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ALICE S. ELLIS,
Deceased,
ESTATE OF.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

SUPPLEMENTAL DECREE ON PARTIAL DISTRIBUTION

It having been made to appear to the Court since the rendition of its decree on the 23rd day of November, 1959, authorizing the partial distribution of certain securities held by the Executor as therein particularly set forth, that there is a general rule prevailing among all companies issuing stock that fractional shares cannot be distributed and that the fraction must be sold or a full share purchased; and it further appearing to the Court that with respect to shares of stock owned by the decedent at the time of her death in Texas Eastern Transmission Company, Standard Oil Company of New Jersey and Pacific Gas and Electric Company that in order to have an equal distribution of such stock there would of necessity have to be fractional shares issued by those companies; and it further appearing to the Court that it would be to the best interest of the estate if it were permitted to sell the fractional shares so that on the distribution each of the recipients would receive a full number of shares rather than a full number and a fraction; and the Court having considered all of the above, it is, therefore

ORDERED, ADJUDGED and DECREED by the Court that Gary Ellis, as Executor of the Estate of Alice S. Ellis, Deceased, be, and he hereby is, authorized and directed to sell the number of shares required in Texas Eastern Transmission Company, Standard Oil Company of New Jersey and Pacific Gas and Electric Company so that there will remain to be distributed as a part of the partial distribution authorized in and by the terms of that certain decree of this Court hereinabove referred to, a number of shares divisible by four (4) and that thereby each of the recipients of shares of stock on this distribution will receive an equal number of shares of stock without fractional shares being included therein.

Done this 17 day of January, 1960.


Judge

ALICE S. ELLIS,
Deceased,
ESTATE OF.

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Y
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE AUTHORIZING EXECUTOR TO MAKE PARTIAL DISTRIBUTION

This being the day heretofore fixed by an order of this Court for the hearing of the petition heretofore filed by Gary Ellis, individually and as Executor of the Estate of Alice S. Ellis, Deceased, and as co-trustee with Scott Ellis and Edwina Ellis Eastman under the Last Will and Testament of Alice S. Ellis, Deceased, for authority as such Executor to make a partial distribution of certain stocks belonging to the said Alice S. Ellis, Deceased, at the time of her death and now comes Gary Ellis, as Executor, etc., aforesaid, and now also comes Wilson Hayes, the Guardian ad Litem heretofore appointed by this Court to represent and protect the interests of the minor beneficiaries under the trust created in and by the terms of said Last Will and Testament, said Guardian ad Litem having filed his answer in this cause denying the allegations of the petition and demanding strict proof thereof, and the Court having heard the evidence touching said petition ore tenus and having considered the same is of the opinion that the relief prayed for in the petition should be granted and that the Executor of said Estate should be authorized and directed to distribute the stocks belonging to the said Alice S. Ellis, Deceased, as outlined in the petition, aforesaid; it is, therefore


ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Gary Ellis, as Executor of the Estate of Alice S. Ellis, Deceased, be, and he hereby is, authorized, directed and empowered to distribute to the legatees hereinafter named in the manner hereinafter set forth the shares or securities held by him as such Executor in the corporations hereinafter named; said distribution to be made as follows. That Edwina Ellis Eastman, Scott Ellis, Gary Ellis and Edwina Ellis Eastman, Scott Ellis and Gary Ellis as co-trustees under the Last Will and Testament of Alice S. Ellis, Deceased, shall each receive the following number of shares of the following named corporations:

15 shares of American Telephone & Telegraph Company
50 shares of Continental Can Company
75 shares of Crown-Zellerbach
25 shares of First National Stores
25 shares of Firth Sterling
25 shares of Libby-Owens-Ford Glass
22 $\frac{1}{2}$ shares of Pacific Gas & Electric
25 shares of Southern California Edison 4.32% Pfd.
25 shares of Seaboard Air Line Railroad
62 shares of Texaco
15 shares of Union Carbide
37 $\frac{1}{2}$ shares of Texas Eastern Transmission
9 $\frac{3}{4}$ shares of Standard Oil, New Jersey

It is further ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that the said Gary Ellis, as Executor aforesaid, be, and he is hereby, authorized to execute such instruments and powers as are necessary to effect the distribution hereinabove authorized.

It is further ORDERED, ADJUDGED and DECREED by the Court that the cost of this proceeding be taxed against the estate of Alice S. Ellis, Deceased.

Done this the 23rd day of November, 1959.



Circuit Judge

ALICE S. ELLIS,
Deceased,
ESTATE OF.

X
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X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER OF REMOVAL
OF ESTATE

Gary Ellis, the Executor of the estate of Alice S. Ellis, Deceased, having heretofore filed his sworn motion or petition in this Court praying for the removal of the administration of said estate from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, In Equity; and it appearing to the Court that said estate is still pending in the Probate Court of Baldwin County, Alabama, and has not been finally settled and that the facts alleged in the petition or motion are true and correct; the Court having considered the same; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the administration of the estate of Alice S. Ellis, Deceased, be, and it is hereby, removed from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, In Equity, and that all of the papers and proceedings on file in the Probate Court of Baldwin County, Alabama, relative thereto, be transferred to this Court.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court furnish the Honorable W. R. Stuart, Judge of the Probate Court of Baldwin County, Alabama, with a certified copy of this decree.

Done this the 29 day of June, 1959.


Circuit Judge

THE STATE OF ALABAMA, BALDWIN COUNTY

PROBATE COURT

February 18, 19 59

In the Matter of the Estate of Alice S. Ellis, Deceased.

Present, Hon. W. R. Stuart, Judge of Probate.

Before me, W. R. Stuart, Judge of Probate, in and for said

County, personally appeared in open Court John Chason

who, having been by me first duly sworn and examined, did depose and say on oath, that he is a subscribing witness to the instrument of writing now shown to him and which purports to be the last will and testament of Alice S. Ellis, deceased, late an inhabitant of this County, that said Alice S. Ellis signed and executed said instrument on the day the same bears date, and declared the same to be her last will and testament, and that affiant set his signature thereto on the day the same bears date as a subscribing witness to the same in the presence of said decedent and Alice L. Miller, the other subscribing witness her and that such other witness subscribed his name as a witness in his presence and in the presence of said Alice S. Ellis and affiant.

