FORM 6-72M—SOU.

# UNITED STATES OF AMERICA

## STATE OF LOUISIANA

BOOK 5826 PAGE 750

## Civil District Court for the Parish of Orleans

I, DAN FOLEY, Clerk of the Civil District Court for the Parish of Orleans, DO HEREBY CERTIFY, THAT the annexed copy of PETITION FOR PROBATE OF STATUTORY TESTAMENT AND CODICIL AND FOR CONFIRMATION OF TESTAMENTARY EXECUTOR, ORDER, AFFIDAVIT, WILL, AFFIDAVIT, CODICIL, ORDER, ORDER AND LETTERS TESTAMENTARY is a true and correct copy of the original document that is on file and of record among the archives of my office in the cause entitled "SUCCESSION OF PATRICK HENRY TIMOTHY, No.81-17487" of the docket of this HONORABLE COURT.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Court, at the CITY OF NEW ORLEANS, on this 13th day November, in the year of our Lord, one thousand nine hundred and eighty-one and in the two hundredth Sixth year of the Independence of the United States of America.

Clerk.

I, GEORGE C. CONNOLLY, JR. presiding Judge of the Civil District Court for the Parish of Orleans, DO HEREBY CERTIFY THAT DAN FOLEY is the Clerk of said Court, that the same is a Court of Record having probate jurisdiction, and that the signature, DAN FOLEY, Clerk, to the foregoing certificate, is in the proper handwriting of him, the said DAN FOLEY, Clerk; to his official act as such, full faith and credit are due; and owing; and I DO FURTHER CERTIFY that his attestation is in due form of law.

Given under my hand, at the City of New Orleans, on the 13th day of November, in the year of our Lord, one thousand nine hundred and eighty-one.

Presiding Judge.

I, DAN FOLEY, Clerk of the Civil District Court for the Parish of Orleans, DO hereby certify that GEORGE C. CONNOLLY, JR. whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, presiding Judge of the Civil District Court for the Parish of Orleans, duly appointed and commissioned and qualified as such, and that said attestation is in due form of law.

WITNESS my hand and the seal of said Court, this 13th day of November, 19 81.

Clerk.

BOOK 5826 PAGE 751

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 81-17487 DIVISION " " DOCKET NO. 1

S U C C E S S I O N

O F

PATRICK HENRY TIMOTHY

FILED: _____ _____

DEPUTY CLERK

PETITION FOR PROBATE OF STATUTORY TESTAMENT AND CODICIL AND FOR CONFIRMATION OF TESTAMENTARY EXECUTOR

The petition of James Simmons Timothy, a competent person of the full age of majority domiciled in Orleans Parish, Louisiana, with respect represents that:

I.

Petitioner's father, Patrick Henry Timothy, departed this life domiciled in Orleans Parish, Louisiana on October 27, 1981, as more fully shown by reference to the affidavit annexed hereto.

II.

The decedent left a last will and testament executed before Emile A. Wagner, III, Notary Public for the Parish of Orleans, in the presence of M'Adele R. Hudson, Debra A. Troxclair and Joseph W. Looney, witnesses, on July 10, 1974, and a codicil thereto executed before Kennedy J. Gilly, Jr., Notary Public for the Parish of Orleans, in the presence of Chris S. Sellers, Cary M. Davis and George B. Jurgens, III, witnesses, on August 23, 1978, both in accordance with the provisions of Louisiana Revised Statutes 9:2442, et seq. Said will and codicil are attached to this petition.

III.

Petitioner also attaches to this petition two affidavits in which are incorporated the proof required by Article 2887 of the Louisiana Code of Civil Procedure for the proof and probate of said last will and testament and codicil.

IV.

Petitioner desires that the said last will and testament and codicil attached hereto be probated.

V.

Said last will and testament names and designates petitioner as Executor of the decedent's succession; petitioner accepts this appointment and desires that Letters Testamentary be issued to him.

WHEREFORE, petitioner prays that the said last will and testament of Patrick Henry Timothy dated July 10, 1974 and the codicil thereto dated August 23, 1978 be admitted to probate, and be recorded, filed and executed according to law, that petitioner be confirmed as Testamentary Executor of this Succession, and that Letters Testamentary issue to him upon his taking the oath required by law.

MILLING, BENSON, WOODWARD, HILLYER,
PIERSON & MILLER

By: _____
M. TRUMAN WOODWARD, JR.
Attorney for Petitioner
1100 Whitney Building
New Orleans, Louisiana 70130
Telephone: (504) 581-3333

_____
M. TRUMAN WOODWARD, JR., TRIAL ATTORNEY

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared James Simmons Timothy, who, being by me first duly sworn, declared under oath that he is the petitioner in the foregoing Petition for Probate of Statutory Testament and Codicil and for Confirmation of Testamentary Executor; that he has read the same, and that all of the allegations of fact therein contained are true and correct.

James Simmons Timothy

Sworn to and subscribed before
me this 4 day of November, 1981.

Notary Public

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared James S. Timothy and M. Truman Woodward, Jr., who, after having been by me duly sworn, did depose and say that:

Appearers were well acquainted with Patrick Henry Timothy and know of their own knowledge that he died on October 27, 1981 and that at the time of his death and for a number of years prior thereto, the decedent was domiciled in Orleans Parish, Louisiana.

