. In the event that **CHARLES W. GILES** and **SAMANTHA (CASEY) GILES** shall both die prior to termination and distribution of the trust estate and neither of them shall leave any living descendant, then, in that event, the balance remaining in the trust estate shall be distributed in equal shares to **ANN PADULA WILLIAMSON** and **LAURA PADULA**, or if one of them is then deceased then such deceased beneficiary's share shall be distributed to his or her descendants, per stirpes.

#### ARTICLE SEVEN

##### Trust Provisions

To the extent permitted or required by law, it is my intention and I hereby direct, with respect to any trust created under the terms of this, my Last Will and Testament, that:

- A. Neither the principal nor the income of any trust created hereunder, nor any part of same, shall be liable for the debts of any beneficiary hereunder, nor shall the same be subject to seizure by any creditor of any beneficiary hereunder and no

*A. B. W.*  
A. B. W.

beneficiary hereunder shall have any power to sell, assign, transfer, encumber or in any manner to anticipate or dispose of his or her interest in any trust, or any part of same, or the income produced from said trust, or any part of same. No part of any trust created hereunder, principal, income or increment shall be attachable, assignable, trustable or liable to be taken at law or in equity for or on account of any debt, obligation or contract of the beneficiary hereunder.

- B. Each trust created under this, my Last Will and Testament, shall be a private trust, and the Trustees of such trusts shall not be required to obtain the order or approval of any Court for the exercise of any power or discretion herein given. The Trustees shall not be required to return to any Court any periodic formal accounting of their administration of any trust, but each Trustee shall render annual accounts to each beneficiary of each trust for which the Trustee serves.
- C. No person paying money or delivering property to a Trustee shall be required to see to its application. No bond or other security shall be required of my Trustees. The Trustee of any trust created hereunder is authorized to receive and retain for his or her services in administering each trust reasonable compensation in accordance with that which is customarily and generally charged for performing trust services of the nature involved in such trust.
- D. Notwithstanding any other provision of this Will to the contrary, I direct that any trust created hereunder shall terminate within twenty (20) years after the death of the last surviving beneficiary of those named in this, my Last Will and Testament. I further direct that in the event such termination is required, the principal of any trust then in effect shall be paid over to the primary income beneficiary of such trust, or if there is more than one, then in equal shares to the income beneficiaries, thereby terminating such trust.

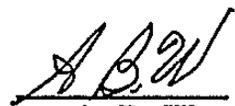
ARTICLE EIGHT**Property Vested In Minor Beneficiary**

Whenever any property, whether principal or income, vests pursuant to the provisions of this, my Will, in a minor, persons acting hereunder as Executor or Trustee, as the case may be, shall have the right as donees of a power during minority, upon distribution of such property, to hold and manage the same until such minor attains his or her majority, and may exercise in respect of such property, and the income thereof, all powers conferred by this my Will, or by law, upon my Executor or Trustee, including the power to apply any such property or the income thereof to the use or for the benefit of such minor. Said donees shall be entitled to receive such compensation as they would be entitled to receive if they were holding the property as Trustee of a separate trust under this Will and shall not be required to render periodic accounts to any Court. My Executor and Trustees are not required to exercise the power granted under this Article of my Will, and may, in their discretion, elect to distribute property to or for the benefit of the minor in whom such property has vested, or to such minor's natural or legal guardian, or to an eligible custodian under the Mississippi Uniform Transfers to Minors Act (and my Executor and Trustees shall not be prohibited from serving as custodian unless otherwise prohibited by law), and upon obtaining receipt therefor shall have no further obligation with respect to such property as Executor or Trustee.

ARTICLE NINE**Powers of Executor and Trustees**

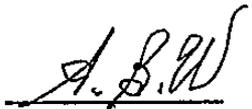
I hereby authorize and empower my Executor, with respect to my estate, and my Trustees (with respect to the trust or trusts created hereunder for which they serve in such capacity), and any successor or successors thereof, in their sole and absolute discretion, to do the following:

1. To exercise all of the powers, rights and discretions granted by virtue of the "Uniform Trustees' Powers Law", being §§91-9-101 through 91-9-119, inclusive, of the Mississippi Code of 1972, Annotated, as now enacted, or as hereafter amended, which "Uniform Trustees' Powers Law" is hereby incorporated by reference as though fully and completely copied herein. Should said "Uniform

  
A. B. W.

Trustees' Powers Law" be repealed, then my Executor and Trustees herein named shall continue to have all of the powers, rights and discretions granted by said "Uniform Trustees' Powers Law", the same as if it were still in effect.

2. To purchase or otherwise acquire and to retain, whether originally a part of the estate or subsequently acquired, any and all stocks, bonds, notes or other securities, or shares or interests in investment trusts and common trust funds, or in any other property, real, personal or mixed, as they may deem advisable, whether or not such investments or property be of the character permissible by fiduciaries, without being liable to any person for such retention or investment.
3. To pay all necessary expenses of administering the estate and any trust including taxes, trustees' fees, fees for the services of accountants, agents and attorneys, and to reimburse said parties for expenses incurred on behalf of the estate or any trust hereunder.
4. To determine what is principal and what is income with respect to all receipts and disbursements; to establish and maintain reserves for depreciation, depletion, obsolescence, taxes, insurance premiums, and any other purpose deemed necessary and proper by them and to partite and to distribute property of the estate or trust in kind or in undivided interests, and to determine the value of such property. The Trustees are hereby authorized and empowered to hold and invest the assets of any trust created hereunder jointly and in undivided shares or interests.
5. To perform such acts, to participate in such proceedings and to exercise such other rights and privileges in respect to any property, as if they were the absolute owner thereof, and in connection therewith to enter into and execute any and all agreements binding my estate and any trust created hereunder.
6. To borrow money from such source or sources and upon such terms and conditions as my Executor or Trustees shall determine, and to give such security therefor as my Executor or Trustees may determine.
7. To participate in any plan of reorganization, consolidation, dissolution, redemption, or similar proceedings involving assets comprising my estate or any trust created hereunder, and to deposit or withdraw securities under any such proceedings.
8. To compromise, settle or adjust any claim or demand by or against my estate, or any trust, to litigate any such claims, including, without limitation, any claims relating to estate or income taxes, and to agree to any rescission or modification of any contract or agreement.
9. To sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate, or in any trust, at public or private sale, at such time and price and upon such terms and conditions (including credit) as my Executor or Trustees may deem advisable and for the best interest of my estate, or any trust. I hereby waive any requirement of issuing summons, giving notice of any hearing, conducting or holding any such hearing, filing bond or other security, or in any way obtaining court authority or approval for any such sale, exchange, assignment, transfer or conveyance of any real or personal property.
10. To lease any real or personal property for such term and upon such terms and conditions and rentals and in such manner as may be deemed advisable (with or

  
A. B. W.

without privilege of purchase), and any lease so made shall be valid and binding for the full term thereof even though the same shall extend beyond the duration of the administration of my estate, or any trust created hereunder, all without the approval or authority of any court; and to insure against fire or other risks, to make repairs, replacements and improvements, structural or otherwise, to any real property, to improve any real property and to pay the cost out of principal.

11. Unless otherwise specifically provided, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or in an undivided interest therein, or partly in cash and partly in other property, and to do so with or without regard to the income tax basis of specific property allocated to any beneficiary and without making pro rata distributions of specific assets.
12. To settle, adjust, dissolve, windup or continue any partnership or other entity in which I may own a partnership or equity interest at the time of my death, subject, however, to the terms of any partnership or other agreement to which I am a party at the time of my death. I authorize my Executor and Trustees to continue in any partnership or other entity for such periods and upon such terms as they shall determine. Neither my Executor nor my Trustees shall be disqualified by reason of being a partner or equity owner in such firm from participating on behalf of my estate in any dealings herein authorized to be carried on between my Executor or Trustees and the partners or owners of any such partnership or other entity.
13. To make any elections and to take any actions necessary in connection therewith which are available under the Internal Revenue Code of 1986, as amended, including, but not limited to, Section 2032, Section 2032A, and Section 6166.
14. To disclaim any property which my estate or any trust created hereunder may otherwise be entitled to receive and to take any and all necessary or proper actions to make and fully effectuate a qualified disclaimer or disclaimers under Internal Revenue Code Section 2518, or any similar provision which may be subsequently enacted, and under any disclaimer statute or law which may at any time be in effect under Mississippi law.

All authorities and powers hereinabove granted unto my Executor and Trustees shall be exercised from time to time in their sole and absolute discretion and without prior authority or approval of any Court, and I intend that such powers be construed in the broadest possible manner.

#### ARTICLE TEN

##### Appointment of Executor

I hereby appoint JONATHAN D. ITEN to be Executor of this, my Last Will and Testament, and my estate. In the event that Executor shall predecease me, or, for any reason, shall fail to qualify or cease to act as my Executor, then I hereby appoint RICHARD W. RUSS

*A. B. W.*  
A. B. W.

to serve as successor Executor, of this, my Last Will and Testament, and my estate. Any reference herein to my "Executor" shall refer to and include my successor Executor herein named and I confer upon said successor Executor all of the rights, powers, duties, discretions and obligations conferred upon my original Executor hereinabove named. My Executor and my successor Executor, hereinabove named, shall serve without any bond or other security, and, to the extent permitted by law, I hereby waive the necessity of preparing or filing any inventory, accounting or formal appraisal of my estate.

### ARTICLE ELEVEN

#### Appointment of Trustees

I have hereinabove named the Trustees of each of the trusts which will be created under Article Five and administered under Article Six of this, my Last Will and Testament. Said Trustees are as follows:

- A. **CAROLYN WARTON** is the Trustee of the **Warton Family Trust**.
- B. **JONATHAN D. ITEN** is the Trustee of the **Juanita Padula Trust**.
- C. **JONATHAN D. ITEN** is the Trustee of the **Padula Family Trust**.
- D. **ANN BARBER GILES** is the Trustee of the **Giles Family Trust**.

In the event that the Trustee of any of such trusts shall be unable or unwilling to accept appointment as Trustee, or for any reason shall discontinue her or his service as Trustee, or shall resign as Trustee, then I hereby appoint **JONATHAN D. ITEN** (if he is not the Trustee to be replaced) to serve as successor Trustee of such trust, or if he is the Trustee to be replaced or is unable or unwilling to accept appointment as successor Trustee, then I appoint **RICHARD W. RUSS** to serve as successor Trustee of such trust. If both of my successor Trustees hereinabove named shall be unable or unwilling to accept appointment as Trustees or shall discontinue their service as Trustee or resign as Trustee, then a successor Trustee shall be appointed upon the petition of any beneficiary or other interested party by the Chancery Court of Madison County, Mississippi. All then living adult beneficiaries shall be made parties to any

proceeding for the appointment of a successor Trustee. In no event shall the successor Trustee be one of the named beneficiaries of the trust for whom a successor Trustee is to be appointed.

ARTICLE TWELVE

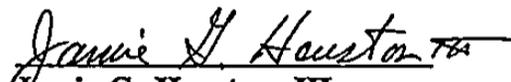
**Construction**

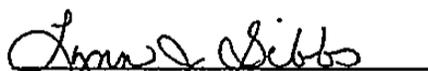
Throughout this Will, the masculine gender shall be deemed to include the feminine as well as the neuter, and vice versa, as to each of them; the singular shall be deemed to include the plural, and vice versa. The term "descendant" and "descendants" when used herein to describe the child or more remote descendant of a beneficiary named herein shall mean and refer to each natural and legally adopted child and more remote direct lineal descendant of such named beneficiary. Provided, however, that with respect to an adopted child, such child shall be legally adopted before such child attains twelve (12) years of age in order to qualify as a beneficiary hereunder. The headings used herein are for convenience only and shall not be construed or interpreted as limiting the scope of the Article to which the heading pertains.

IN WITNESS WHEREOF, I have hereunto affixed my signature in the presence of Jamie G. Houston, III, and Lynn J. Gibbs, whom I have requested to act as subscribing witnesses hereto on this, the 18th day of September, 1997.

  
ALICE BARBER WARTON

WITNESS:

  
Jamie G. Houston, III

  
Lynn J. Gibbs

We, each of the subscribing witnesses to the foregoing Last Will and Testament of ALICE BARBER WARTON, do hereby declare that we have acted as subscribing witnesses hereto at the request of the said ALICE BARBER WARTON; that she declared this instrument

to be her Last Will and Testament to us; that she affixed her signature hereto in the presence of each of us; and that we have affixed our signatures hereto in her presence and in the presence of each other all on the day and year above written; and that on this occasion the said ALICE BARBER WARTON was of sound and disposing mind and memory.

WITNESS OUR SIGNATURES on this, the 18th day of September, 1997.

WITNESS:

ADDRESS:

Jamie G. Houston III  
Jamie G. Houston, III

400 East Capitol, Suite 300  
Jackson, Mississippi 39201

Lynn J. Gibbs  
Lynn J. Gibbs

400 East Capitol, Suite 300  
Jackson, Mississippi 39201

PROOF OF WILL

STATE OF MISSISSIPPI  
COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, **Jamie G. Houston, III**, and **Lynn J. Gibbs**, credible and competent subscribing witnesses to the foregoing instrument of writing dated the 18th day of September, 1997, purporting to be the Last Will and Testament of **ALICE BARBER WARTON**, each of whom having been first duly sworn, state on oath that the said **ALICE BARBER WARTON**, signed, made, published and declared said instrument as her Last Will and Testament on the 18th day of September, 1997, the date of said instrument, in the presence of these affiants; that the Testatrix was then of sound and disposing mind and memory, and above the age of twenty-one (21) years; that the Testatrix was acting voluntarily without undue influence, fraud or restraint; that the affiants subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of **ALICE BARBER WARTON**, and in the presence of **ALICE BARBER WARTON**, and in the presence of each other; that the Testatrix 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 Mississippi; that at the time of said attestation the Testatrix, **ALICE BARBER WARTON**, indicated to the affiants that she was a resident of and had a fixed place of residence in Madison County, State of Mississippi; and that this Proof of Will is attached to the original of that certain foregoing written instrument signed, made, published and declared by the said Testatrix, **ALICE BARBER WARTON**, as her Last Will and Testament on this, the 18th day of September, 1997.

Jamie G. Houston III  
Jamie G. Houston, III  
400 E. Capitol Street, Suite 300  
Jackson, MS 39201

Lynn J. Gibbs  
Lynn J. Gibbs  
400 E. Capitol Street, Suite 300  
Jackson, MS 39201

SWORN TO AND SUBSCRIBED before me on this, the 18th day of September, 1997.

Robert Rowley  
NOTARY PUBLIC

My Commission Expires:

Notary Public State of Mississippi At Large  
1280 My Commission Expires: July 27, 2000  
BONDED THRU HEIDEN-MARCHETTI, INC.

MADISON COUNTY MS. This instrument was  
filed for record March 13, 2008.  
Book 042 Page 613  
ARTHUR JOHNSTON, C. C.  
BY: D. Smith D.C.