That said Alice S. Ellis was of sound mind and disposing memory, and in the opinion of the deponent fully capable of making her will at the time the same was so made as aforesaid. Affiant further states that said Alice S. Ellis was on the day of the said date of said will of the full age of twenty-one years and upwards.

John Chason (L. S.)
(L. S.)
(L. S.)

Sworn to and subscribed before me this February 18, 19 59

W. R. Stuart Judge of Probate
By: Harry M. Doline, Chief Clerk

STATE OF ALABAMA,

PROBATE COURT

Baldwin COUNTY

February 18 19 59

In the Matter of the Estate of Alice S. Ellis deceased.

This the 18th day of February 19 59, having been regularly appointed

by an order of this Court, formerly made and entered, for hearing the application of

Gary Ellis which was heretofore filed in this Court,

for the probate of an instrument in writing, purporting to be the Last Will and Testament of the said

Alice S. Ellis deceased, now comes the said

applicant, Gary Ellis

~~and also comes~~

~~who was heretofore duly appointed by order of this Court, and who consented to act as Guardian ad Litem for~~

~~all of whom~~

~~and children and heirs of the said~~ deceased

and it appearing to the satisfaction of the Court that notice of the said application and of the time appointed for

waived by all of the heirs at law,

hearing same has been ~~given in pursuance of law and in strict accordance with a former order of this Court, made~~

~~and entered on the premises on the~~ day of ~~February~~ 19 ~~59~~ now, on the

motion of the said Gary Ellis

the applicant aforesaid, the Court proceeds to hear said application. And it appearing to the satisfaction of the

Court, on the testimony of John Chason

that ~~they~~ ^{he} on the day of the date thereof,

in the presence of the testat ~~ix~~, and at ~~her~~ request, respectively signed the said instrument as sub-

scribing witnesses to the same, the said testat ~~ix~~ then declaring that said instrument constituted ~~her~~

Last Will and Testament; and it also being shown to the satisfaction of the Court by competent testimony that said

testat ~~ix~~ was of the full age of twenty-one years and upwards at the time of making said Will, it seems to the

Court that said application should be granted: It is, therefore, ordered, adjudged and decreed by the Court that

said Will of said Alice S. Ellis deceased, be received,

and the same is hereby declared to be duly proved as the Last Will and Testament of said testat ~~ix~~, and, as

such, admitted to probate to be recorded, together with the proof thereof and all other papers on file relating to

and that Letters Testamentary issue to petitioner.

this proceeding. It is further ordered that said applicant pay the cost of this proceeding and that ~~he~~

be reimbursed on the final settlement of said estate.

W. R. Stewart
Judge of Probate.

By: Harry M. Doherty, Chief Clerk

ESTATE OF

ALICE S. ELLIS

DECEASED

PROBATE COURT

Letters Testamentary upon the Estate

of said deceased having been granted to the undersigned on the 18th day of

February, 19 59, by the Hon. W. R. Stuart

Judge of the Probate Court of Baldwin County, notice is hereby given that all persons having claims against said estate are hereby required to present the same within time allowed by law or the same will be barred.

CHASON & STONE,
Attorneys.

Gary Ellis,
Executor of said Estate.

To _____

Publisher of _____

Please publish the above notice three successive weeks in said newspaper.

Mailed Times 2-19-59. H

Bay Minette, Ala.,

11/24/59

19

Est: Alice S. Ellis, Dec'd.

IN ACCOUNT WITH

W. R. STUART

JUDGE OF PROBATE, BALDWIN COUNTY

PLEASE RETURN BILL WITH REMITTANCE

| Recording | from | to | Privilege Tax | Rec. Fee | Total |
|-----------|----------------------------|----|---------------|----------|-----------------|
| | Court Costs Probating Will | | | | 21 50 |
| 2-24-59 | Cert. copy of Will (2) | | | | 6 50 |
| 11-24-59 | Cert. copy Will (9) | | | | 27 00 |
| " | Cert. copy l. hrs. (13) | | | | 9 75 |
| | | | | | <u>\$ 64 75</u> |

RAY MINETTE, AIA.,

19

Estafa of Alex. J. Ellis

ALICE J. DUCK

IN ACCOUNT WITH

CLERK OF CIRCUIT COURT

Certified Copies

FOR

2 Certified copies of check #340

2 Certified copies of will of Alex. J. Ellis

#460

Total due #800

By Eunice Blackmon
Deputy Register

ALICE S. ELLIS,
Deceased,
ESTATE OF

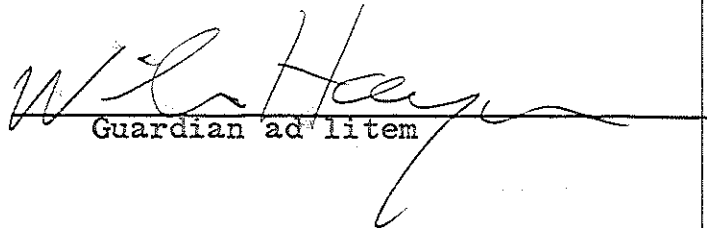
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER OF GUARDIAN AD LITEM

Comes now Wilson Hayes, as Guardian ad Litem heretofore appointed by the Court to represent and protect the interests of the minor beneficiaries of the trust created under and by virtue of the Last Will and Testament of Alice S. Ellis, Deceased, in regard to the petition by the Executor to make a partial distribution of certain assets belonging to said estate and for answer to such petition says as follows:

1. He denies each and every allegation of the petition and demands strict proof thereof.


Guardian ad litem

ALICE S. ELLIS,
Deceased,
ESTATE OF

Y
Y
Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER FIXING DAY TO HEAR PETITION
FOR PARTIAL DISTRIBUTION

This day came Gary Ellis, individually and as Executor of the estate of Alice S. Ellis, Deceased, and as co-trustee with Scott Ellis and Edwina Ellis Eastman under the Last Will and Testament of Alice S. Ellis, Deceased and filed his petition in writing praying for a partial distribution of certain of the personal property belonging to the decedent at the time of her death to the persons entitled to receive the same under said Last Will and Testament and the same having been called to the attention of the Court and the Court having considered the same is of the opinion that the same should be set down for hearing and that a guardian ad litem should be appointed to represent and protect the interest of the minor beneficiaries under the trust created in and by the terms of said Last Will and Testament; it is, therefore,

ORDERED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that the petition of Gary Ellis, aforesaid, for authority to make partial distribution be, and the same is hereby, set down for hearing on the 23 day of November, 1959, at 9 o'clock AM.

It is further ORDERED AND DECREED by the Court that Wilson Hayes, a practicing attorney of Bay Minette, Alabama, be, and he is hereby, appointed as guardian ad litem to represent and protect the interests of the minor beneficiaries of the trust created in and by the terms of the Last Will and Testament of said Alice S. Ellis, Deceased.

It is further ORDERED AND DECREED that the said guardian ad litem be given notice of the filing of said petition and of the day set for the hearing of the same by the service upon him of a copy of this order.

Done this 17 day of November, 1959.

FILED

11 17 1959

ALICE L. DUCK, CLERK
REGISTER

Hubert M. Hall
Circuit Judge

I, Wilson Hayes, the guardian ad litem named in and appointed by the foregoing order, do hereby accept service of a copy of said order and of a copy of the petition therein referred to and do hereby waive further notice of the filing of the same or of the day upon which the same will be heard.

Done this the 12th day of November, 1959.

Wilson Hayes
Guardian ad Litem

THE STATE OF ALABAMA

BALDWIN County

COURT OF PROBATE

The will of ALICE S. ELLIS, deceased,

having been duly admitted to record in said County, letters testamentary are hereby granted to _____

Gary Ellis, the executOR named in said will, who haS complied with

the requisitions of the law, and is authorized to take upon himself the execution of said will.

Witness my hand, and dated this 18th day of February, 19 59.

W. R. Stuart

Judge of Probate

By: Harry M. D'Almeida, Chief Clerk

THE STATE OF ALABAMA

~~BALDWIN~~

County

I, ~~xxxxxxx~~, Judge of Probate in and for said County and State, hereby certify that the within and foregoing is a true, correct, and complete copy of the Letters Testamentary issued to Gary Ellis as ExecutOR of the will of ~~xxxxxxx~~, deceased, as the same appears of record in my office, and are still in full force and effect.

Given under my hand and seal of office, this the ~~18th~~ day of ~~XXXXXXXXXXXXXXXXXX~~.

Judge of Probate

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|----------------------|
| THE STATE OF ALABAMA |
| BALDWIN |
| County |
| PROBATE COURT |
| Estate of |
| ALICE S. ELLIS |
| Deceased |
| GARY ELLIS |
| Execut OR |
| Letters Testamentary |

ALICE S. ELLIS,
Deceased,

ESTATE OF.

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IN THE PROBATE COURT OF

BALDWIN COUNTY, ALABAMA

TO: THE HONORABLE PROBATE COURT OF BALDWIN COUNTY, ALABAMA, AND TO
THE HONORABLE W. R. STUART, JUDGE THEREOF:

Comes your Petitioner, the undersigned Gary Ellis, and respectfully represents and shows unto Your Honor and to this Honorable Court as follows:

FIRST:

That your Petitioner is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing in Stapleton, Alabama; that he is the son and one of the heirs at law and next of kin of Alice S. Ellis, Deceased, who departed this life on February 12, 1959, while a resident citizen of Baldwin County, Alabama, leaving a Last Will and Testament which is herewith presented for probate and record in this Honorable Court.

SECOND:

That besides your Petitioner the said Alice S. Ellis, deceased, left surviving her as her heirs at law and next of kin, two other children, both of whom are over the age of twenty-one years and neither of whom are resident citizens of the State of Alabama, and whose names and addresses are as follows:

Scott Ellis, son, Route 2
Hotchkiss, Colorado

Edwina Ellis Eastman, daughter, 225 Mountainwood Lane
Woodside, California

That there are attached hereto and by reference made a part hereof waivers of notice executed by the said Scott Ellis and Edwina Ellis Eastman in and by the terms of which they waive notice of the filing of this petition and consent that the Last Will and Testament of the said Alice S. Ellis might be probated in this Honorable Court and that your Petitioner might be appointed as Executor of this estate.

THIRD:

That in and by the terms of the Last Will and Testament

STATE OF ALABAMA, BALDWIN COUNTY
Filed Feb. 18, 1959
Recorded
W. R. Stuart
Judge of Probate

of the decedent your Petitioner was named as Executor without bond or the requirement of filing an inventory.

WHEREFORE, the premises considered, your Petitioner respectfully prays that this Honorable Court will, upon the filing of this petition, cause to come before it one of the witnesses to said will and after having heard the testimony of said witness and having the same reduced to writing, will enter an order or decree admitting the said Last Will and Testament to probate and record in this Honorable Court and appointing your Petitioner as Executor of the Estate of Alice S. Ellis, Deceased.

Respectfully submitted,



Gary Ellis

STATE OF ALABAMA

BALDWIN COUNTY

Before me, W. Osborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Gary Ellis whose name is signed to the foregoing instrument and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Gary Ellis and he signed the foregoing petition and the facts alleged therein are true and correct.



Gary Ellis

Sworn to and subscribed before me
on this 17th day of February, 1959.



Notary Public, Baldwin County, Alabama

BOOK 019
PAGE 04

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned Edwina Ellis Eastman, one of the heirs at law and next of kin of Alice S. Ellis, Deceased, do hereby waive notice of the filing of the petition to probate the Last Will and Testament of the said Alice S. Ellis and for the appointment of Gary Ellis as Executor thereof and do hereby expressly consent that said Last Will and Testament be admitted to probate and record and that Gary Ellis be appointed as Executor of the estate of Alice S. Ellis, Deceased, without further notice to me.