FIRST CODICIL  
TO THE LAST WILL AND TESTAMENT  
OF  
ALICE BARBER WARTON

BOOK 042 PAGE 629

2008-176

I, ALICE BARBER WARTON, a resident of and domiciled in Madison County, State of Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, and in all respects competent and qualified, do hereby make, publish and declare this to be the First Codicil to my Last Will and Testament, which I executed on September 18, 1997.

ARTICLE ONE OF CODICIL

I hereby substitute in its entirety the following Article for Article Four of my said Last Will and Testament dated September 18, 1997:

"ARTICLE FOUR

Specific Bequests of Tangible Personal Property

I make the following specific bequests of tangible personal property:

- A. To LAURA PADULA, my great-niece, if she survives me, I will, give and bequeath my emerald ring, my diamond watch and my diamond cross.
- B. To SAMANTHA (CASEY) GILES, my great-niece, if she survives me, I will, give and bequeath the double diamond ring that I usually wear on my right hand (which I believe to be described as a love knot ring).
- C. To ANNE WILLIAMSON, my great-niece, if she survives me, I will, give and bequeath my oriental screens, oriental chest, oriental plaques and other oriental pieces located within my apartment at the time of my death and my garnet ring.
- D. To AMANDA WARTON, my great-niece, if she survives me, I will, give and bequeath the single diamond ring that I usually wear on my right hand and my diamond pin.

  
A. B. W.

- E. To my friend, SUSAN COPELAND, if she survives me, I will, give and bequeath all of my Haviland and Wedgewood china.
- F. To TONI RUSSELL, if she survives me, I will, give and bequeath my diamond cocktail ring.
- G. To AUDREY WARTON, if she survives me, I will, give and bequeath my sapphire and diamond ring and my strand of culture pearls.
- H. To ANN BARBER GILES, my niece, if she survives me, I will, give and bequeath my diamond bracelet.
- I. To JUANITA PADULA, my sister, if she survives me, I will, give and bequeath my twenty-dollar gold piece surrounded by diamonds, my clothing and furs, and the personal effects and furnishings located in my apartment at the time of my death with the exception of the oriental pieces bequeathed to ANNE WILLIAMSON.
- J. To JAMES D. WARTON, if he survives me, I will, give and bequeath my husband's gold wristwatch with the diamond numerals.
- K. To my friend, MARY KIRKSEY, if she survives me, I will, give and bequeath my diamond drop in a white-gold setting and any automobile that I own at the time of my death, provided, however, that this bequest is conditioned upon MARY KIRKSEY being employed by me at the time of my death and, if she is not employed by me at the time of my death, then this bequest shall be of no force or effect whatsoever.

If any beneficiary of tangible personal property provided for under this Article of my Will shall not survive me, then, in that event, the bequest to such person provided for in this Article shall lapse and the property that would have otherwise been distributed to such person shall instead be added to and become a part of my residuary estate to be distributed as hereinafter provided."

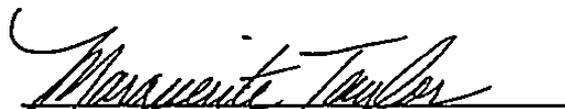
ARTICLE TWO OF CODICIL

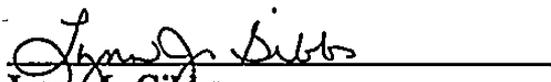
Except for the amendment and restatement of Article Four of my Last Will and Testament as hereinabove set forth, I ratify and confirm in all respects the provisions of my said Will dated September 18, 1997.

IN WITNESS WHEREOF, I have hereunto affixed my signature in the presence of Marguerite Taylor and Lynn J. Gibbs, whom I have requested to act as subscribing witnesses hereto on this, the 5th day of November, 1997.

  
ALICE BARBER WARTON

WITNESSES:

  
Marguerite Taylor

  
Lynn J. Gibbs

We, each of the subscribing witnesses to the foregoing First Codicil to the Last Will and Testament of ALICE BARBER WARTON, do hereby declare that we have acted as subscribing witnesses hereto at the request of the said ALICE BARBER WARTON, that she declared this instrument to be the First Codicil to her Last Will and Testament to us; that she affixed her signature hereto in the presence of each of us; and that we have affixed our signatures hereto in her presence and in the presence of each other, all on the day and year above written; and that on said occasion, the said ALICE BARBER WARTON, was of sound and disposing mind and memory.

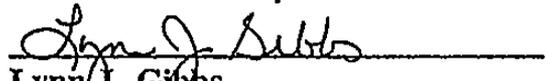
WITNESS OUR SIGNATURES on this, the 5th day of November, 1997.

WITNESSES:

ADDRESS:

  
Marguerite Taylor

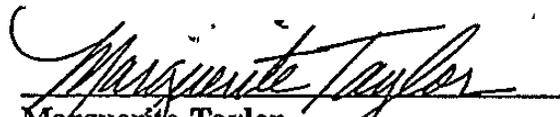
400 E. Capitol St., Suite 300  
Jackson, Mississippi 39201

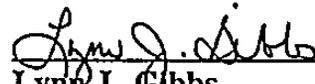
  
Lynn J. Gibbs

400 E. Capitol St., Suite 300  
Jackson, Mississippi 39201

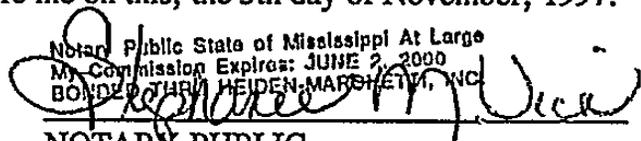
PROOF OF CODICIL TO LAST WILL AND TESTAMENTSTATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Marguerite Taylor and Lynn J. Gibbs, credible and competent subscribing witnesses to the foregoing instrument of writing dated the 5th day of November, 1997, purporting to be the First Codicil to the Last Will and Testament of ALICE BARBER WARTON, each of whom having been first duly sworn, state on oath that the said ALICE BARBER WARTON, signed, made, published and declared said instrument as the First Codicil to her Last Will and Testament on the 5th day of November, 1997, the date of said instrument, in the presence of these affiants; that the Testatrix was then of sound and disposing mind and memory, and above the age of twenty-one (21) years; that the Testatrix was acting voluntarily without undue influence, fraud or restraint; that the affiants subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of ALICE BARBER WARTON, and in the presence of ALICE BARBER WARTON, and in the presence of each other; that the Testatrix 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 Mississippi; that at the time of said attestation the Testatrix, ALICE BARBER WARTON, indicated to the affiants that she was a resident of and had a fixed place of residence in Madison County, State of Mississippi; and that this Proof of Codicil is attached to the original of that certain foregoing written instrument signed, made, published and declared by the said Testatrix, ALICE BARBER WARTON, as the First Codicil to her Last Will and Testament on this, the 5th day of November, 1997.

  
 Marguerite Taylor  
 400 E. Capitol Street, Suite 300  
 Jackson, MS 39201

  
 Lynn J. Gibbs  
 400 E. Capitol Street, Suite 300  
 Jackson, MS 39201

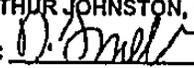
SWORN TO AND SUBSCRIBED before me on this, the 5th day of November, 1997.

  
 Notary Public State of Mississippi At Large  
 My Commission Expires: JUNE 2, 2000  
 BONDED THRU HEIDEN-MARCHETTI, INC.  
 NOTARY PUBLIC

My Commission Expires:  
 Notary Public State of Mississippi At Large  
 My Commission Expires: JUNE 2, 2000  
 BONDED THRU HEIDEN-MARCHETTI, INC.  
 12801\Codicil1.ABW

MADISON COUNTY MS This instrument was  
 filed for record March 13, 2008.

Book 042 Page 629  
 ARTHUR JOHNSTON, C. C.

BY:  D.C.



SECOND CODICIL  
TO THE LAST WILL AND TESTAMENT

2008-176

OF

ALICE BARBER WARTON

I, ALICE BARBER WARTON, a resident of and domiciled in Madison County, State of Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, and in all respects competent and qualified, do hereby make, publish and declare this to be the Second Codicil to my Last Will and Testament, which I executed on September 18, 1997, and do hereby revoke the First Codicil to my Last Will and Testament executed on the 5th day of November, 1997.

ARTICLE ONE OF CODICIL

I hereby substitute in its entirety the following Article for Article Four of my said Last Will and Testament dated September 18, 1997:

ARTICLE FOUR

Specific Bequests of Personal Property and Cash Bequest

A. I make the following specific bequests of tangible personal property:

1. To LAURA PADULA, my great-niece, if she survives me, I will, give and bequeath my emerald ring, my diamond watch and my diamond cross.
2. To SAMANTHA (CASEY) GILES, my great-niece, if she survives me, I will, give and bequeath the double diamond ring that I usually wear on my right hand (which I believe to be described as a love knot ring).
3. To ANNIE WILLIAMSON, my great-niece, if she survives me, I will, give and bequeath my oriental screens, oriental chest, oriental plaques and other oriental pieces located in my apartment at the time of my death, and my garnet ring.
4. To AMANDA WARTON, my great-niece, if she survives me, I will, give and bequeath the single diamond ring that I usually wear on my right hand and my diamond pin.
5. To TONI RUSSELL, if she survives me, I will, give and bequeath my diamond cocktail ring.
6. To AUDREY WARTON, if she survives me, I will, give and bequeath my sapphire and diamond ring, and my strand of cultured pearls.
7. To ANN BARBER GILES, if she survives me, I will, give and bequeath my diamond bracelet.
8. To JAMES WARTON, if he survives me, I will, give and bequeath the gold watch with diamond numerals left to me by my late husband, David.

A.B.W.

9. To JUANITA PADULA, my sister, if she survives me, I will, give and bequeath my Twenty Dollar Gold piece with diamond numerals, all of my clothing and furs, and the personal effects and household furniture and furnishings located in my apartment and storage room at the time of my death, except that which is mentioned above in this ITEM FOUR.

10. To my friend, MARY KIRKSEY, if she survives me, I will, give and bequeath my diamond drop in a white-gold setting and any automobile that I own at the time of my death, provided; however, that this bequest is conditioned upon MARY KIRKSEY being employed by me at the time of my death and, if she is not employed by me at the time of my death, then this bequest shall be of no force or effect whatsoever. In the event I should become hospitalized for a period of time during my last illness and for that reason, not have need for her services, such a situation shall not for this purpose be considered as "not employed by me".

If any beneficiary of tangible personal property provided for under this Article of my Will shall not survive me, then in that event, the bequest to such person provided for in this article shall lapse and the property that would have otherwise been distributed to such person shall instead be added to and become a part of my residuary estate to be distributed as herein provided.

B. To CAROL WARTON, TRUSTEE, I will, give, and bequeath a cash sum of \$80,000 in trust for the benefit of David John Warton, which trust shall be named the "David John Warton Educational Trust" and which shall be administered and used to pay the Educational Expenses of David John Warton, to the extent needed over and above other funds available to him therefor, and shall not be used for costs for which other funds, such as scholarships and grants, would otherwise be available. Said Trustee shall invest and reinvest such funds as she shall in her sole and uncontrolled discretion determine, shall accumulate undistributed income, and shall distribute all remaining funds outright to David John Warton upon his reaching the age of 30 years, and in the event of his death prior to attaining the age of 30 years, then to his mother CAROL WARTON, and if she be not then living, then and in that event to the heirs of David John Warton.

C. To my sister JUANITA PADULA, if she survives me, I will, give and bequeath the sum of \$200,000.00.

D. To ANN BARBER GILES, my niece, if she survives me, I will, give and bequeath the sum of \$100,000.00.

E. To CINDY LOU BARBER, my niece, if she survives me, I will, give and bequeath the sum of \$100,000.00.

#### ARTICLE TWO OF CODICIL

I hereby amend ARTICLE FIVE of my said Last Will and Testament as follows:

*H B W.*

## ARTICLE FIVE

## Disposition of Residuary Estate

The last paragraph of ARTICLE FIVE pertaining to the Juanita Padula Trust and contingent beneficiary, St. CATHERINE'S VILLAGE, INC., is hereby revoked and the following is substituted instead, to-wit:

Provided further that in the event JUANITA PADULA shall predecease me, the share of my residuary estate that would have otherwise been distributed to the Juanita Padula Trust, shall not be reallocated, but instead, shall be distributed to the Padula Family Trust and administered and finally distributed on like terms and conditions and as a part thereof, as provided for in my will.

## ARTICLE THREE OF CODICIL

Article Six of my said Last Will and Testament is hereby amended as follows:

## ARTICLE SIX

Paragraph "C" of ARTICLE SIX pertaining to the Juanita Padula Trust, is hereby revoked and the following is substituted instead, to-wit:

C. The Juanita Padula Trust shall continue for the life of JUANITA PADULA and upon her death the property remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) shall be distributed to the Padula Family Trust and administered and finally distributed on like terms and conditions as a part thereof, as provided in my will.

## ARTICLE FOUR OF CODICIL

Except for the amendment and restatement of ARTICLE FOUR, and the amendments to ARTICLE FIVE and ARTICLE SIX of my Last Will and Testament as hereinabove set forth, I ratify and confirm in all respects the provisions of my Will dated September 18, 1997.

IN WITNESS WHEREOF, I have hereunto affixed my signature in the presence of Dorothy L. Nelson and Charles A. Carter, whom I have requested to act as subscribing witnesses on this, the 16th day of June, 2000.

*Alice Barber Warton*  
 ALICE BARBER WARTON

WITNESSES:

*Dorothy L. Nelson*  
 \_\_\_\_\_  
*Charles A. Carter*  
 \_\_\_\_\_

ATTESTATION OF SUBSCRIBING WITNESSES

We, each of the subscribing witnesses to the foregoing Second Codicil to the Last Will and Testament of ALICE BARBER WARTON, do hereby declare that we have acted as subscribing witnesses hereto at the request of the said ALICE BARBER WARTON, that she declared this instrument to be the Second Codicil to her Last Will and Testament to us, that she affixed her signature hereto in the presence of each of us; and that we have affixed our signatures hereto in her presence and in the presence of each other, all on the day and year above written; and that on said occasion, the said ALICE BARBER WARTON, was of sound and disposing mind and memory.

WITNESS OUR SIGNATURES on this, the 16th day of June 2000.

WITNESSES:

ADDRESS:

Rosemary L. Johnson

200 Dorminians Dr  
Cyrt. 4214

Madison, MS 39110

Charles A. Carter

200 Dorminians Dr. #3  
Madison MS 39110

MADISON COUNTY MS This instrument was filed for record March 13, 2000.

Book 042 Page 636

ARTHUR JOHNSTON, C. C.

BY: D. Snell D.C.