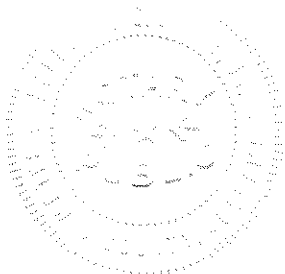
Edwina Ellis Eastman

STATE OF ALABAMA

BALDWIN COUNTY

I, Norman C. Stone, Jr. a Notary Public, in and for said County in said State, hereby certify that Edwina Ellis Eastman, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 18th day of February, 1959.



Norman C. Stone, Jr.
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned Scott Ellis, one of the heirs at law and next of kin of Alice S. Ellis, Deceased, do hereby waive notice of the filing of the petition to probate the Last Will and Testament of the said Alice S. Ellis and for the appointment of Gary Ellis as Executor thereof and do hereby expressly consent that said Last Will and Testament be admitted to probate and record and that Gary Ellis be appointed as Executor of the estate of Alice S. Ellis, Deceased, without further notice to me.

Scott Ellis

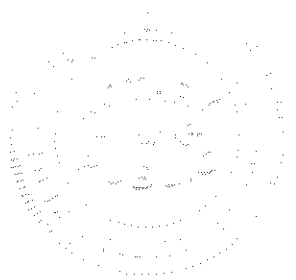
STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, hereby certify that Scott Ellis, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 17th day of February, 1959.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Alabama



ALICE S. ELLIS,
Deceased,
ESTATE OF.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MOTION TO TRANSFER ESTATE TO EQUITY

Comes your Petitioner, the undersigned Gary Ellis, and respectfully represents and shows unto this Honorable Court as follows:

FIRST:

That he is the Executor of the Estate of Alice S. Ellis, Deceased, having been appointed by the Probate Court of Baldwin County, Alabama, on the 18th day of February, 1959, in and by the terms of an order of that Court entered on said date and that Letters Testamentary have been issued to him. That said Estate is still pending in the Probate Court of Baldwin County, Alabama, and his Letters of Administration are in full force and effect.

SECOND:

That said Estate can be better administered in the Circuit Court of Baldwin County, Alabama, In Equity, because of the nature of the assets of the Estate and the obligations which it will be necessary that the Estate fulfill during its administration.

WHEREFORE, the premises considered, your Petitioner respectfully prays that this Honorable will, upon the filing of this motion, enter an order directed to the Probate Court of Baldwin County, Alabama, and to the Honorable W. R. Stuart, Judge thereof, ordering the transfer of the Estate of Alice S. Ellis, Deceased, and all of the papers in connection therewith from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, In Equity.

Respectfully submitted,



Gary Ellis

Vol-73-P-070

STATE OF ALABAMA

BALDWIN COUNTY

Before me Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Gary Ellis, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Gary Ellis and he is the Executor of the Estate of Alice S. Ellis, Deceased, and he executed the foregoing motion to transfer such estate from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama, In Equity. That the facts alleged in the foregoing motion are true and correct.

Gary Ellis
Gary Ellis

Sworn to and subscribed before me
on this 20th day of June, 1959.

Norborne C. Stone, Jr.
Notary Public, Baldwin County, Alabama

Filed - 6-20-59

ALICE S. ELLIS,
Deceased,
ESTATE OF.

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Y
Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

PETITION FOR AUTHORITY TO MAKE PARTIAL DISTRIBUTION

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY,
AND TO THE HONORABLE HUBERT M. HALL, JUDGE THEREOF:

Comes your Petitioner, the undersigned Gary Ellis, and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That he is the Executor of the estate of Alice S. Ellis, Deceased, having been appointed as such by the Probate Court of Baldwin County, Alabama, on the 18th day of February, 1959, and he is presently acting as such. That he is also one of the legatees named in the Last Will and Testament of Alice S. Ellis, Deceased, both individually and as a co-trustee with Scott Ellis and Edwina Ellis Eastman, as Trustees for the grandchildren of the said Alice S. Ellis, Deceased.

SECOND:

That in and by the terms of the Last Will and Testament of the decedent your Petitioner, Scott Ellis and Edwina Ellis Eastman were each bequeathed, after the payment of all debts, funeral expenses and all taxes and costs of administration and all other legal charges against said estate, an undivided one-fourth interest in all personal property belonging to the decedent at the time of her death; and the remaining one-fourth interest in the personal property of the decedent, after paying all legal charges hereinabove referred to was bequeathed to your Petitioner, Scott Ellis and Edwina Ellis Eastman, as Trustees for the grandchildren of the said Alice S. Ellis, Deceased.

THIRD:

In and by the terms of paragraph "SIXTH" of said Will the testatrix directed your Petitioner as the Executor of her said estate to first pay out of the personal property belonging to the estate all legal charges, including but not being limited to, funeral expenses,

taxes and costs of administration and after all such amounts had been paid, to then divide any money, stocks, bonds or other personal property belonging to the decedent at the time of her death into four equal shares so that each of such four shares should have an equal value, for the purpose of complying with the bequests hereinabove referred to. The Last Will and Testament provided further, however, that before delivering any stocks or bonds or other personal property to the person or persons to whom the same were bequeathed under said Will that your Petitioner as Executor should notify Scott Ellis and Edwina Ellis Eastman that he had divided such personal property into four equal shares and should notify them what each was to receive as the bequest hereinabove referred to and the said Scott Ellis and Edwina Ellis Eastman were given a period of ten days within which to object to the manner of division made by your Petitioner as Executor of said estate. In the event that either Scott Ellis or Edwina Ellis Eastman objected to the manner of the division of the personal property the Will provided that the division should be made jointly in accordance with the opinion of the majority of the said Scott Ellis, Edwina Ellis Eastman and your Petitioner.

FOURTH:

That your Petitioner as such Executor of the estate of Alice S. Ellis, Deceased, has paid all of the debts and funeral expenses of the decedent but there remains due and unpaid inheritance taxes due the State of Alabama and the United States of America and the costs of administration, including court costs and attorneys fees. That the inheritance taxes due the State of Alabama and the United States of America are based upon the value of the gross estate of the decedent less certain allowable deductions and your Petitioner as such Executor has determined that the value of the gross estate of the said Alice S. Ellis, Deceased, as of February 12, 1959, the date of her death, for estate tax purposes was One Hundred Fifty-seven Thousand, Eight Hundred Fifty-eight Dollars and Forty-six Cents (\$158,858.46). That the estate will be entitled to allowable deductions from said total value of approximately Five Thousand Dollars (\$5,000.00) consisting of charges due from the estate for funeral expenses, debts of the decedent and administration expenses leaving

an adjusted gross estate of One Hundred Fifty-two Thousand, Eight Hundred and Fifty-eight Dollars and Forty-six Cents (\$152,858.46), more or less, which will be further decreased by the allowance for inheritance taxes due the United States of America of the specific exemption of Sixty Thousand Dollars (\$60,000.00) leaving a taxable net estate of Ninety-two Thousand, Eight Hundred Fifty-eight Dollars and Forty-six Cents (\$92,858.46), more or less; upon which net amount there will be inheritance taxes, both State and Federal, in the approximate amount (but not more than) Nineteen Thousand Dollars (\$19,000.00). That in addition to said sum of Nineteen Thousand Dollars (\$19,000.00) there will be due from the estate for the cost of administration an additional Three Thousand Dollars (\$3,000.00) more or less, for attorneys' fees, court costs and miscellaneous estate expenses, making the total which the estate will be required to pay for taxes, costs of administration and all legal charges, of Twenty-two Thousand Dollars (\$22,000.00), more or less.

FIFTH:

That for estate or inheritance tax purposes the value of the gross estate of the decedent is determined as of the date of the death of the decedent unless, under Section 2032 of the Internal Revenue Code of 1954, the Executor elects to have the property included in the gross estate on the date of the decedent's death valued at alternate dates as follows: (1) any property distributed, sold, exchanged or otherwise disposed of within one year after the decedent's death may be valued as of the date of such distribution, sale, exchange or other disposition; and (2) any property not distributed, sold, exchanged or otherwise disposed of within such one year period valued as of the date one year after the date of the decedent's death. That by far the bulk of the estate of Alice S. Ellis, Deceased, consists of common and preferred stocks which were of the aggregate value as of February 12, 1959, of One Hundred Twenty Thousand, Five Hundred Seventy-four Dollars and Fifty Cents (\$120,574.50). That your Petitioner has re-computed the value of all of these stocks and a number of them have decreased in value so that, under Section 2032 of the Internal Revenue Code of 1954, your Petitioner, as Executor, may, if he is permitted to distribute at this time certain of the stocks which have decreased in value, lessen the amount of estate taxes which will

be due from this estate in that he will be able to return such depreciated stocks at the value as of the date of their distribution and all other stocks and property as of the value one year from the date of death of the decedent, or February 12, 1960. That your Petitioner has been advised that under the will of his testatrix he cannot distribute such stock until after the payment of all taxes against the estate and he will therefore lose the right to elect a lesser value as he is precluded from distributing such stocks prior to the payment of taxes.

SIXTH:

That your petitioner, both as Executor of the estate of Alice S. Ellis, Deceased, as a legatee under the Will of said decedent and as a co-trustee with Scott Ellis and Edwina Ellis Eastman, believes that it would be to the best interest of the estate if he, as such Executor, were permitted and authorized by this Court to distribute a portion or part of the common and preferred stocks belonging to the said Alice S. Ellis at the time of her death so that the estate would be entitled to receive the benefit of a lesser value for estate tax purposes than was the value on February 12, 1959, the date of the death of the decedent, but limit such distribution to an amount which will leave in the estate at least Thirty Thousand Dollars (\$30,000.00) worth of stocks, bonds and other personal property, to provide for the payment of the expenses of administration and taxes as hereinabove referred to and as computed by your Petitioner as such Executor.

SEVENTH:

That your Petitioner has conferred with Edwina Ellis Eastman and Scott Ellis, both as legatees and as co-trustees with him under the Last Will and Testament of Alice S. Ellis, Deceased, and certain securities have been selected to be distributed by your Petitioner as Executor of said estate at this time and with the approval and authority of this Court as is shown by the "Plan Of Distribution" which is attached hereto and marked "EXHIBIT A" and by reference made a part hereof as though expressly incorporated herein. That there is also attached hereto and marked "EXHIBIT B" and by re-

ference made a part hereof as though expressly incorporated herein a list of the common and preferred stocks owned by the said Alice S. Ellis, Deceased, at the time of her death showing the value of such stocks as of February 12, 1959, and their value as of the date closest to the filing of this petition as was possible for your Petitioner to use in preparing such list and this petition. There is also attached hereto and marked "EXHIBIT C" and by reference made a part hereof as though expressly incorporated herein an acceptance of service and waiver of notice of the filing of this petition and of the date upon which the same will be heard and a waiver of the ten day notice provided for in paragraph "SIXTH" of the Last Will and Testament of Alice S. Ellis, Deceased, executed by Scott Ellis and Edwina Ellis Eastman, both individually and as co-trustees with your Petitioner under the Last Will and Testament of Alice S. Ellis, Deceased, and which said instrument further consents that this Honorable Court enter an order or decree approving the partial distribution of the securities shown on the plan of distribution attached hereto and marked "EXHIBIT A".