ABW

## IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
ALICE BARBER WARTON, DECEASEDCAUSE NO. 2008-176AFFIDAVIT OF CHARLES A. CARTER AS SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the undersigned, Charles A. Carter, who having been first duly sworn states on his oath that in the presence of this Affiant, Alice Barber Warton signed, made, published and declared as the Second Codicil to her Last Will and Testament that certain instrument of writing entitled "Second Codicil to the Last Will and Testament of Alice Barber Warton" dated June 16, 2000, a true and correct copy of which is annexed as Exhibit "1" hereto; that the Testatrix was then of sound and disposing mind and memory, and above the age of twenty-one (21) years, that the Testatrix was acting voluntarily without undue influence, fraud or restraint at the time of her execution of said instrument; that the Affiant subscribed and attested said instrument as a witness to the signature and publication thereof, at the special instance and request of Alice Barber Warton, in her presence, and in the presence of Dorothy L. Nelson, who also subscribed and attested said instrument as a witness to the signature and publication thereof, that the Testatrix at the time of the attestation was mentally capable of recognizing and actually conscious of said act and attestation; that the undersigned, Charles A. Carter, was, at the time of said attestation, a credible and competent subscribing witness to that certain instrument of writing entitled "Second Codicil to the Last Will and Testament of Alice

Barber Warton" dated June 16, 2000; and that at the time of said attestation the Testatrix, Alice Barber Warton, was a resident of and had a fixed place of residence in Madison County, State of Mississippi.

*Charles A. Carter*  
Charles A. Carter

SWORN TO AND SUBSCRIBED before me on this 21st day of February 2008.

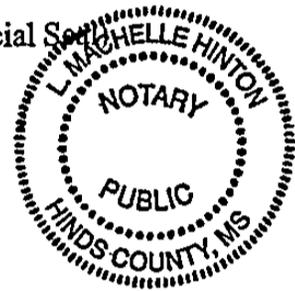
*L. Machel Hinton*

NOTARY PUBLIC

My Commission Expires:

L. MACHELLE HINTON  
Mississippi Statewide Notary Public  
My Commission Expires August 15, 2009

(Affix Official Seal)



\\We-nas1\data\1950\12801 Warton\Estate Administration\P002.Affidavit.CAC wpd

SECOND CODICIL  
TO THE LAST WILL AND TESTAMENT

OF

ALICE BARBER WARTON

I, ALICE BARBER WARTON, a resident of and domiciled in Madison County, State of Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, and in all respects competent and qualified, do hereby make, publish and declare this to be the Second Codicil to my Last Will and Testament, which I executed on September 18, 1997, and do hereby revoke the First Codicil to my Last Will and Testament executed on the 5th day of November, 1997.

ARTICLE ONE OF CODICIL

I hereby substitute in its entirety the following Article for Article Four of my said Last Will and Testament dated September 18, 1997:

ARTICLE FOUR

Specific Bequests of Personal Property and Cash Bequest

A. I make the following specific bequests of tangible personal property:

1. To LAURA PADULA, my great-niece, if she survives me, I will, give and bequeath my emerald ring, my diamond watch and my diamond cross.
2. To SAMANTHA (CASEY) GILES, my great-niece, if she survives me, I will, give and bequeath the double diamond ring that I usually wear on my right hand (which I believe to be described as a love knot ring).
3. To ANNIE WILLIAMSON, my great-niece, if she survives me, I will, give and bequeath my oriental screens, oriental chest, oriental plaques and other oriental pieces located in my apartment at the time of my death, and my garnet ring.
4. To AMANDA WARTON, my great-niece, if she survives me, I will, give and bequeath the single diamond ring that I usually wear on my right hand and my diamond pin.
5. To TONI RUSSELL, if she survives me, I will, give and bequeath my diamond cocktail ring.
6. To AUDREY WARTON, if she survives me, I will, give and bequeath my sapphire and diamond ring, and my strand of cultured pearls.
7. To ANN BARBER GILES, if she survives me, I will, give and bequeath my diamond bracelet.
8. To JAMES WARTON, if he survives me, I will, give and bequeath the gold watch with diamond numerals left to me by my late husband, David.

Exhibit "1"

*A.B.W.*

9. To JUANITA PADULA, my sister, if she survives me, I will, give and bequeath my Twenty Dollar Gold piece with diamond numerals, all of my clothing and furs, and the personal effects and household furniture and furnishings located in my apartment and storage room at the time of my death, except that which is mentioned above in this ITEM FOUR.

10. To my friend, MARY KIRKSEY, if she survives me, I will, give and bequeath my diamond drop in a white-gold setting and any automobile that I own at the time of my death, provided, however, that this bequest is conditioned upon MARY KIRKSEY being employed by me at the time of my death and, if she is not employed by me at the time of my death, then this bequest shall be of no force or effect whatsoever. In the event I should become hospitalized for a period of time during my last illness and for that reason, not have need for her services, such a situation shall not for this purpose be considered as "not employed by me".

If any beneficiary of tangible personal property provided for under this Article of my Will shall not survive me, then in that event, the bequest to such person provided for in this article shall lapse and the property that would have otherwise been distributed to such person shall instead be added to and become a part of my residuary estate to be distributed as herein provided.

B. To CAROL WARTON, TRUSTEE, I will, give, and bequeath a cash sum of \$80,000 in trust for the benefit of David John Warton, which trust shall be named the "David John Warton Educational Trust" and which shall be administered and used to pay the Educational Expenses of David John Warton, to the extent needed over and above other funds available to him therefor, and shall not be used for costs for which other funds, such as scholarships and grants, would otherwise be available. Said Trustee shall invest and reinvest such funds as she shall in her sole and uncontrolled discretion determine, shall accumulate undistributed income, and shall distribute all remaining funds outright to David John Warton upon his reaching the age of 30 years, and in the event of his death prior to attaining the age of 30 years, then to his mother CAROL WARTON, and if she be not then living, then and in that event to the heirs of David John Warton.

C. To my sister JUANITA PADULA, if she survives me, I will, give and bequeath the sum of \$200,000.00.

D. To ANN BARBER GILES, my niece, if she survives me, I will, give and bequeath the sum of \$100,000.00.

E. To CINDY LOU BARBER, my niece, if she survives me, I will, give and bequeath the sum of \$100,000.00.

#### ARTICLE TWO OF CODICIL

I hereby amend ARTICLE FIVE of my said Last Will and Testament as follows:

*A. B. W.*

## ARTICLE FIVE

## Disposition of Residuary Estate

The last paragraph of ARTICLE FIVE pertaining to the Juanita Padula Trust and contingent beneficiary, ST. CATHERINE'S VILLAGE, INC., is hereby revoked and the following is substituted instead, to-wit:

Provided further that in the event JUANITA PADULA shall predecease me, the share of my residuary estate that would have otherwise been distributed to the Juanita Padula Trust, shall not be reallocated, but instead, shall be distributed to the Padula Family Trust and administered and finally distributed on like terms and conditions and as a part thereof, as provided for in my will.

## ARTICLE THREE OF CODICIL

Article Six of my said Last Will and Testament is hereby amended as follows:

## ARTICLE SIX

Paragraph "C" of ARTICLE SIX pertaining to the Juanita Padula Trust, is hereby revoked and the following is substituted instead, to-wit:

C. The Juanita Padula Trust shall continue for the life of JUANITA PADULA and upon her death the property remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) shall be distributed to the Padula Family Trust and administered and finally distributed on like terms and conditions as a part thereof, as provided in my will.

## ARTICLE FOUR OF CODICIL

Except for the amendment and restatement of ARTICLE FOUR, and the amendments to ARTICLE FIVE and ARTICLE SIX of my Last Will and Testament as hereinabove set forth, I ratify and confirm in all respects the provisions of my Will dated September 18, 1997.

IN WITNESS WHEREOF, I have hereunto affixed my signature in the presence of Dorothy L. Nelson and Charles A. Carter whom I have requested to act as subscribing witnesses on this, the 16th day of June, 2000.

*Alice Barber Warton*

ALICE BARBER WARTON

WITNESSES:

*Dorothy L. Nelson*  
*Charles A. Carter*

ATTESTATION OF SUBSCRIBING WITNESSES

We, each of the subscribing witnesses to the foregoing Second Codicil to the Last Will and Testament of ALICE BARBER WARTON, do hereby declare that we have acted as subscribing witnesses hereto at the request of the said ALICE BARBER WARTON, that she declared this instrument to be the Second Codicil to her Last Will and Testament to us, that she affixed her signature hereto in the presence of each of us; and that we have affixed our signatures hereto in her presence and in the presence of each other, all on the day and year above written; and that on said occasion, the said ALICE BARBER WARTON, was of sound and disposing mind and memory.

WITNESS OUR SIGNATURES on this, the 16<sup>th</sup> day of June 2000.

WITNESSES:

ADDRESS:

Dorothy L. Nelson

200 Dominion Dr  
Apt. 4214

Charles A. Carter

Madison, MS 39110  
200 Dominion Dr #330  
Madison MS 39110

MADISON COUNTY MS - This instrument was filed for record March 13, 2008.

Book 042 Page 637  
ARTHUR JOHNSTON, C. C.

BY: D. Brill D.C.



*ABW.*

## IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
ALICE BARBER WARTON, DECEASEDCAUSE NO. 2008-176AFFIDAVIT OF DOROTHY L. NELSON AS SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF MADISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the undersigned, Dorothy L. Nelson, who having been first duly sworn states on her oath that in the presence of this Affiant, Alice Barber Warton signed, made, published and declared as the Second Codicil to her Last Will and Testament that certain instrument of writing entitled "Second Codicil to the Last Will and Testament of Alice Barber Warton" dated June 16, 2000, a true and correct copy of which is annexed as Exhibit "1" hereto, that the Testatrix was then of sound and disposing mind and memory, and above the age of twenty-one (21) years, that the Testatrix was acting voluntarily without undue influence, fraud or restraint at the time of her execution of said instrument; that the Affiant subscribed and attested said instrument as a witness to the signature and publication thereof, at the special instance and request of Alice Barber Warton, in her presence, and in the presence of Charles A. Carter, who also subscribed and attested said instrument as a witness to the signature and publication thereof, that the Testatrix at the time of the attestation was mentally capable of recognizing and actually conscious of said act and attestation; that the undersigned, Dorothy L. Nelson, was, at the time of said attestation, a credible and competent subscribing witness to that certain instrument of writing entitled "Second Codicil to the Last Will and Testament of Alice

Barber Warton" dated June 16, 2000; and that at the time of said attestation the Testatrix, Alice Barber Warton, was a resident of and had a fixed place of residence in Madison County, State of Mississippi.

Dorothy L. Nelson  
Dorothy L. Nelson

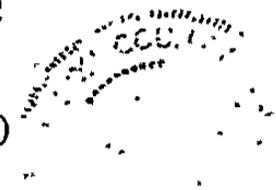
SWORN TO AND SUBSCRIBED before me on this 14<sup>th</sup> day of February 2008.

Dorothy M. Duke  
NOTARY PUBLIC

My Commission Expires.

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MARCH 8, 2008  
BONDED THRU STEGALL NOTARY SERVICES

(Affix Official Seal)



SECOND CODICIL  
TO THE LAST WILL AND TESTAMENT

OF

ALICE BARBER WARTON

I, ALICE BARBER WARTON, a resident of and domiciled in Madison County, State of Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, and in all respects competent and qualified, do hereby make, publish and declare this to be the Second Codicil to my Last Will and Testament, which I executed on September 18, 1997, and do hereby revoke the First Codicil to my Last Will and Testament executed on the 5th day of November, 1997.

ARTICLE ONE OF CODICIL

I hereby substitute in its entirety the following Article for Article Four of my said Last Will and Testament dated September 18, 1997:

ARTICLE FOUR

Specific Bequests of Personal Property and Cash Bequest

A. I make the following specific bequests of tangible personal property:

1. To LAURA PADULA, my great-niece, if she survives me, I will, give and bequeath my emerald ring, my diamond watch and my diamond cross.
2. To SAMANTHA (CASEY) GILES, my great-niece, if she survives me, I will, give and bequeath the double diamond ring that I usually wear on my right hand (which I believe to be described as a love knot ring).
3. To ANNIE WILLIAMSON, my great-niece, if she survives me, I will, give and bequeath my oriental screens, oriental chest, oriental plaques and other oriental pieces located in my apartment at the time of my death, and my garnet ring.
4. To AMANDA WARTON, my great-niece, if she survives me, I will, give and bequeath the single diamond ring that I usually wear on my right hand and my diamond pin.
5. To TONI RUSSELL, if she survives me, I will, give and bequeath my diamond cocktail ring.
6. To AUDREY WARTON, if she survives me, I will, give and bequeath my sapphire and diamond ring, and my strand of cultured pearls.
7. To ANN BARBER GILES, if she survives me, I will, give and bequeath my diamond bracelet.
8. To JAMES WARTON, if he survives me, I will, give and bequeath the gold watch with diamond numerals left to me by my late husband, David.

Exhibit "1"

*A B W.*

9. To JUANITA PADULA, my sister, if she survives me, I will, give and bequeath my Twenty Dollar Gold piece with diamond numerals, all of my clothing and furs, and the personal effects and household furniture and furnishings located in my apartment and storage room at the time of my death, except that which is mentioned above in this ITEM FOUR.

10. To my friend, MARY KIRKSEY, if she survives me, I will, give and bequeath my diamond drop in a white-gold setting and any automobile that I own at the time of my death, provided, however, that this bequest is conditioned upon MARY KIRKSEY being employed by me at the time of my death and, if she is not employed by me at the time of my death, then this bequest shall be of no force or effect whatsoever. In the event I should become hospitalized for a period of time during my last illness and for that reason, not have need for her services, such a situation shall not for this purpose be considered as "not employed by me".

If any beneficiary of tangible personal property provided for under this Article of my Will shall not survive me, then in that event, the bequest to such person provided for in this article shall lapse and the property that would have otherwise been distributed to such person shall instead be added to and become a part of my residuary estate to be distributed as herein provided.

B. To CAROL WARTON, TRUSTEE, I will, give, and bequeath a cash sum of \$80,000 in trust for the benefit of David John Warton, which trust shall be named the "David John Warton Educational Trust" and which shall be administered and used to pay the Educational Expenses of David John Warton, to the extent needed over and above other funds available to him therefor, and shall not be used for costs for which other funds, such as scholarships and grants, would otherwise be available. Said Trustee shall invest and reinvest such funds as she shall in her sole and uncontrolled discretion determine, shall accumulate undistributed income, and shall distribute all remaining funds outright to David John Warton upon his reaching the age of 30 years, and in the event of his death prior to attaining the age of 30 years, then to his mother CAROL WARTON, and if she be not then living, then and in that event to the heirs of David John Warton.

C. To my sister JUANITA PADULA, if she survives me, I will, give and bequeath the sum of \$200,000.00.

D. To ANN BARBER GILES, my niece, if she survives me, I will, give and bequeath the sum of \$100,000.00.

E. To CINDY LOU BARBER, my niece, if she survives me, I will, give and bequeath the sum of \$100,000.00.

#### ARTICLE TWO OF CODICIL

I hereby amend ARTICLE FIVE of my said Last Will and Testament as follows:

*A. B. W.*

## ARTICLE FIVE

## Disposition of Residuary Estate

The last paragraph of ARTICLE FIVE pertaining to the Juanita Padula Trust and contingent beneficiary, ST. CATHERINE'S VILLAGE, INC., is hereby revoked and the following is substituted instead, to-wit:

Provided further that in the event JUANITA PADULA shall predecease me, the share of my residuary estate that would have otherwise been distributed to the Juanita Padula Trust, shall not be reallocated, but instead, shall be distributed to the Padula Family Trust and administered and finally distributed on like terms and conditions and as a part thereof, as provided for in my will.

## ARTICLE THREE OF CODICIL

Article Six of my said Last Will and Testament is hereby amended as follows:

## ARTICLE SIX

Paragraph "C" of ARTICLE SIX pertaining to the Juanita Padula Trust, is hereby revoked and the following is substituted instead, to-wit:

C. The Juanita Padula Trust shall continue for the life of JUANITA PADULA and upon her death the property remaining in the trust estate (after payment of expenses and any taxes related to the administration and termination of the trust) shall be distributed to the Padula Family Trust and administered and finally distributed on like terms and conditions as a part thereof, as provided in my will.

## ARTICLE FOUR OF CODICIL

Except for the amendment and restatement of ARTICLE FOUR, and the amendments to ARTICLE FIVE and ARTICLE SIX, of my Last Will and Testament as hereinabove set forth, I ratify and confirm in all respects the provisions of my Will dated September 18, 1997.

IN WITNESS WHEREOF, I have hereunto affixed my signature in the presence of Dorothy L. Nelson and Charles A. Carter whom I have requested to act as subscribing witnesses on this, the 16th day of June, 2000.

*Alice Barber Warton*  
ALICE BARBER WARTON

WITNESSES:

*Dorothy L. Nelson*  
*Charles A. Carter*

ATTESTATION OF SUBSCRIBING WITNESSES

We, each of the subscribing witnesses to the foregoing Second Codicil to the Last Will and Testament of ALICE BARBER WARTON, do hereby declare that we have acted as subscribing witnesses hereto at the request of the said ALICE BARBER WARTON, that she declared this instrument to be the Second Codicil to her Last Will and Testament to us, that she affixed her signature hereto in the presence of each of us; and that we have affixed our signatures hereto in her presence and in the presence of each other, all on the day and year above written; and that on said occasion, the said ALICE BARBER WARTON, was of sound and disposing mind and memory.

WITNESS OUR SIGNATURES on this, the 16<sup>th</sup> day of June 2000.

WITNESSES:

ADDRESS:

Doreen L. Nelson

200 Dominican Dr  
Appt. 4214

Charlie A. Carter

Madison, MS 39110  
200 Dominican Dr #33a  
Madison MS 39110

MADISON COUNTY MS This instrument was filed for record March 13, 2008.

Book 042 Page 643

ARTHUR JOHNSTON, C. C.

BY: D. Small D.C.



ABW

2007-378

LAST WILL AND TESTAMENT  
OF  
MILDRED CAGLE

**FILED**  
THIS DATE  
MAR 13 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY [Signature] DC

I, MILDRED CAGLE, a resident of and domiciled in Madison County, Mississippi, being over the age of eighteen (18) years and of sound and disposing mind and memory, and in all respects, competent and qualified, do hereby make, publish and declare this to be my Last Will and Testament, and I do hereby revoke any and all wills and codicils heretofore made by me

ARTICLE I  
FAMILY MEMBERS

I am a single individual and have no children nor any descendants of children, either living or who have predeceased me.

ARTICLE II  
PAYMENT OF EXPENSES AND DEBTS

I direct my Executrix to pay all expenses of my last illness and funeral expenses and to pay all of my just debts which may be probated, registered and allowed against my estate as soon as may be conveniently done.

ARTICLE III  
RESIDUARY ESTATE

If my niece, REBEKAH C. BUTLER, survives me, I will, devise and bequeath unto her all of the rest, residue and remainder of my estate, whether real, personal or mixed, and of whatsoever kind or character and wheresoever situated.

If REBEKAH C. BUTLER predeceases me, then, in that event, I will, devise and bequeath all the rest, residue and remainder of my estate, whether real, personal or mixed, and of whatsoever kind or character and wheresoever situated, unto her daughter, KATHERINE ELIZABETH BUTLER HOGUE, or if dead, unto her issue, per stirpes

ARTICLE IV  
APPOINTMENT OF FIDUCIARIES

A. Executrix. I do hereby appoint my niece, REBEKAH C. BUTLER, as Executrix of this my Last Will and Testament. I hereby expressly give and grant unto said Executrix all the rights, powers and discretions described hereinbelow.

B. Successor. In the event that REBEKAH BUTLER predeceases me or is unable or unwilling to act in such fiduciary capacity, then I appoint JOHN WILLIAM BUTLER as Successor Executor. Any successor Executor or Executrix shall serve under the same terms and conditions as set forth for the originally named Executrix and is given the same rights, powers and discretions herein given the originally named Executrix.

ARTICLE V  
GENERAL PROVISIONS

I direct that my Executrix (or whomever shall serve) shall not be required to file any inventory or appraisal of my estate or be required to give any bond whatsoever or to give any accounting to any court or obtain the order or approval of any court in the exercise of any power or discretion herein given.

I do hereby grant unto my said Executrix, during the administration of my estate, the power

Page 2 of 4 of My Will MC



This instrument was, on the day and year shown above, signed, published and declared by MILDRED CAGLE 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.

WITNESSES:

ADDRESSES:

Ann S. Jones

303 Highland Glen, Parkway, Site A  
Ridgeland, MS 39157

Sam H. Wilford

303 Highland Park Cove, Site A  
Ridgeland, MS 39157

PROOF OF WILL

STATE OF MISSISSIPPI

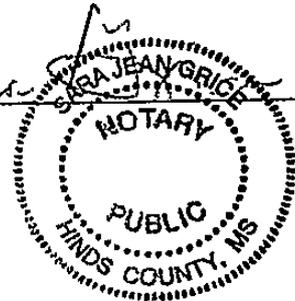
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Reeve G. Jacobus, Jr., who by me being first duly sworn, deposes and states on oath that he is one of the subscribing witnesses to that certain instrument of writing purporting to be the Last Will and Testament of Mildred Cagle and that the said Mildred Cagle signed, published and declared said instrument to be her Last Will and Testament on the 26th day of September, 2003 in the presence of this affiant and Samuel H Williford, the other subscribing witness to said instrument; and said testatrix was then of sound and disposing mind and memory and over the age of eighteen (18) years; and that this affiant and Sameul H. Williford 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 testatrix, and in the presence of each other.

  
\_\_\_\_\_  
REEVE G. JACOBUS, JR.  
303 Highland Park Cove, Suite A  
Ridgeland, Mississippi 39157

SWORN TO AND SUBSCRIBED BEFORE ME, on this, the 26th day of  
September, 2003.

  
\_\_\_\_\_  
NOTARY PUBLIC



My commission expires:

Notary Public State of Mississippi At Large  
My Commission Expires June 18, 2006  
Bonded Thru Helden, Brooks & Garland, Inc.

PROOF OF WILL

STATE OF MISSISSIPPI

COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, Samuel H Williford, who by me being first duly sworn, deposes and states on oath that he is one of the subscribing witnesses to that certain instrument of writing purporting to be the Last Will and Testament of Mildred Cagle and that the said Mildred Cagle signed, published and declared said instrument to be her Last Will and Testament on the 26th day of September, 2003 in the presence of this affiant and Reeve G. Jacobus, Jr., the other subscribing witness to said instrument, and said testatrix was then of sound and disposing mind and memory and over the age of eighteen (18) years; and that this affiant and Reeve G. Jacobus, Jr. 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 testatrix, and in the presence of each other.

MADISON COUNTY MS This instrument was filed for record March 13, 2008.

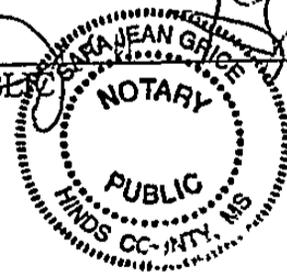
Book 42 Page 654  
ARTHUR JOHNSTON, C. C.

BY: *[Signature]* D.C.

*[Signature]*  
 SAMUEL H. WILLIFORD  
 303 Highland Park Cove, Suite A  
 Ridgeland, Mississippi 39157

SWORN TO AND SUBSCRIBED BEFORE ME, on this, the 26<sup>th</sup> day of September, 2003.

*[Signature]*  
 NOTARY PUBLIC *[Signature]*



My commission expires: \_\_\_\_\_  
 Notary Public, State of Mississippi at Large  
 My Commission Expires: June 18, 2008  
 Bonded Thru Helden, Brooks & Garland, Inc.

Filed in Wrong Book

MADISON COUNTY MS This instrument was filed for record March 13, 2008.

Book 319 Page 675  
ARTHUR JOHNSTON, C. C.

BY: *[Signature]* D.C.



# Last Will and Testament

OF

ELLA RUTH RENFROE

2008-205

STATE OF MISSISSIPPI

COUNTY OF MADISON

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

### ITEM I

I direct my Executrix to pay all of my just debts and obligations which may be probated, registered and allowed against my estate, including expenses of my funeral and a suitable marker for my grave; that the administration of my estate be completed and closed as soon after my death as may be reasonably possible.

### ITEM II

All the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, including lapsed legacies and bequests, of which I shall die seized and possessed or to which I shall have any power of appointment, I do hereby give, devise and bequeath to my niece, MYRNA LOY HEDGEPEETH, and the same shall be hers absolutely.

### ITEM III

I hereby appoint, nominate and constitute my niece, MYRNA LOY HEDGEPEETH, as Executrix of this my Last Will and Testament. My

Ella Ruth Renfroe  
ELLA RUTH RENFROE  
*pro mss*

**FILED**  
THIS DATE  
MAR 14 2008  
ARTHUR JOHNSTON CHANCERY CLERK  
BY *[Signature]* D.C.

Executrix shall have full and plenary power and authority to do and perform any act deemed by her to be for the best interest of my estate, without any limitations whatsoever, and without surety bond, and said authority shall include, but shall not be limited to the right to take possession, hold, manage, invest and re-invest the same, and to collect the income, dividends, rents, interests and profits therefrom, and to employ and to pay any attorneys, agents or accountants that she may deem necessary and for the best interest of my estate and to pay unto themselves just and reasonable compensation for her services as Executrix. I direct that neither my Executrix or Administrator shall be required to make any bond. To the extent permissible by law, I waive the requirement that my Executrix or Administrator be required to make a formal accounting for the estate with any Court.

The foregoing Last Will and Testament consists of three (3) pages, at the bottom of each of which I have signed my name.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament on this the 21 day of November 1996.

Ella Ruth Renfro  
ELLA RUTH RENFROE *ppw mss*

STATE OF MISSISSIPPI

COUNTY OF MADISON

We, each of the subscribing witnesses to the Last Will and Testament of ELLA RUTH RENFROE, do hereby certify that said instrument was signed by the said ELLA RUTH RENFROE, in our presence and in the presence of each of us, and that the said ELLA

Ella Ruth Renfro  
ELLA RUTH RENFROE *ppw mss*

PAGE THREE OF THREE PAGES

RUTH RENFROE 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 her Will at the request of ELLA RUTH RENFROE, in her presence and in the presence of each other.

Phyllis Y. DeLaughter  
 ADDRESS: 214 Oak Bend  
Madison, MS 39110

Mary G. Smith  
 ADDRESS: 1233 Barnett Bend  
Brandon, MS 39042

Ella Ruth Renfroe  
 ELLA RUTH RENFROE

*pg 10 mss*

PROOF OF WILL

COMES NOW PHYLLIS Y. DELAUGHTER, one of the subscribing witnesses to the instrument filed herein for probate and purporting to be the Last Will and Testament of ELLA RUTH RENFROE, and enters her appearance herein as provided by §91-7-9, Miss. Code Ann. (1972), as amended, and makes oath before the undersigned authority that ELLA RUTH RENFROE, the above named decedent, signed, published and declared said instrument to be her Last Will and Testament on the 21st day of November, 1996, the day of the date of said instrument, in the presence of this deponent and MARY G. SMITH, 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 MARY G. SMITH 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.

Phyllis Y. DeLaughter

STATE OF MISSISSIPPI  
COUNTY OF MADISON

SWORN TO AND SUBSCRIBED BEFORE ME on this the 21 day of November, 1996.

Rebecca Smith  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

8/10/99

(SEAL)

PROOF OF WILL

COMES NOW MARY G. SMITH, one of the subscribing witnesses to the instrument filed herein for probate and purporting to be the Last Will and Testament of ELLA RUTH RENFROE, and enters her appearance herein as provided by §91-7-9, Miss. Code Ann. (1972), as amended, and makes oath before the undersigned authority that ELLA RUTH RENFROE, the above named decedent, signed, published and declared said instrument to be her Last Will and Testament on the 21st day of November, 1996, the day of the date of said instrument, in the presence of this deponent and PHYLLIS Y. DELAUGHTER, 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 PHYLLIS Y. DELAUGHTER 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.

Mary G. Smith

STATE OF MISSISSIPPI  
COUNTY OF MADISON

SWORN TO AND SUBSCRIBED BEFORE ME on this the 21 day of November, 1996.

Rebecca P. Small  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
8/10/99

(SEAL)

MADISON COUNTY MS This instrument was  
filed for record March 14, 2008  
Book 42 Page 655  
ARTHUR JOHNSTON, C. C.  
BY R. Small D.C.



2008-248

# Last Will and Testament

OF

AURIE MAYBERRY ADAMS

I, AURIE MAYBERRY ADAMS, 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 my son, EUGENE MAYBERRY, 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. I hereby direct that no bond be required of the Executor 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 and devise unto GELOHZO DAVIS one (1) acre, being 210 feet by 210 feet lying in the Southwest corner of that certain seven and one-half (7½) acres owned by Aurie Mayberry Adams and described more fully in Book 106 at Page 2 in the office of the Chancery Clerk of Madison County, Mississippi, said property lying and being situated in Madison County, Mississippi.

III.

I hereby give, devise and bequeath unto my son, EUGENE MAYBERRY, the remainder of my property, whether it be real, personal or mixed, wheresoever situated or howsoever described.

IN WITNESS WHEREOF, I, AURIE MAYBERRY ADAMS, have hereunto set my signature on, and published and declare this to be my Last Will and Testament on this the 22<sup>ND</sup> day of FEBRUARY, 1997, in the

Exhibit "A"

<b>FILED</b>	
THIS DATE	
MAR 17 2008	
ARTHUR JOHNSTON, CHANCERY CLERK	
BY	D.C.

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

Aurie Mayberry Adams  
AURIE MAYBERRY ADAMS

WITNESSES.

C. R. Montgomery  
Margaret R. Montgomery

ATTESTATION CLAUSE

WE, each of the subscribing witnesses to the Last Will and Testament of AURIE MAYBERRY ADAMS, do hereby certify that said instrument was signed in the presence of each of us, and that said AURIE MAYBERRY ADAMS 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 AURIE MAYBERRY ADAMS, in her presence and in the presence of each other.

WITNESS OUR SIGNATURES on this the 22<sup>nd</sup> day of November, 1997.