WHEREFORE, the premises considered, your Petitioner, both individually and as Executor of the estate of Alice S. Ellis, Deceased, and as a co-trustee with Scott Ellis and Edwina Ellis Eastman under the Last Will and Testament of Alice S. Ellis, Deceased, does hereby respectfully pray that upon the filing of this petition that this Honorable Court will appoint a guardian ad litem to represent the grandchildren of the decedent (all of whom are minors) as the beneficiaries of the trust created in and by the terms of her will, appoint a day for the hearing of this petition, and on said day or any other to which the same might be continued, will enter an order or decree authorizing and directing your Petitioner as such Executor to make a partial distribution of that part of the personal property of the estate of Alice S. Ellis, Deceased, in accordance with the "Plan Of Distribution" which is attached hereto and marked "EXHIBIT A" prior to the payment of all taxes and costs of administration and all other legal charges against the estate. And your Petitioner further prays

for such other and different orders or decrees as in the premises will be meet and proper.

Respectfully submitted,

Gary Ellis

Gary Ellis, individually and as Executor of the Estate of Alice S. Ellis, Deceased, and as co-trustee with Scott Ellis and Edwina Ellis Eastman under the Last Will and Testament of Alice S. Ellis, Deceased.

Sworn to and subscribed before me this the 10th day of November, 1959.

Melba S. Stone
Notary Public, Baldwin County,
Alabama

FILED
NOV 13 1959

ALICE J. DUCK, Clerk

Register

PLAN OF DISTRIBUTION - ESTATE OF ALICE ELLIS, DECEASED

| No. Shares | Security | Unit Value 10/23/59 | Value 10/23/59 | |
|--------------------------------|----------------------------|---------------------------------|-------------------|------------|
| <u>TO EDWINA ELLIS EASTMAN</u> | | | | |
| 15 | Amer. Tel. & Tel. Co. | 78 ³ / ₈ | 1175 63 | |
| 50 | Continental Can Co. | 47 ¹ / ₄ | 2362 50 | |
| 75 | Crown-Zellerbach | 53 ¹ / ₄ | 3993 75 | |
| 25 | First National Stores | 57 ³ / ₄ | 1443 75 | |
| 25 | Firth Sterling | 9 | 225 00 | |
| 25 | Libby-Owen-Ford Glass | 70 ⁵ / ₈ | 1765 63 | |
| 22 ¹ / ₂ | Pacific Gas & Electric | 62 ¹ / ₈ | 1397 82 | |
| 25 | So. Cal. Edison 4.32% Pfd. | 21 | 525 00 | |
| 25 | Seab. A.L. RR. | 32 ³ / ₄ | 818 75 | |
| 62 | Texaco | 73 | 4526 00 | |
| 15 | Union Carbide | 134 ¹ / ₂ | 2017 50 | |
| 37 ¹ / ₂ | Texas East'n. Trans. | 28 ¹ / ₄ | 1059 38 | |
| 9 ³ / ₄ | Standard Oil, N.J. | 46 ³ / ₈ | <u>452 16</u> | |
| | TOTAL | | | \$ 2176287 |

TO SCOTT ELLIS

| | | | | |
|--------------------------------|----------------------------|--|---------------|------------|
| 15 | Amer. Tel. & Tel. Co. | | 1175 62 | |
| 50 | Continental Can Co. | | 2362 50 | |
| 75 | Crown-Zellerbach | | 3993 75 | |
| 25 | First National Stores | | 1443 75 | |
| 25 | Firth Sterling | | 225 00 | |
| 25 | Libby-Owen-Ford Glass | | 1765 62 | |
| 22 ¹ / ₂ | Pacific Gas & Electric | | 1397 81 | |
| 25 | So. Cal. Edison 4.32% Pfd. | | 525 00 | |
| 25 | Seab. A.L. RR. | | 818 75 | |
| 62 | Texaco | | 4526 00 | |
| 15 | Union Carbide | | 2017 50 | |
| 37 ¹ / ₂ | Texas East'n. Trans. | | 1059 37 | |
| 9 ³ / ₄ | Standard Oil, N.J. | | <u>452 15</u> | |
| | TOTAL | | \$ 2176282 | \$ 2176282 |

Amount Carried Fw'd 4352569

| No. Shares | Security | Unit Value 10/23/59 | Value 10/23/59 | |
|--------------------------------|----------------------------|---------------------------------|---------------------|---------|
| | | | Amount Brought Fw'd | 4352569 |
| | <u>To GARY ELLIS</u> | | | |
| 15 | Amer. Tel. & Tel. Co. | 78 ³ / ₈ | 117562 | |
| 50 | Continental Can Co. | 47 ¹ / ₄ | 236250 | |
| 75 | Crown-Zellerbach | 53 ¹ / ₄ | 399375 | |
| 25 | First National Stores | 57 ³ / ₄ | 144375 | |
| 25 | Firth Sterling | 9 | 22500 | |
| 25 | Libby-Owen-Ford Glass | 70 ⁵ / ₈ | 176562 | |
| 22 ¹ / ₂ | Pacific Gas & Electric | 62 ¹ / ₈ | 139781 | |
| 25 | So. Cal. Edison 4.32% Pfd. | 21 | 52500 | |
| 25 | Seab. A.L. RR. | 32 ³ / ₄ | 81875 | |
| 62 | Texaco | 73 | 452600 | |
| 15 | Union Carbide | 134 ¹ / ₂ | 201750 | |
| 37 ¹ / ₂ | Texas East'n. Trans. | 28 ¹ / ₄ | 105937 | |
| 9 ³ / ₄ | Standard Oil, N.J. | 46 ³ / ₈ | 45216 | |
| | TOTAL | | \$ 2176283 | 2176283 |

To EDWINA EASTMAN, SCOTT ELLIS & GARY ELLIS, AS TRUSTEES

| | | | | |
|--------------------------------|----------------------------|--|------------|------------|
| 15 | Amer. Tel. & Tel. Co. | | \$ 117563 | |
| 50 | Continental Can Co. | | 236250 | |
| 75 | Crown-Zellerbach | | 399375 | |
| 25 | First National Stores | | 144375 | |
| 25 | Firth Sterling | | 22500 | |
| 25 | Libby-Owen-Ford Glass | | 176563 | |
| 22 ¹ / ₂ | Pacific Gas & Electric | | 139781 | |
| 25 | So. Cal. Edison 4.32% Pfd. | | 52500 | |
| 25 | Seab. A.L. RR. | | 81875 | |
| 62 | Texaco | | 452600 | |
| 15 | Union Carbide | | 201750 | |
| 37 ¹ / ₂ | Texas East'n. Trans. | | 105938 | |
| 9 ³ / ₄ | Standard Oil, N.J. | | 45216 | |
| | TOTAL | | \$ 2176286 | 2176286 |
| | | | | \$ 8705138 |

PLAN OF DISTRIBUTION - ESTATE OF ALICE ELLIS, DECEASED

| No. Shares | Security | <u>Securities To Be Distributed</u> | | |
|------------|----------------------------|-------------------------------------|----------------|-------------|
| | | Value 2/12/59 | Value 10/23/59 | |
| 60 | Amer. Tel. & Tel. Co. | 4707.50 | 4702.50 | |
| 200 | Continental Can Co. | 10800.00 | 9450.00 | |
| 300 | Crown-Zellerbach | 16500.00 | 15975.00 | |
| 100 | First National Stores | 7637.50 | 5775.00 | |
| 100 | Firth Sterling | 9750.00 | 9000.00 | |
| 100 | Libby-Owen-Ford Glass | 9650.00 | 7062.50 | |
| 90 | Pacific Gas & Electric | 5625.00 | 5591.25 | |
| 100 | So. Cal. Edison 4.32% Pfd. | 2237.50 | 2100.00 | |
| 100 | Seab. AL RR. | 3700.00 | 3275.00 | |
| 248 | Texaco | 19716.00 | 18104.00 | |
| 60 | Union Carbide | 7305.00 | 8070.00 | |
| 150 | Texas East'n. Trans. | 5437.50 | 4237.50 | |
| 39 | Standard Oil, N.J. | 2047.50 | <u>1808.63</u> | |
| | TOTAL | | | \$ 87051.38 |

| <u>Securities To Be Retained</u> | | | |
|----------------------------------|-----------------------------|---------|-----------------|
| 12 | Dow Chemical | 936.00 | 1054.50 |
| 100 | American Trust | 5262.50 | 5825.00 |
| 200 | Irving Trust | 7950.00 | 8000.00 |
| 200 | Pacific Gas & Elec. 5% Pfd. | 5125.00 | 5050.00 |
| 500 | Atch., Top. & S.F. Pfd. | 5062.50 | 4875.00 |
| \$6000.00 | U.S. Bond, 2 1/2 s, 11/61 | | <u>5716.80</u> |
| | | | <u>30521.30</u> |
| | | | \$ 117572.68 |

EXHIBIT C

STATE OF COLORADO

Delta COUNTY

We, the undersigned Scott Ellis and Edwina E. Eastman, both individually as legatees under the Last Will and Testament of Alice S. Ellis, Deceased, and as co-trustees with Gary Ellis under said Last Will and Testament, do hereby accept service of a copy of the foregoing petition of Gary Ellis, individually and as Executor of the estate of Alice S. Ellis, Deceased, and as a co-trustee with both of the undersigned under said Last Will and Testament for authority to make partial distribution of certain personal property belonging to the Estate of Alice S. Ellis, Deceased and we do hereby waive further notice to us of the filing of said petition in the Circuit Court of Baldwin County, Alabama, In Equity, or of the date upon which the same will be heard and we do further waive any notice to us by the said Gary Ellis as Executor of the estate of Alice S. Ellis, Deceased, required in and by the terms of paragraph "SIXTH" of the Last Will and Testament of the said Alice S. Ellis, Deceased, as contemplated in said Will.

And we do hereby both separately and severally in our individual and representative capacities, aforesaid, expressly consent to and approve the plan of distribution as set forth in "EXHIBIT A" attached to the foregoing petition and request that the same be allowed and approved by the Circuit Court of Baldwin County, Alabama, In Equity.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 7th day of November, 1959.

Scott Ellis (SEAL)
Scott Ellis, individually

Edwina Ellis Eastman (SEAL)
Edwina Ellis Eastman, individually

Scott Ellis (SEAL)
Scott Ellis as a co-trustee under the Last Will and Testament of Alice S. Ellis, Deceased.

081

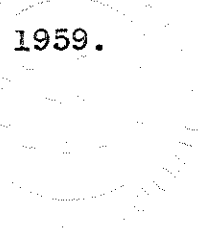
Edwina Ellis Eastman (SEAL)
Edwina Ellis Eastman as a co-trustee under the Last Will and Testament of Alice S. Ellis, Deceased

STATE OF COLORADO

Delta COUNTY

I, Harry H. Adams, a Notary Public, in and for said County in said State, hereby certify that Scott Ellis, whose name is signed to the foregoing instrument individually and as co-trustee under the Last Will and Testament of Alice S. Ellis, Deceased, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he executed the same individually and as co-trustee under said Last Will and Testament, voluntarily on the day the same bears date.

Given under my hand and seal on this 7th day of November, 1959.



Harry H. Adams
Notary Public, Delta County, Colorado
My Commission expires June 20 1962

STATE OF COLORADO

Delta COUNTY

I, Harry H. Adams, a Notary Public, in and for said County in said State, hereby certify that Edwina Ellis Eastman whose name is signed to the foregoing instrument individually and as co-trustee under the Last Will and Testament of Alice S. Ellis, Deceased, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, she executed the same individually and as co-trustee under said Last Will and Testament, voluntarily on the day the same bears date.

Given under my hand and seal on this 7th day of November, 1959.



My Commission expires June 20 1962

Harry H. Adams
Notary Public, Delta County, Colorado

FILED
NOV 13 1959
ALICE J. DUCK, Clerk
Register

STATE OF ALABAMA

LAST WILL AND TESTAMENT OF ALICE S. ELLIS

BALDWIN COUNTY

IN THE NAME OF GOD, AMEN: I, Alice S. Ellis, resident of Stapleton, Alabama, being over the age of twenty-one years and of sound mind and disposing memory, realizing the uncertainty of life and the certainty of death, do hereby make, publish and declare this my Last Will and Testament in manner and form following:

FIRST:

I hereby revoke any and all Wills and Codicils thereto heretofore made by me.