C. R. Montgomery  
Margaret R. Montgomery  
WITNESSES

AFFIDAVIT OF WITNESSES

STATE OF MISSISSIPPI

COUNTY OF MADISON

This day personally appeared before me, the undersigned duly commissioned and qualified Notary Public, acting within and for the State and County, C. R. Montgomery and Margaret R. Montgomery respectively, whose names appear as subscribing witnesses to the foregoing and attached instrument of writing, who after having been duly sworn, say on oath that on the

22<sup>nd</sup> day of February, 1997, AURIE MAYBERRY ADAMS in their presence, signed her name thereto, and in their presence declared the same to be her Last Will and Testament; that at her request, in their presence, and in the presence of each other, the said affiants subscribed their names thereto as witnesses to its execution and publication; that the said AURIE MAYBERRY ADAMS, on the 22<sup>nd</sup> day of February, 1997, was of lawful age, was of sound and disposing mind and memory, and there was no evidence of undue influence.

C.R. Montgomery residing at 3390 N. Liberty St.  
Laramie, Wyo. 82004

Margaret E. Montgomery residing at 3390 N. Liberty St.  
Laramie, Wyo. 82004

SWORN TO AND SUBSCRIBED before me this the 22<sup>nd</sup> day of FEBRUARY, 1997.

W. P. Gaudin  
NOTARY PUBLIC

MY COMMISSION EXPIRES:  
7-25-99

(SEAL)

I FIRMCRMPIWILLIADAMSAUR 103  
8711 1/4/0970

MADISON COUNTY MS This Instrument was  
filed for record March 17, 2008  
Book 42 Page 662  
ARTHUR JOHNSTON, C. C.  
BY: L. Jones D.C.



2008-125

LAST WILL AND TESTAMENT  
OF  
IREL (NMI) RACKLEY

<b>FILED</b> THIS DATE MAR 18 2008 ARTHUR JOHNSTON, CHANCERY CLERK BY: <i>[Signature]</i> D.C.
--

I, Irel (NMI) Rackley, a resident of and domiciled in Madison County, State of Mississippi, being over the age of twenty-one (21) years and of sound and disposing mind and memory, and in all respects competent and qualified, do hereby make, publish and declare this to be my true Last Will and Testament, hereby revoking all previous wills and codicils heretofore made by me.

ARTICLE ONE  
Family Members

At the time of the execution of this Will, I am married to Alyce Lynn Rackley, and all references in this Will to "my wife" or "said wife" shall be deemed to refer to her. Neither of us collectively or separately, have any natural or adopted children.

ARTICLE TWO  
Payment of Debts and Administrative Expenses

I hereby direct my Executor, or his successor, to pay all expenses of my last illness and funeral expenses, and to pay all of my just debts which may be probated, registered and allowed against my estate as soon as may be conveniently done; provided, however, that my Executor is authorized to pay any debt which I may owe at the time of my death not exceeding Five Hundred and No/1 00 Dollars (\$500.00) without the necessity of such debt being probated, registered or allowed against my estate so long as my said Executor determines that such debt is a valid debt of my estate. It is my intention, however, that nothing in this Article of my Will shall be construed as creating an express trust or fund for the payment of my debts and expenses of administration which would in any way extend the statute of limitations for the payment of debts, or enlarge upon my legal obligation or any statutory duty of my Executor to pay debts. My Executor may, in his discretion, pay all or any portion of the expenses of the administration of my estate out of the income and/or principal of the estate during the period of administration and may elect in accordance with applicable federal tax laws to deduct such expenses either for federal estate tax purposes or federal income tax purposes, or partly for one and partly for the other, irrespective of the source of payment, and without reimbursement or adjustment of the estate accounts or the amounts to which the beneficiaries of my estate may otherwise be entitled. However, my Executor shall not exercise this discretion in a

*Irel Rackley*

manner that would result in loss of, or decrease in, the marital deduction otherwise allowable in determining the federal estate tax due by my estate.

### ARTICLE THREE

#### Payment of Taxes

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

### ARTICLE FOUR

#### Specific Bequests

A. I will, give and bequeath unto my wife, if she survives me, the following described tangible personal property:

1. All of my personal belongings and effects, other than my jewelry, clothing and books, which I will to Nathaniel E. Rackley;
2. All vehicles which I may own at the time of my death and all equipment relating thereto not otherwise specifically bequeathed;
3. All of my interest in the household furniture, furnishings and effects including, but not limited to, chinaware, silverware, glassware, linens, rugs, fixtures, paintings, portraits and works of art which are in, or are used in connection with, our homestead; and

I also will, give and bequeath unto my wife, if she survives me, any and all policies of insurance and rights there under pertaining to or insuring the tangible personal property bequeathed under paragraph A of this Article.

If my wife does not survive me, then the gifts and bequests provided for under paragraph A of this Article of my Will shall lapse, and the property hereinabove described in paragraph A of this Article, shall be added to and become a part of my residuary estate to be distributed as hereinafter set forth.

B. I will, give, devise and bequeath unto June Rackley Andrews, whose address is 10 Moormon Rd., Pontotoc, MS 38863, the cash sum of \$2,000.00.

*Jack Rackley*

C. I will, give, devise and bequeath unto Billy Wayne Rackley of Zion Rd., Pontotoc, MS 38868, *in trust* for the Pleasant Grove Cemetery Association (located outside of the City of Pontotoc on Troy Rd.) the cash sum of \$2,000.00 for the care and maintenance of the Rackley Cemetery Plots.

#### ARTICLE FIVE

#### Marital Deduction Bequest In Trust

If my wife, Alyce Lynn Rackley, survives me, then I will, devise and bequeath unto my Trustee, in trust, nevertheless, and subject to the terms and conditions hereinafter set forth, an amount equal to the maximum estate tax marital deduction (allowable in determining the federal estate tax payable by reason of my death) reduced by an amount, if any, needed to increase my taxable estate (taking into account the marital deduction allowed under federal estate tax law) to the largest amount that will, after taking into account all allowable deductions and credits, including, but not limited to, the applicable credit amount (also known as the "applicable exclusion" and "unified credit") allowed under Section 2010 of the Internal Revenue Code of 1986, as amended, result in the imposition of no, or the smallest possible, federal estate tax. Provided, however, that in determining said amount, the state death tax credit provided for under federal estate tax law shall be taken or taken into account only to the extent that use of such credit does not result in an increase in the state death or estate taxes payable by reason of my death. In making the computations necessary to determine the amount of this pecuniary estate tax marital deduction gift, values as finally determined for federal estate tax purposes shall control. Further, in determining the amount which will be distributed to my Trustee under the terms of this Article, my Executor shall consider and take into account all property which passes or has passed to my wife other than under this Article of my Will and which qualifies for the marital deduction allowed for federal estate tax purposes, which property may include, without limitation, property which has passed or passes to my said wife as a bequest or devise under any other Article of this, my Last Will and Testament, or which has passed or passes to my said wife by beneficiary designation, or by contract, or by virtue of her being a survivor with respect to property which we own as joint tenants with rights of survivorship. My Executor shall have the sole discretion to determine the identity of the property of my estate, whether cash or other property, or partly cash and partly other property, which shall constitute the property to be distributed to my Trustee in satisfaction of the marital deduction gift provided for under this Article of my Will, but in making distributions in satisfaction of said marital deduction gift, only property, including cash, which is fairly representative of the net appreciation or depreciation in the value or values of the available property on the date or dates of distribution shall be selected. No assets shall be made a part of this marital deduction bequest which do not qualify for said marital deduction. The selection of

*Handwritten signature*

the assets which are used to satisfy the bequest defray provided for under this Article of my Will shall not be subject to question by any beneficiary. This Trust shall be named and known as the "Irel (NMI) Rackley Marital Trust" and shall be administered by my Trustee on the following terms and conditions:

A. My Trustee shall pay all net income to my wife in convenient installments, periodically, at least as often as annually, during her life.

B. If the total income of my wife is, in the discretion of my Trustee, insufficient to enable her to maintain the standard of living to which she is accustomed at the time of my death, then my Trustee may pay to her, out of the trust, such sum or sums as my Trustee shall deem proper to enable him to maintain his accustomed standard of living. In making this determination, my Trustee may take into consideration my said wife's assets and income from sources other than this Trust. My Trustee is also authorized, in his or her discretion, to pay unto my wife the amount of any and all medical, nursing, hospital, institutional care or other related expenses which may be incurred by my said wife, out of income, principal or both. No person shall have any power to appoint any part of the property of this trust to any person other than my said wife during her lifetime.

C. I hereby authorize my Executor, in his discretion, to elect that all or any fractional or percentile share of this trust be treated as qualified terminable interest property for the purpose of qualifying for the marital deduction allowable in determining the federal estate tax payable upon my death. The election made by my Executor under this paragraph shall not be subject to question by any beneficiary under this Will. Notwithstanding anything to the contrary contained in this, my Will, I direct that:

1. My Trustee shall not retain beyond a reasonable time any property which may be or become unproductive property nor shall my Trustee invest in unproductive property;

2. In the event of any uncertainty regarding the interpretation of provisions of this trust for the benefit of my wife, it is my intention that its provisions shall be interpreted in the manner which would permit the property of this trust to qualify for the marital deduction authorized by the United States Internal Revenue Code, as now enacted or hereafter amended; and

3. None of the powers granted to my Trustee by this Will shall be exercised in such a manner as to disqualify this trust or any part thereof from the marital deduction allowable in determining the federal estate tax on my estate.

*Irel Rackley*

D. Upon the death of my said wife, my Trustee shall distribute any undistributed income accrued to the date of her death to my wife's estate and shall distribute, pay over, deliver, assign and convey the then remaining balance of the trust estate as follows:

1. My Trustee shall pay to my said wife's estate, or to the appropriate tax authorities, from the balance of the trust estate remaining at my said wife's death (after payment of all accrued income to her estate), any estate and inheritance taxes and any other taxes in the general nature thereof (together with any interest thereon) which are payable on account of the trust property, as it exists on the date of the death of my wife, being included in her gross estate for estate tax purposes. The amount of such taxes and interest payable shall be determined by my Trustee, it being my intention that such amount be representative of the increase in such taxes fairly attributable to the trust property being included in my wife's estate for estate tax purposes, to the end that the estate and inheritance taxes, and the other taxes in the general nature thereof, paid from my said wife's estate shall not exceed such taxes computed as if the trust property were not taxable in my husband's estate and, to the extent that other assets of my husband's estate shall not provide sufficient funds, my Trustee may, in his discretion, pay any expenses incurred in connection with the administration of the estate of my said wife. My Trustee may retain property in trust or reserve property prior to final distribution for the payment of such taxes and expenses as my Trustee in his discretion shall determine.

2. After distribution of accrued but undistributed income to my said wife's estate, and after payment of taxes and administrative expenses as hereinabove provided, my Trustee shall then distribute the balance of the property remaining in the trust estate outright, free of trust, in equal undivided amounts, to devisees, to-wit:

(a) Cecil (NMI) Rackley, my brother, whose address is 400 South Jackson St., Starkville, MS 39759, and un-divided  $1/3^{\text{rd}}$  interest therein, and should he not survive me, thence said bequest is willed to his next of kin blood descendants.

(b) Nathaniel E. Rackley, my brother, whose address is 10 Moorman Rd., Pontotoc, MS 38863, and un-divided  $1/3^{\text{rd}}$  interest therein, and should he not survive me, thence said bequest is willed to his next of kin blood descendants.

(c) Lloyd E. Rackley, my brother, whose address is 188 Linda St., Pontotoc, MS 38863, and un-divided  $1/3^{\text{rd}}$  interest therein, and should he not survive me, thence said bequest is willed to his next of kin blood descendants.

*J. H. Rackley*

E. In the event that my wife, Alyce Lynn Rackley, shall predecease me, then the devise and bequest to my Trustee provided for under this Article of my Will shall lapse and all of the property which would have otherwise been distributed to my Trustee under this Article shall pass to and be distributed as a part of my residuary estate as hereinafter provided.

ARTICLE SIX  
Disposition of Residuary Estate

I will, give, devise and bequeath all of the rest, residue and remainder of my property and estate, real, personal and mixed, of whatsoever kind or character and where so ever situated, together with any lapsed bequests and devises (my "residuary estate") as follows:

A. If my wife, Alyce Lynn Rackley, survives me, then I will, devise and bequeath my entire residuary estate unto my Trustee, in trust, nevertheless, to be held, maintained, administered, invested, reinvested and distributed for the uses and purposes and upon the terms and conditions hereinafter set forth:

1. The name of this trust shall be the "Irel (NMI) Rackley Family Trust."
2. This trust shall be for the primary benefit of my wife, Alyce Lynn Rackley, during her life. Provided, however, until her assets are depleted, my wife shall receive no distribution from this Trust.
3. During the life of my wife, Alyce Lynn Rackley, if her total income is insufficient to provide for her health and to permit her to maintain and support herself in the standard of living to which she is accustomed at the time of my death, then my Trustee shall pay and distribute to my wife out of the principal of the trust such additional sum or sums as are proper for the health care of my wife and to enable her to support and maintain herself in such standard of living, taking into account her needs. In making this determination, my Trustee may take into consideration my said wife's assets and income from sources other than this trust known to my Trustee. My Trustee is also authorized to pay any and all medical, nursing, hospital, institutional care and related expenses which may be incurred by my wife out of the principal of the trust.
4. Upon the death of my said wife, my Trustee shall pay or reserve from the trust estate any taxes and expenses attributable to the property and income of the trust, and my Trustee shall then distribute the balance of the property

*Irel Rackley*

remaining in the trust estate outright, free of trust, in equal undivided amounts, to devisees, to-wit:

(a) Cecil (NMI) Rackley, my brother, whose address is 400 South Jackson St., Starkville, MS 39759, and un-divided 1/3<sup>rd</sup> interest therein, and should he not survive me, thence said bequest is willed to his next of kin blood descendants.

(b) Nathaniel E. Rackley, my brother, whose address is 10 Moorman Rd., Pontotoc, MS 38863, and un-divided 1/3<sup>rd</sup> interest therein, and should he not survive me, thence said bequest is willed to his next of kin blood descendants.

(c) Lloyd E. Rackley, my brother, whose address is 188 Linda St., Pontotoc, MS 38863, and un-divided 1/3<sup>rd</sup> interest therein, and should he not survive me, thence said bequest is willed to his next of kin blood descendants.

**ARTICLE SEVEN**  
**Property Vested In Minor Beneficiary**

Whenever any property, whether principal or income, vests pursuant to the provisions of this, my Will, in a minor, persons acting hereunder as Executor or Trustee, as the case may be, shall have the right as donees of a power during minority, upon distribution of such property, to hold and manage the same until such minor attains his or her majority, and may exercise in respect of such property, and the income thereof, all powers conferred by this my Will, or by law, upon my Executor or Trustee, including the power to apply any such property or the income thereof to the use or for the benefit of such minor. Said donees shall be entitled to receive such compensation as they would be entitled to receive if they were holding the property as Trustee of a separate trust under this Will and shall not be required to render periodic accounts to any Court. My Executor and Trustee are not required to exercise the power granted under this Article of my Will, and may, in their discretion, elect to distribute property to or for the benefit of the minor in whom such property has vested, or to such minor's natural or legal guardian, or to an eligible custodian under the Mississippi Uniform Transfers to Minors Act (and my Executor and Trustee shall not be prohibited from serving as custodian unless otherwise prohibited by law), and upon obtaining receipt therefor shall have no further obligation with respect to such property as Executor or Trustee.

*J. E. Rackley*

ARTICLE EIGHT  
Trust Provisions

To the extent permitted or required by law, it is my intention and I hereby direct, with respect to any trust created under the terms of this, my Last Will and Testament, that:

A. Neither the principal nor the income of any trust created hereunder, nor any part of same, shall be liable for the debts or torts of any beneficiary hereunder, nor shall the same be subject to seizure by any creditor of any beneficiary hereunder and no beneficiary hereunder shall have any power to sell, assign, transfer, encumber or in any manner to anticipate or dispose of his or her interest in any trust, or any part of same, or the income produced from said trust, or any part of same. No part of any trust created hereunder, principal, income or increment shall be attachable, assignable, trustable or liable to be taken at law or in equity for or on account of any debt, tort, obligation or contract of the beneficiary hereunder. No beneficiary's interest in income or principal or both of any trust created hereunder is subject to voluntary or involuntary transfer. Provided, however, that the "spendthrift" provisions set forth in this Article shall not apply in any manner to disallow or adversely affect the marital deduction to which my estate may be entitled for federal or state of Mississippi estate tax purposes.

B. Any trust created under this, my Last Will and Testament, shall be a private trust, and my Trustee shall not be required to obtain the order or approval of any Court for the exercise of any power or discretion herein given. My Trustee shall not be required to return to any Court any periodic formal accounting of his administration of any trust, but said Trustee shall render annual accounts to each beneficiary of each trust.

C. No person paying money or delivering property to my Trustee shall be required to see to its application. No bond or other security shall be required of my Trustee. The Trustee of any trust created hereunder is authorized to receive and retain for said Trustee's services in administering each trust reasonable compensation in accordance with that which is customarily and generally charged for performing trust services of the nature involved in such trust.

D. Notwithstanding any other provision of this Will to the contrary, I direct that any trust created hereunder shall terminate within the period prescribed by any applicable rule against perpetuities. I further direct that in the event such termination is required, the principal of any trust then in effect shall be paid over to the primary income beneficiary of such trust, or if there are more than one, then in equal shares to the income beneficiaries, thereby terminating such trust.

*Julius Rosenberg*

ARTICLE NINE  
Powers of Executor and Trustee

I hereby authorize and empower my Executor, with respect to my estate, and my Trustee, with respect to any trust created hereunder, and any successor or successors thereof, in their sole and absolute discretion, to do the following:

A. To exercise all of the powers, rights and discretions granted by virtue of the "Uniform Trustees' Powers Law," being § §91-9-1 01 through 91-9-119, inclusive, of the Mississippi Code of 1972, Annotated, as now enacted, or as hereafter amended, which "Uniform Trustees' Powers Law" is hereby incorporated by reference as though fully and completely copied herein. Should said "Uniform Trustee's Powers Law" be repealed, then my Executor and Trustee herein named shall continue to have all of the powers, rights and discretions granted by said "Uniform Trustees' Powers Law," the same as if it were still in effect.

B. To purchase or otherwise acquire and to retain, whether originally a part of the estate or subsequently acquired, any and all stocks, bonds, notes or other securities, or shares or interests in investment trusts and common trust funds, or in any other property, real, personal or mixed, as they may deem advisable, whether or not such investments or property be of the character permissible by fiduciaries, without being liable to any person for such retention or investment.

C. To pay all necessary expenses of administering the estate and any trust including taxes, trustees' fees, fees for the services of accountants, agents and attorneys, and to reimburse said parties for expenses incurred on behalf of the estate or any trust hereunder.

D. To determine what is principal and what is income with respect to all receipts and disbursements; to establish and maintain reserves for depreciation, depletion, obsolescence, taxes, insurance premiums, and any other purpose deemed necessary and proper by them and to partite and to distribute property of the estate or trust in kind or in undivided interests, and to determine the value of such property. My Trustee is hereby authorized and empowered to hold and invest the assets of any trust created hereunder jointly and in undivided shares or interests.

E. To perform such acts, to participate in such proceedings and to exercise such other rights and privileges in respect to any property, as if they were the absolute owner thereof, and in connection therewith to enter into and execute any and all agreements binding my estate and any trust created hereunder.

*J. R. Rackley*

F. To borrow money from such source or sources and upon such terms and conditions as my Executor or Trustee shall determine, and to give such security there for as my Executor or Trustee may determine.

G. To participate in any plan of reorganization, consolidation, dissolution, redemption, or similar proceedings involving assets comprising my estate or any trust created hereunder, and to deposit or withdraw securities under any such proceedings.

H. To compromise, settle or adjust any claim or demand by or against my estate, or any trust, to litigate any such claims, including, without limitation, any claims relating to estate or income taxes, and to agree to any rescission or modification of any contract or agreement.

I. To sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate, or in any trust, at public or private sale, at such time and price and upon such terms and conditions (including credit) as my Executor or Trustee may deem advisable and for the best interest of my estate, or any trust. I hereby waive any requirement of issuing summons, giving notice of any hearing, conducting or holding any such hearing, filing bond or other security, or in any way obtaining court authority or approval for any such sale, exchange, assignment, transfer or conveyance of any real or personal property.

J. To lease any real or personal property for such term and upon such terms and conditions and rentals and in such manner as may be deemed advisable (with or without privilege of purchase), and any lease so made shall be valid and binding for the full term thereof even though the same shall extend beyond the duration of the administration of my estate, or any trust created hereunder, all without the approval or authority of any court; and to insure against fire or other risks, to make repairs, replacements and improvements, structural or otherwise, to any real property, to improve any real property and to pay the cost out of principal.

K. Unless otherwise specifically provided, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or in an undivided interest therein, or partly in cash and partly in other property, and to do so with or without regard to the income tax basis of specific property allocated to any beneficiary and without making pro rata distributions of specific assets.

L. To settle, adjust, dissolve, windup or continue any partnership or other entity in which I may own a partnership or equity interest at the time of my death, subject, however, to the terms of any partnership or other agreement to which I am a

*John R. Pennington*

party at the time of my death. I authorize my Executor and Trustee to continue in any partnership or other entity for such periods and upon such terms as they shall determine. Neither my Executor nor my Trustee shall be disqualified by reason of being a partner, equity owner or title holder in such firm from participating on behalf of my estate in any dealings herein authorized to be carried on between my Executor or Trustee and the partners or equity owners of any such partnership or other entity.

M. To make any elections and to take any actions necessary in connection therewith which are available under the Internal Revenue Code of 1986, as amended, including, but not limited to, Section 2032, Section 2032A, and Section 6166.

N. To disclaim any property which my estate or any trust created hereunder may otherwise be entitled to receive and to take any and all necessary or proper actions to make and fully effectuate a qualified disclaimer or disclaimers under Internal Revenue Code Section 2518, or any similar provision which may be subsequently enacted, and under any disclaimer statute or law which may at any time be in effect under Mississippi law.

O. To change the domicile or situs of any trust created hereunder. All authorities and powers hereinabove granted unto my Executor and Trustee shall be exercised from time to time in their sole and absolute discretion and without prior authority or approval of any Court, and I intend that such powers be construed in the broadest possible manner.

#### ARTICLE TEN Appointment of Executor

I hereby appoint John E. Smith to be Executor of this, my Last Will and Testament and my estate. In the event that John E. Smith shall predecease me, or, for any reason, shall fail to qualify or cease to act as my Executor, then I hereby appoint Lynn C. Smith, to serve as successor Executor of my Last Will and Testament, and my estate. As a third alternate, I name Billy W. Rackley with the same waivers and immunities. Any reference herein to my "Executor" shall also refer to and include my successor Executor herein named, and I confer upon said successor Executor all of the rights, powers, duties, discretions and obligations conferred upon my original Executor hereinabove named. My Executor and my successor Executor, hereinabove named, shall serve without any bond, and I hereby waive the necessity of preparing or filing any inventory, accounting or formal appraisement of my estate.

*Billy W. Rackley*

I hereby appoint John E. Smith, to be Trustee of each trust created under this, my Last Will and Testament. If John E. Smith shall be unable or unwilling to accept appointment as Trustee or for any reason shall discontinue his service as Trustee or shall resign as Trustee, then I hereby appoint Lynn C. Smith to be successor Trustee of each trust created under this, my Last Will and Testament. As a third alternate, I name Billy W. Rackley with the same waivers and immunities. Any successor Trustee shall have all of the rights, powers, duties, discretions and obligations conferred upon my original Trustee hereinabove named.

ARTICLE TWELVE  
Construction

Throughout this Will, the masculine gender shall be deemed to include the feminine as well as the neuter, and vice versa, as to each of them; the singular shall be deemed to include the plural, and vice versa. The term "descendants" shall include the legally adopted children and more remote descendants of my children, provided that in each case such adopted child shall have been adopted prior to attaining seven (7) years of age. The headings used herein are for convenience only and shall not be construed or interpreted as limiting the scope of the Article to which the heading pertains.

IN WITNESS WHEREOF, I have hereunto affixed my signature in the presence of Charles R. Mayfield, Jr., and Mark S. Mayfield, who I have requested to act as subscribing witnesses hereto on this September 7, 2001.

Irel Rackley  
IREL (NMI) RACKLEY

WITNESSES:

Charles R. Mayfield, Jr.  
Charles R. Mayfield, Jr.

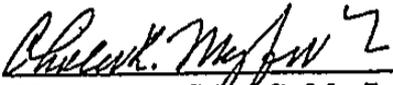
Mark S. Mayfield  
Mark S. Mayfield

## SUBSCRIBING WITNESSES STATEMENT

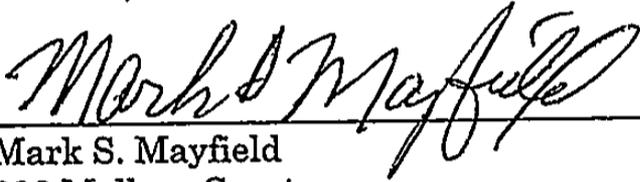
We, each of the subscribing witnesses to the foregoing Last Will and Testament of Irel (NMI) Rackley, do hereby declare that we have acted as subscribing witnesses hereto at the request of the said Irel (NMI) Rackley; that he declared this instrument to be his Last Will and Testament to us; that he affixed his signature hereto in the presence of each of us; and that we have affixed our signatures hereto in his presence and in the presence of each other all on the day and year above written; and that on this occasion the said Irel (NMI) Rackley, was of sound and disposing mind and memory.

WITNESS our signatures on this September 7, 2001.

## WITNESSES:



Charles R. Mayfield, Jr.  
5420 Marblehead Dr.  
Jackson, MS 39211



Mark S. Mayfield  
208 Mallory Court  
Madison, MS 39110

PROOF OF WILL

## STATE OF MISSISSIPPI, COUNTY OF HINDS

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid Charles R. Mayfield, Jr., and Mark S. Mayfield, credible and competent subscribing witnesses to the foregoing instrument of writing dated September 7, 2001, purporting to be the Last Will and Testament of Irel (NMI) Rackley, each of whom having been first duly sworn, state on oath that the said Irel (NMI) Rackley signed, made, published and declared said instrument as his Last Will and Testament on September 7, 2001, the date of said instrument, in the presence of these affiants; 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

*Irel (NMI) Rackley*

acting voluntarily without undue influence, fraud or restraint; that the affiants subscribed and attested said instrument as witnesses to the signature and publication thereof, at the special instance of Irel (NMI) Rackley, and in the presence of Irel (NMI) Rackley, 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 Mississippi; that at the time of said attestation the Testator, Irel (NMI) Rackley, indicated to the affiants that he was a resident of and had a fixed place of residence in Madison County, State of Mississippi; and that this Proof of Will is attached to the original of that certain foregoing written instrument signed, made, published and declared by the said Testator, Irel (NMI) Rackley, as his Last Will and Testament on this September 7, 2001.

Charles R. Mayfield, Jr.  
Charles R. Mayfield, Jr.

Mark S. Mayfield  
Mark S. Mayfield

SWORN to and subscribed before me on this on this September 7, 2001.

Shut Daniel  
NOTARY

My Commission Expires: MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MARCH 11, 2002  
BONDED THRU STEGALL NOTARY SERVICE

Prepared by: Mayfield & Mayfield, Attys., P. O. Box 2192, Jackson, MS 39225.  
Phone 601-948-3590, Fax 601-948-3591, Email - MayfieldAttys@aol.com

Irel Rackley

14  
MADISON COUNTY MS. This instrument was  
filed for record March 18, 2008.  
Book 42 Page 663  
ARTHUR JOHNSTON, C. C.  
BY: R. S. [Signature] c.c. 

**FILED**  
THIS DATE  
MAR 18 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY *Ken Sellers* D.C.

**CODICIL TO  
LAST WILL AND TESTAMENT OF  
IREL RACKLEY**

I, IREL RACKLEY, a resident of the STATE OF MISSISSIPPI, COUNTY OF MADISON, being of sound mind and memory, do hereby declare that this is my Amendment to my will My Social Security Number is 428-05-9642.