SECOND:

I direct that as soon after my death as can conveniently be done that all my just debts and funeral expenses be paid.

THIRD:

I hereby will, devise and bequeath to my sons Scott Ellis and Gary Ellis and to my daughter Edwina Ellis Eastman, share and share alike, all real property owned by me at the time of my death or in which I may have an interest, wherever located, together with all improvements situated thereon and all furniture and appliances located therein.

FOURTH:

After payment of all my debts, funeral expenses and all taxes and cost of administration and all other legal charges against my estate I hereby will, devise and bequeath to my sons Scott Ellis and Gary Ellis and my daughter Edwina Ellis Eastman, each an undivided one-fourth ($\frac{1}{4}$) interest in all personal property belonging to me at the time of my death to be divided and set apart to each of them as hereinafter set out in this Will.

FIFTH:

The remaining one-fourth ($\frac{1}{4}$) interest of my personal property after payment of all legal charges referred to in the last preceding paragraph of this Will, I hereby will, devise and bequeath to Scott Ellis, Gary Ellis and Edwina Ellis Eastman, as trustees for my grandchildren, and such trustees are hereby authorized to expend out of such bequest such amounts as to them or the majority of them shall seem just for the maintenance, education or support of any one or more of my said grandchildren and such trustees shall not be

BOOK 004 PAGE 111

STATE OF ALABAMA, BALDWIN COUNTY
Filed Feb. 18, 1959
Recorded
W. R. Sledge
Judge of Probate

required to give bond nor shall they be required to secure the approval of any court for their action in connection with this bequest. Such trustees are hereby authorized to sell at public or private sale, as to them shall seem best, any stocks and bonds owned by me and delivered to them under this bequest without securing the approval of any court and they shall further have the right to reinvest any of such fund and the income derived therefrom in such securities as to them shall seem best. The use of this bequest shall not be restricted to grandchildren of mine living at the time of my death but may be expended by such trustees upon any grandchild of mine which may be born before this fund is exhausted. Should any one or more of such trustees die before my death or before this fund is exhausted, the remaining one or more of such trustees shall continue to act and shall have full authority over this bequest. In no event, shall this bequest be retained by such trustees for a period of time longer than ten (10) years from the date of my death and any amount remaining in such fund ten (10) years from the date of my death shall then be divided equally among my grandchildren then surviving.

SIXTH:

I hereby direct that my said Executor hereinafter named shall first pay out of the personal property belonging to my estate all legal charges against my said estate, including, but not limited to funeral expenses, taxes and cost of administration, and he shall have full power and authority to sell and dispose of any stock and bonds that I may own, at public or private sale and without any order from any court, for such price as to him shall seem reasonable to the extent that is necessary to pay all such charges against my estate and after all such amounts have been paid, he shall then divide any money, stocks, bonds or other personal property belonging to me at the time of my death into four equal shares so that each of such four shares shall have an equal value, for the purpose of complying with the bequests hereinabove made. Before delivering any stocks or bonds or other personal property to the person or persons to whom such are to be delivered he shall notify my son Scott Ellis and my daughter Edwina Ellis Eastman that he has divided

such personal property into four equal shares and shall notify them what each are to receive as the bequest hereinabove set out and should either my son Scott Ellis or my daughter Edwina Ellis Eastman object within ten (10) days from notice to them to the manner of division as made by my son, Gary Ellis as to such personal property, in that event, Scott Ellis, Gary Ellis and Edwina Ellis Eastman, shall jointly make a division of the personal property which is to be divided and the opinion of the majority of them as to how such division should be made shall be binding.

SEVENTH:

I hereby nominate, constitute and appoint my son, Gary Ellis as Executor of this my Last Will and Testament or upon his failure or inability to act as such Executor I hereby nominate, constitute and appoint my son Scott Ellis as Executor of this my Last Will and Testament and I hereby charge such Executor with full and complete management of my said Estate, except as hereinabove restricted. I hereby direct that such executor shall not be required to give bond as such nor shall such executor be required to file an Inventory.

IN WITNESS WHEREOF, I do hereunto set my hand and affix my seal and make, publish and declare this as and for my Last Will and Testament, on this the 10th day of July, in the year of our Lord Nineteen Hundred and Fifty-two, in the presence of two witnesses.

Alice S. Ellis SEAL

The foregoing instrument was subscribed, signed, sealed, published and declared by the said Alice S. Ellis, as and for her Last Will and Testament in our presence, and in the presence of each of us, and we, at the same time, did at her request and in her presence, and in the presence of each other, hereunto subscribe our names and residences as attesting witnesses on the 10th day of July, 1952.

Alice L. Miller

ADDRESS: Bay Minette, Ala

John Adams

ADDRESS: Bay Minette, Ala

J

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Estate of Alice S. Ellis

LEGAL NOTICE

Estate of ALICE S. ELLIS, Deceased

Letters Testamentary upon the Estate of said deceased having been granted to the undersigned on the 18th day of February, 1959, by the Hon. W. R. Stuart, Judge of the Probate Court of Baldwin County, notice is hereby given that all persons having claims against said estate are hereby required to present the same within time allowed by law or the same will be barred.

Gary Ellis,
Executor of said Estate.

CHASON & STONE,
Attorneys.

7-4tc.

COST STATEMENT

84 WORDS @ 6 1/2 cents \$ 3. =⁷⁸

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Feb. 26, 1959 Vol. 71 No. 7

Date of 2nd publication March 5, 1959 Vol. 71 No. 8

Date of 3rd publication March 12, 1959 Vol. 71 No. 9

Date of 4th publication March 19, 1959 Vol. 71 No. 10

Subscribed and sworn before the undersigned this 19 day of Mar, 1959

Norothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

FILE

MAR 23 1959

ALICE L. DUCK, CLERK
REGISTER