**FIRST:** I Amend my LAST WILL AND TESTAMENT dated September 7, 2001 as follows

**SECOND:** I give, devise, and bequeath the following money or personal property to:  
Jason Rackley, my 1998 Buick LeSabre  
Bobby Rackley, my wedding ring  
David Clark, my jewelry, watch, and tie pins

**TO:**

- \$10,000.00 John E and Lynn D Smith, 1923 Spillway Road #191, Brandon, Ms 39047
- \$25,000.00 Nell Gentry, Hwy 6 East, Pontotoc, Ms 38863
- \$25,000.00 Peggy Moore, c/o Billy Rackley, 2777 Hwy. 342, Pontotoc, Ms 38863
- \$25,000.00 Bobby Rackley, Hwy 341, Pontotoc, Ms. 38863
- \$25,000.00 Billy Rackley, 2777 Hwy. 342, Pontotoc, Ms 38863
- \$25,000.00 Grace Rackley, Circle 229, Pontotoc, Ms.38863
- \$ 6,000.00 Joe Clark, 3740 Hillside Drive, Olive Branch, Ms 38654
- \$ 9,000.00 John Clark, c/o David Clark, 765 Pecan Hill Rd , Southhaven, Ms 38671
- \$30,000.00 David Clark, 765 Pecan Hill Rd , Southhaven, Ms. 38671
- \$ 5,000.00 Lou Nell Reaves, 4260 Clubview Dr., Olive Branch, Ms. 38654
- \$ 5,000.00 Mandy Thompson, 3395 Scottsdale Ave , Memphis, Tn 38815
- \$25,000.00 Robby Loranle, 255 Oakview, Ripley, Tn 38063
- \$40,000.00 Carol Rackley, c/o Renee Ledbetter, 1600 Qt. Todd Dr , Ecrú, Ms 38841, if living, otherwise to children of Carol Rackley equally
- \$ 7,000.00 Martha & H T. DeKay, 711 Cottonwood Dr , Starkville, Ms 39759
- \$ 5,000.00 Nell Mask, Pontocola Rd., Shannon, Ms 38868
- \$ 4,000.00 Ernest Jenkins, 205 Rye Rd , Shannon, Ms 38868
- \$ 4,000.00 Sylvia Caudle, 1835 Glynn Ave., Memphis, Tn 30127
- \$15,000.00 Woodland Baptist Church, c/o Ernest Jenkins, 205 Rye Rd., Shannon, Ms 38868
- \$ 8,000.00 Cookie Prout, Hattiesburg, Ms. 39403-1994
- \$ 2,000.00 W. B. Boyd Rackley, 12813 West Georgia Ave , Litchfield, Az 85340
- \$ 4,000.00 Wanda Markle, 1225 Appaloosa Dr , Moneta, Va.
- \$ 4,000.00 Jeannie Wright, 14323 Oakwood Rd , Denham Springs, La 70726
- \$25,000.00 Herbert B. Andrews, c/o Billy Rackley, 2777 Hwy. 342, Pontotoc, Ms 38863
- \$20,000.00 Faith Baptist Church, P. O. Box 13675, Jackson, Ms. 39236, if operating at my death, otherwise to Briarwood Baptist Church, Briarwood Dr , Jackson, Ms
- \$10,000.00 The Hospic Ministries, Ridgeland, Ms.
- \$ 1,000.00 Betty Burns, The Orchard, 600 Pear Orchard Rd , Ridgeland, Ms
- \$ 4,000.00 Jason Rackley, 196 Beulah Grove Rd , Pontotoc, Ms 38863
- \$ 3,000.00 Paul Rackley, 496 Wallfield Rd , Pontotoc, Ms. 38863

*Signed & sealed*

HOWEVER, in the event that the above person or persons predeceases me, I give that same money or personal property to:

See Attached List of Heirs

**THIRD:** I direct all my just debts and funeral expenses be paid as soon as possible after my death

**FOURTH:** I name JOHN E. SMITH, as personal representative (executor/trustee) of this amendment without bond. If this person or institution shall for any reason fail to qualify or cease to act as personal representative, I name LYNN D. SMITH as personal representative, again without bond, instead.

**FIFTH:** I hereby empower my Executor/Trustee to sell property, real or personal, for cash or on time, without an order of Court, at such time and upon such terms and conditions as shall seem best

**SIXTH:** I hereby nominate, constitute, and appoint none residing at \_\_\_\_\_ as Guardian of the person and property of any infants named herein to serve without bond.

**SEVENTH:** Amend Disposition of Residuary Estate to World Prophetic Ministry, P O. Box 907, Colton, Ca 92324-0907

I Irel Rackley, the testator, sign my name to this amendment, consisting of 3 pages, this 30<sup>th</sup> day of October, 2006.

Being duly sworn, I declare to the undersigned authority that I sign this document as amendment to my last will, that I sign it willingly, and that I execute it as my free and voluntary act for the purposes therein expressed.

I declare that I am of the age and majority or otherwise legally empowered to make an amendment to my will, and under no constraint or undue influence.

Irel Rackley

We, the witnesses, sign our name to this document, and we declare under penalty of perjury, that the foregoing is true and correct, this 30<sup>th</sup> day of October, 2006.

Dianne Bates residing at: 218 Harbor Rd Madison Ms  
Dandra Darrin residing at: 374 St. Augustine Madison Ms  
Alceda Guillory residing at: 5440 Terry Rd Byram Ms

## IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

ESTATE OF IREL RACKLEY, DECEASED

CIVIL ACTION FILE NO. 2008-125AFFIDAVIT OF SUBSCRIBING WITNESSSTATE OF MISSISSIPPI  
COUNTY OF HINDS

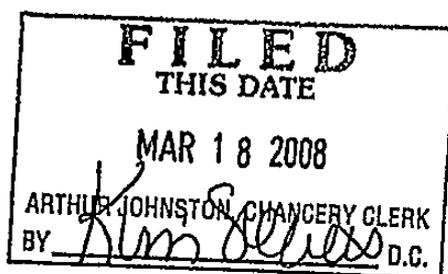
This date personally appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, the within named Dianne Bates, who being by me first duly sworn according to law, says on oath:

(1) That this affiant is a subscribing witnesses to an instrument of writing dated October 30, 2006 purporting to be a Codicil to the Last Will and Testament of Irel Rackley, Deceased, who was personally known to the affiant, and whose signature is affixed to such instrument,

(2) That on October 30, 2006, Irel Rackley signed, published and declared the instrument of writing as a Codicil to his Last Will and Testament, in the presence of this affiant and in the presence of Sandra Garvin and Claude Guillory, the other subscribing witnesses to the instrument.

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

(4) That this affiant, together with Sandra Garvin and Claude Guillory, subscribed and attested the instrument as witnesses to the signature and publication thereof, at the special instance,



request, and in the presence of Irel Rackley, and in the presence of each other.

Dianne W Bates  
DIANNE BATES

SWORN TO AND SUBSCRIBED BEFORE ME, this 9<sup>th</sup> day of February, 2008.

Arthur Johnston  
NOTARY PUBLIC



Notary Public State of Mississippi  
At Large  
My Commission Expires  
January 16, 2010  
BONDED THRU  
HEIDEN, BROOKS & GARLAND, INC

My Comm  
A. M. EDWARDS, III (MBN 5478)  
WELLS, MOORE, SIMMONS, & HUBBARD, PLLC  
4450 Old Canton Road, Suite 200  
P. O. Box 1970  
Jackson, Mississippi 39215  
(601) 354-5400

CKIAFFI-SUB WIT

MADISON COUNTY MS. This instrument was  
filed for record March 18, 2008.

Book 42 Page 677  
ARTHUR JOHNSTON, C. C.  
BY: K. Sewell DC



LAST WILL AND TESTAMENT OF BILLIE S. SMITH

2008-154

KNOW ALL MEN BY THESE PRESENTS: That I, Billie S. Smith, of Madison County Mississippi, being of sound and disposing mind and memory and over the age of twenty-one years, do hereby make, publish and declare this instrument to be my Last Will and Testament, expressly revoking all other wills and testaments and codicils thereto heretofore made by me: WITNESSETH:

ITEM I

I hereby give, devise and bequeath unto my husband, Wyatt Mabry Smith, Sr., all of my property, both real and personal, of every kind and character and wherever situated.

ITEM II

I hereby nominate and appoint my said husband, Wyatt Mabry Smith, Sr., as Executor of this my Last Will and Testament, and I hereby waive bond, inventory, appraisalment and accounting to Court.

WITNESS my signature on this the 3rd day of May, 2005.

Billie S. Smith  
BILLIE S. SMITH

The foregoing instrument of writing was signed, published and declared before us, the undersigned, by Billie S. Smith as and for her Last Will and Testament, we being at the time present together in her presence and in the presence of each other, and at her request subscribing our respective names as attesting witnesses

Lisa B. Rowland  
WITNESS

2020 Strawberry Hill Madison  
ADDRESS MS 39110

Clay M. Alt  
WITNESS

2620 Strawberry Hill Madison, MS 39110  
ADDRESS

**FILED**  
THIS DATE  
MAR 19 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY K. Jewell D.C.

MADISON COUNTY MS is instrument was  
filed for record March 19 2008  
Book 42 Page 681  
ARTHUR JOHNSTON, C. C.  
BY K. Jewell D.C.



LAST WILL AND TESTAMENT OF

WILLIAM L. COLBERT, SR.

2008-290-B

I, WILLIAM L. COLBERT, SR., an adult resident citizen of 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 all Wills and Codicils heretofore made by me.

ARTICLE I.

I hereby direct that all my just and lawful debts which may be duly and properly probated, registered and allowed against my estate be paid as soon as may be conveniently done, along with all expenses of my last illness, funeral and burial expenses, and all costs of administration of my estate

ARTICLE II.

I hereby constitute and appoint my son, William L. Colbert, Jr., as Executor of this my Last Will and Testament or, if he shall predecease me or for any reason fail to qualify or be unwilling to serve in such capacity, my grandson, William L. Colbert, III, of Jackson, Mississippi, as alternate or substitute Executor to have all rights and powers of the original Executor as herein provided or as may be additionally provided by law. I further direct that my said Executor or alternate Executor be permitted to serve without bond, and I waive all legal requirements that my estate be appraised or inventoried, or that any accountings be made that may be properly waived under the law.

FILED  
THIS DATE  
MAR 25 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY *Kim Stiles* D.C.

*WLC*  
INITIAL

ARTICLE III.

I hereby give and bequeath:

- A. The sum of \$100,000 to my grandson, William L Colbert, III.
- B. The sum of \$100,000 to my granddaughter, Courtney C. Terry.
- C. The sum of \$15,000 to my step-grandson, Kyle W Odom.
- D. The sum of \$15,000 to my step-grandson, Christopher D. Odom.
- E. The sum of \$50,000 to my daughter-in-law, Susan B Colbert.

ARTICLE IV.

I do hereby give, devise and bequeath all of the rest and residue of my estate, real, personal and mixed, and wheresoever situated unto my son, William L Colbert, Jr , of Jackson, Mississippi. In the event that my said son shall pre-decease me, and only in that event, I hereby give, devise and bequeath the rest and residue of my estate, real, personal and mixed, and wheresoever situated, in equal shares, share and share alike, to my daughter-in-law, Susan B. Colbert; my grandson, William L. Colbert, III; and my granddaughter, Courtney C. Terry

IN WITNESS WHEREOF, I have hereunto signed, published and declared this to be my Last Will and Testament this 12<sup>th</sup> day of October, 2006.

William L. Colbert Sr  
WILLIAM L. COLBERT, SR.

This instrument was, on the date and year hereinabove indicated, signed, published and declared by WILLIAM L. COLBERT, SR., the Testator, to be his Last Will and Testament, in our

presence and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses in Madison County, Mississippi, this 12<sup>th</sup> day of October, 2006.

WITNESS:

Janice H. Vickers

J. Thomas Vickers

ADDRESS:

5246 Suffolk Circle  
Jackson, MS 39211

5246 Suffolk Circle  
Jackson, MS 39211

C:\Documents and Settings\Owner\Desktop\Local Disk (F:)\My Documents\WLCN PERSONAL DEWLAST WILL AND TESTAMENT.rtf

TXE  
INITIAL

AFFIDAVIT OF SUBSCRIBING WITNESS

STATE OF MISSISSIPPI

COUNTY OF HINDS

THIS DATE personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named JEANNIE D. VICKERS, who by me being duly sworn according to law, stated on his/her oath as follows, to wit:

1. That this affiant is one of the subscribing witnesses to an instrument of writing propoing to be the Last Will and Testament of William L. Colbert, Sr., who is personally known to the Affiant and whose signature is affixed to said last Will and Testament dated the 12<sup>th</sup> day of OCTOBER, 2006.

2. That on the 12<sup>th</sup> day of OCTOBER, 2006, the said William L. Colbert, Sr., signed, published and declared the instrument of writing as his Last Will and Testament, in the presence of this affiant and in the presence of J. THOMAS VICKERS, the other subscribing witness to the instrument.

3. That William L. Colbert, Sr., was then and there of sound and disposing mind and memory, and well above the age of twenty-one (21) years.

4. That this affiant, together with J. THOMAS VICKERS, 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 William L. Colbert, Sr., and in the presence of each other.

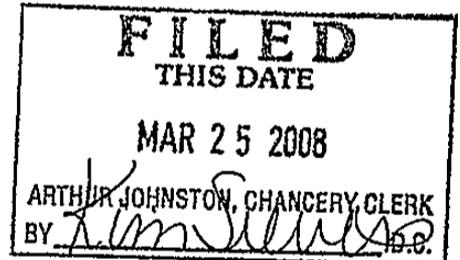
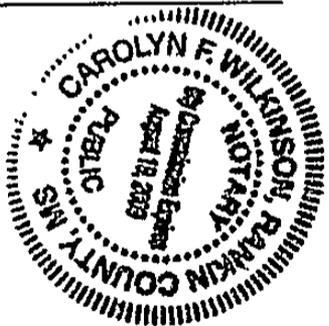
AND FURTHER AFFIANT SAITH NAUGHT.

Jeannie D. Vickers

SWORN TO AND SUBSCRIBED BEFORE ME this 13<sup>th</sup> day of OCTOBER, 2006.

CAROLYN F. WILKINSON  
Notary Public

My Commission Expires \_\_\_\_\_



MADISON COUNTY MS This instrument was filed for record March 25, 2008.  
Book 42 Page 682  
ARTHUR JOHNSTON, C. C.  
BY: K. Sewell c 

FILED  
THIS DATE  
MAR 25 2008  
ARTHUR JOHNSTON, CHANCERY CLERK  
BY *Kim Oliver* D.C.

**Last Will and Testament**  
of  
**Neil Smith McCoy**

2008-278

I, NEIL SMITH McCOY, a resident of MADISON County, State of Mississippi, being over the age of eighteen (18) years, and of sound and disposing mind and memory, do make and declare this to be my Last Will and Testament, and I revoke all my prior Wills and Codicils.

**FIRST: Declaration Concerning Family.** I declare that I am a single person, and I am the father of Kathryn Ross and Neil McCoy Wolf.

**SECOND: Nomination and Appointment of Executor.** I hereby nominate and appoint KATHERINE ROSS as my Executor hereunder, and if that person shall be not willing and/or able, then NEIL McCOY WOLF shall serve as the Executor. These persons named as Executor shall serve without bond, and I do hereby waive any requirement for any accounting, inventory or appraisalment by any Executor of my estate. The term "Executor" as used herein shall apply regardless of gender or number.

**THIRD: Last Illness and Funeral Expenses; Powers of Executor.** I direct my Executor to pay my last illness and funeral expenses. I authorize my Executor to receive and retain any of my property; to sell, at public or private sale, encumber or lease any property of my estate without notice, at such prices and upon such terms as my Executor deems best, and without the giving of any bond, subject, however, to such

Initialed for Identification

NSM NSM

confirmation as may be required by law; to hold, manage and operate such property; to continue the operation of any business of my estate, alone or in partnership with others, for such times and in such manner as deemed advisable, or to sell or liquidate such business, and any such operation, sale or liquidation shall be at the risk of my estate and without liability on my Executor for any losses resulting therefrom; to invest and reinvest surplus moneys in such investments as my Executor deems advisable; to determine what is principal and what is income of my estate and to allocate and charge to either principal or income any debts, taxes and expenses of administration.

**FOURTH: Disposition of All Property.** It is my intention by this Will to dispose of the entirety of my property, if any.

**FIFTH: Disposition of Personal Effects.** Except as provided in any written instructions to my Executor regarding the disposition of personal effects, I give any interest I may have in all personal automobiles, clothing, jewelry, china, silver, books, pictures and other works of art, household furniture and furnishings and all other items of domestic, household or personal use to the Trustee of that Trust Agreement described in Paragraph SIXTH. The bequests made by this paragraph shall be free and clear of estate and inheritance taxes, which I direct my Executor to charge against the residue of my estate. Further, if I am married at the time of my death, I bequeath the sum of One Hundred and No/100's Dollars (\$100.00) to my surviving spouse.

**SIXTH: Disposition of Residue of Estate.**

Initialed for Identification

NSM NSM

(1) All the rest, residue and remainder of my estate, both real and personal and of whatever kind and wherever situated, I give, devise and bequeath to the Trustee under that certain Trust Agreement designated as THE NEIL SMITH McCOY REVOCABLE TRUST, dated the 3<sup>rd</sup> day of January, 2008, executed by me heretofore, of which I am the Trustor and Trustee, to be combined with the other assets of the trust and held, administered and distributed as a part of that trust, according to the terms thereof and any amendments made to it prior to my death. It is my intent, if it be permissible, not to create a separate trust by this Will and not to subject THE NEIL SMITH McCOY REVOCABLE TRUST or the property added to it by this Subparagraph (1) to the jurisdiction of the probate court.

(2) If for any reason the disposition in Subparagraph (1) is not operative or is invalid, or if the trust referred to in Subparagraph (1) fails or has been revoked, then I give the rest, residue and remainder of my estate to the individual or entity which would have been Trustee of such trust had such trust been operative, valid and unrevoked at my death, to be held, administered and distributed under the terms and conditions of THE NEIL SMITH McCOY REVOCABLE TRUST, dated the 3<sup>rd</sup> day of January, 2008, which trust is incorporated herein by reference.

(3) Anything else herein to the contrary notwithstanding, should any portion of such trust be terminable upon my death, the disposition made in this Paragraph SIXTH shall be made directly to the beneficiaries for whom the outright distribution from the

Initialed for Identification

NSM NSM

trust shall be made, and the remainder which will remain in such trust, if any, shall pass into such trust under the provisions of Paragraph SIXTH (1) or (2), as the case may be.

(4) Should the Trustee of that trust described in Paragraph SIXTH (1) and (2) elect not to pay any or all of the estate, gift or inheritance taxes from such trust, then, to the extent they are not so paid, all taxes levied by the United States or any state, district, territory or possession thereof upon or because of any property passing under this Will or any Codicil hereto or by reason of any transfer or gift made by me during my lifetime or at my death, or which may be imposed by reason of my death, or the acquisition of property by any person upon my death by succession, inheritance, survivorship or otherwise, shall be paid out of the residue of my estate as an expense of administration. My Executor is authorized to accept any distributions from the Trustee of that trust described in Paragraph SIXTH (1) or (2) for purpose of such payment.

**SEVENTH: Omitted Heirs; Will Contests.** Except as otherwise specified in this Will, I have intentionally and with full knowledge omitted to provide for my heirs at the time of my death. If any beneficiary under this Will or heir at law of mine or person claiming through any of them shall contest or otherwise challenge the validity of this Will or attack any of its provisions or the trust described in Paragraph SIXTH herein, directly or indirectly, any share or interest in my estate given to such person under this Will or the trust is hereby revoked, and such share or interest shall be distributed in the same manner provided herein as if such person had predeceased me.

Initialed for Identification

7/11/11 NSM

**EIGHTH: Partial Invalidity.** Should any part, clause, provision or condition of this Will be held to be void, invalid or inoperative, then I direct that such invalidity shall not affect any other provision hereof, which shall be effective as though such invalid provisions had not been made.

**NINTH: References to Gender.** Any reference herein to the masculine shall include the feminine, and vice versa. Any reference to the plural shall likewise include the singular, and the obverse is also true.

IN WITNESS WHEREOF, I have signed and subscribed my name to this Last Will and Testament on this the 3<sup>rd</sup> day of January, 2008.

Neil Smith McCoy  
NEIL SMITH McCOY

Initialed for Identification

NSM NSM

CERTIFICATE OF SUBSCRIBING WITNESSES

The foregoing instrument was signed, sealed, published and declared by NEIL SMITH McCOY, the Testator, to be his Last Will and Testament, in our presence, and we, at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses, on this the 2<sup>nd</sup> day of January, 2008.

Judi A. Mair  
WITNESS:

[Signature]  
WITNESS:

Judi A. Mair  
P.O. Box 14

William B. Hearn  
P.O. Box 14

Jackson MS 39205

JACKSON, MS 39205

Initialed for Identification

[Signature] NSM

AFFIDAVIT OF WITNESSES TO THE  
LAST WILL AND TESTAMENT OF  
NEIL SMITH McCOY

BOOK 042 PAGE 692

STATE OF MISSISSIPPI  
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Judi A. Mains, and William B. Howson subscribing witnesses to the Last Will and Testament of NEIL SMITH McCOY, who having been by me first duly sworn, on their oaths state:

That they are the subscribing witnesses to the Last Will and Testament of NEIL SMITH McCOY, which was executed by him on the 3<sup>rd</sup> day of January, 2008, and that they subscribed their names to said Last Will and Testament in the presence of the Testator and in the presence of each other and at the special instance and request of said NEIL SMITH McCOY.

That at the time of the execution of said Last Will and Testament by NEIL SMITH McCOY, he was over the age of eighteen (18) years, was of sound disposing mind and memory, and competent to make a Will.

And further, Affiant saith not.

Judi A. Mains  
WITNESS  
William B. Howson  
WITNESS

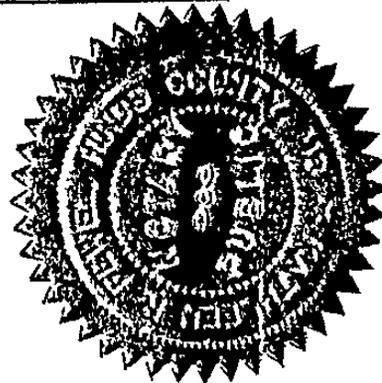
SWORN TO AND SUBSCRIBED BEFORE ME, this the 3<sup>rd</sup> day of January, 2008.

Katherine June  
NOTARY PUBLIC

My Commission Expires:

~~Signature of Notary Public~~  
~~MY COMMISSION EXPIRES: 3-31-2011~~  
~~DATE~~

MADISON COUNTY MS. This Instrument was  
filed for record March 25, 2008.  
Book 042 Page 686  
ARTHUR JOHNSTON, C. C.  
BY: K. Seveler d.c.



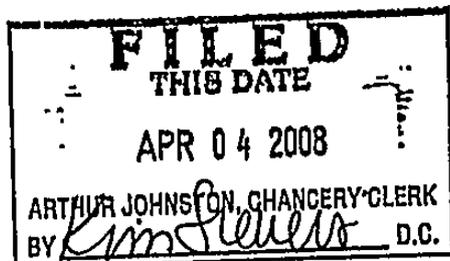
## SURVIVORSHIP

JAMES H. MINNINGER

2008-322

AND

MARY SUE MINNINGER



WE, the undersigned JAMES H. MINNINGER and MARY SUE MINNINGER, adult resident citizens of Madison County, Mississippi, both being of sound and disposing mind and memory, and above the age of twenty-one years, do hereby make, publish and declare this instrument of survivorship, hereby revoking all previous wills, or codicils thereto, or any other agreement heretofore made by either or both of us.

## ITEM I

I, the undersigned, JAMES H. MINNINGER, hereinafter, "Testator", do hereby name, constitute and appoint my wife, MARY SUE MINNINGER as the Survivor, at the time of my death, and direct that all property owned by me at the time of my death, whether real, personal or mixed, becomes hers, in fee simple, absolutely. In the event my wife predeceases me, or if we are killed in a common disaster, or under such circumstances that it cannot be determined which of us survived, I then hereby give, devise and bequeath the assets of my estate to CHARLES KERRY MINNINGER, CLAUDIA RAE HOIPT, DELHIA MARIA MINNINGER GRAHAM, PAMELA SUE TAYLOR, TONYA ANN ANDERSON, with the exception of the household furnishings and their mother, MARY SUE MINNINGER'S, jewelry. The tractors and equipment which I own, I hereby bequeath to my son, CHARLES KERRY MINNINGER. If either of the children should predecease his or her biological children, then his or her biological children will become heirs of the items which are hereby given to his or father or mother.

I, the undersigned MARY SUE MINNINGER, hereinafter, Testatrix, do hereby name my husband, JAMES H. MINNINGER, should he be the survivor at the time of my death, all property owned by me, whether the same is real, personal or mixed, becomes his, in fee simple, absolutely. In the event my husband, JAMES H. MINNINGER predeceases me, or if we are killed in a common disaster, or under such circumstances that it cannot be determined which of us survived, I then hereby give, devise and bequeath the assets of my estate to CHARLES KERRY MINNINGER, CLAUDIA RAE HOIPT, DELHIA MARIA GRAHAM, PAMELA SUE TAYLOR, TONYA ANN ANDERSON, with the exception of the household furnishings, my jewelry, the tractors and

*JH*

1

*MSM*

equipment, which I hereby give, devise and bequeath unto CHARLES KERRY MINNINGER. If either of the children named should become deceased, then his or her biological children then becomes heirs of his or her inheritance.

IN WITNESS WHEREOF I have hereunto set my hand on this, the 20<sup>th</sup> day of October, 2003.

James H. Minninger  
JAMES H. MINNINGER, TESTATOR

IN WITNESS WHEREOF I have hereunto set my hand on this, the 20<sup>th</sup> day of October, 2003.

Mary Sue Minninger  
MARY SUE MINNINGER, TESTATRIX

CERTIFICATE OF WITNESSES

WE, the undersigned subscribing witnesses to the Last Will and Testament of JAMES H. MINNINGER and MARY SUE MINNINGER do hereby certify that we witnessed the signature of JAMES H. MINNINGER on said instrument at his special instance and request, in his presence, and in the presence of each other. We further certify that when he signed the Last Will and Testament, JAMES H. MINNINGER was above the age of twenty-one years and of sound and disposing mind and memory.

WITNESS OUR SIGNATURES on this, the 20<sup>th</sup> day of October, 2003.

Ronald M Kirk WHOSE ADDRESS IS: P.O. Drawer 10

Flora, Mo 39071

J. P. Pelquin WHOSE ADDRESS IS: 3342 Hwy 17

Pickens, Mo 39146

CERTIFICATE OF WITNESSES

WE, the undersigned subscribing witnesses to the Last Will and Testament of JAMES H. MINNINGER and MARY SUE MINNINGER do hereby certify that we witnessed the signature of MARY SUE MINNINGER on said instrument at her special instance and request, in her presence, and in the presence of each other. We further certify that when she signed the Last Will and Testament, MARY SUE MINNINGER was above the age of twenty-one years and of sound and disposing mind and memory.

WITNESS OUR SIGNATURES on this, the 20<sup>th</sup> day of October, 2003.

Ronald M Kirk WHOSE ADDRESS IS: P.O. Drawer N  
Flora, ms 39071

J. P. Pelgrim WHOSE ADDRESS IS: 3342 Hwy 17  
Pickens, ms 39146

PREPARED BY:  
RONALD M. KIRK  
ATTORNEY AT LAW  
4854 MAIN STREET  
P. O. DRAWER N  
FLORA, MISSISSIPPI 39071  
PHONE: 601-879-8264  
FAX: 601-879-9411  
M B.#3820

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
JAMES H. MINNINGER, DECEASED

CIVIL ACTION NO. 2008-372-B

MARY SUE MINNINGER,

PETITIONER

PROOF OF LAST WILL AND TESTAMENT

PERSONALLY APPEARED before me, the undersigned authority in and for Madison County, Mississippi, RONALD M. KIRK, who, being duly sworn, stated under oath that he is one of the subscribing witnesses to a certain instrument of writing dated October 20, 2003, which purports to be the Last Will and Testament of James H. Minninger, Deceased, a true and correct copy of which is attached as Exhibit "A" to the petition for probate filed by Mary Sue Minninger in the above styled and numbered civil action; that on the date of the instrument, James H. Minninger signed, published and declared it as his Last Will and Testament, in the presence of the Affiant, and in the presence of J. P. Pilgrim, the other subscribing witness; that James H. Minninger was then of sound and disposing mind and memory, was more than twenty-one years of age, and maintained his domicile and fixed lace of residence in Madison County, Mississippi; that this Affiant and J. P. Pilgrim subscribed and attested the instrument as witnesses to the signature of James H. Minninger and to his publication of the instrument as his last will and testament; that the affiant and the other subscribing witness did so at the request and in the presence of James H. Minninger and in the presence of each other on the date of the instrument.

AFFIANT FURTHER states on his oath that he is over the age of twenty one years, is not under any legal disability of any kind and is fully competent to make this affidavit,

AND FURTHER, the Affiant sayeth not.

Ronald M. Kirk  
RONALD M. KIRK, AFFIANT

SWORN TO AND SUBSCRIBED before me this 31 day of March, 2008.

[Signature]  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

1/1/2012



IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF  
JAMES H. MINNINGER, DECEASED

CIVIL ACTION NO. 2008-322-13

MARY SUE MINNINGER,

PETITIONER

PROOF OF LAST WILL AND TESTAMENT

PERSONALLY APPEARED before me, the undersigned authority in and for Madison County, Mississippi, J. P. PILGRIM, who, being duly sworn, stated under oath that he is one of the subscribing witnesses to a certain instrument of writing dated October 20, 2003, which purports to be the Last Will and Testament of James H. Minninger, Deceased, a true and correct copy of which is attached as Exhibit "A" to the petition for probate filed by Mary Sue Minninger in the above styled and numbered civil action; that on the date of the instrument, James H. Minninger signed, published and declared it as his Last Will and Testament, in the presence of the Affiant, and in the presence of Ronald M. Kirk, the other subscribing witness; that James H. Minninger was then of sound and disposing mind and memory, was more than twenty-one years of age, and maintained his domicile and fixed place of residence in Madison County, Mississippi; that this Affiant and Ronald M Kirk subscribed and attested the instrument as witnesses to the signature of James H. Minninger and to his publication of the instrument as his last will and testament; that the affiant and the other subscribing witness did so at the request and in the presence of James H. Minninger and in the presence of each other on the date of the instrument.

AFFIANT FURTHER states on his oath that he is over the age of twenty one years, is not under any legal disability of any kind and is fully competent to make this affidavit,

AND FURTHER, the Affiant sayeth not.

J. P. Pilgrim  
J.P. PILGRIM, AFFIANT

SWORN TO AND SUBSCRIBED before me this 31 day of March, 2008.

[Signature]  
NOTARY PUBLIC



COMMISSION EXPIRES: 1/1/2012

MADISON COUNTY MS. This instrument was  
filed for record April 4, 2008.  
Book 42 Page 693  
ARTHUR JOHNSTON, C. C.  
BY: K. Sewers DC