The said decedent was married only once and then to Veronica Troxell Timothy who predeceased him. The decedent had only two children, namely, John Troxell Timothy and James Simmons Timothy, both of whom were born of his marriage. The decedent never adopted anyone.

J. S. Timothy

M. Truman Woodward Jr.

Sworn to and subscribed before me, this 4 day of November, 1981.

E. H. Lagarde

Notary Public

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 81-17487 DIVISION " " DOCKET NO. 1

S U C C E S S I O N

O F

BOOK 5826 PAGE 755

PATRICK HENRY TIMOTHY

FILED: _____ _____

DEPUTY CLERK

O R D E R

Considering the above petition and attachments thereto, let the last will and testament of Patrick Henry Timothy dated July 10, 1974 and the codicil thereto dated August 23, 1978, both executed under the provisions of Louisiana Revised Statutes 9:2442, et seq. and filed with the above petition, be proved before me forthwith.

New Orleans, Louisiana, November 5, 1981.

(Sgd) Joseph V. DiRosa

J U D G E

STATE OF LOUISIANA

PARISH OF ORLEANS

BOOK 5826 PAGE 756

BEFORE ME, the undersigned Notary Public, duly commissioned, qualified and sworn within and for the State and Parish aforesaid, and in the presence of the undersigned competent witnesses, personally came and appeared:

> Emile A. Wagner, III, a person of the full age of majority and a resident of Orleans Parish, Louisiana, who declared under oath that on July 10, 1974 he was a duly commissioned, qualified and sworn Notary Public in and for the Parish of Orleans; and Joseph W. Looney, a person of the full age of majority and a resident of Orleans Parish, Louisiana,

said two persons being hereinafter sometimes called "Appearers," who, after having been by me, Notary, placed under oath, declared and stipulated on their respective oaths that said Appearers know and recognize that certain document purporting to be the last will and testament of Patrick Henry Timothy, executed under the authority of Louisiana Revised Statutes 9:2442, et seq., said document being in words and figures as follows:

New Orleans, Louisiana

July 10, 1974

BOOK 5826 PAGE 757

I, Patrick Henry Timothy, being of sound and disposing mind, do make this my last will and testament. I hereby revoke any and all wills and codicils heretofore made by me.

I was married but once and then to the late Veronica Troxell Timothy, of which union only two children were born, my sons, James Simmons Timothy and John Troxell Timothy, both of the full age of majority. I have never adopted anyone.

I will and bequeath my interest in the real estate forming the Northwest corner of Church Street and Sixth Avenue, North, in Nashville, Tennessee, which property I inherited from my mother, to the Third National Bank of Nashville, Tennessee, in trust, to be held, managed and disposed of on the following terms, conditions and trusts:

(a) All of the net income from said trust shall be paid to my two sons, James Simmons Timothy and John Troxell Timothy, share and share alike, during their lives, and if either of said sons should predecease me, I leave his share to his descendants, including those legally adopted, (all of whom are hereafter collectively referred to as issue) per stirpes, subject to the condition that one-half (1/2) of the income from said share shall be paid to his said widow during her lifetime or until she remarries. If either of my sons predeceases me without issue, his share shall devolve upon his brother, if he be alive, or to the issue of his brother, per stirpes, if the latter also predeceases me

Testator

and leaves issue, subject to the condition that one-half (1/2) of the income of the share that would have devolved upon such deceased son had he been alive, be payable to his widow, if any, for her life or until she remarries.

If both of my sons predecease me and neither leaves issue, then I name The Little Sisters of the Poor, Chicago Province, Chicago, Illinois, as residuary legatee, subject to the payment of one-fourth (1/4) of the income from said trust to the widow, if any, of each of my sons, for her lifetime or until she remarries, during which time said trust shall continue. If the trust has terminated, the legacy to the Little Sisters of the Poor shall be subject to the condition that one-fourth (1/4) of the income from all property so left to it be paid to the widow of each of my said sons, if any, for life or until she remarries.

(b) Upon the death of my said son, James Simmons Timothy, leaving issue surviving, said trust shall continue and the Trustee shall pay one-half (1/2) of his share of the net income therefrom to his issue, per stirpes, and one-half (1/2) thereof to his widow until her death or remarriage and thereafter to his issue, per stirpes, until the termination of this trust as hereinafter provided, at which time his share of the corpus shall be distributed to his issue, per stirpes, either in cash or in kind, according to the desires of a majority of the adult beneficiaries entitled to the corpus at such time. Should a child of my said son die, leaving issue surviving, his share of the income as well as that of the corpus upon termination of the trust shall be paid to his issue, per stirpes, and if said child has no issue surviving, his share of the income and of the corpus shall be paid equally to the surviving issue of said son. If my said

Testator

son should die without surviving issue, or there should thereafter be a failure of his issue prior to the termination of this trust as hereinafter provided, his share of the corpus shall be added to the corpus of the trust established for his brother, John Troxell Timothy, and his issue.

BOOK 5826 PAGE 759

(c) Upon the death of my said son, John Troxell Timothy, leaving issue surviving, said trust shall continue and the Trustee shall pay one-half (1/2) of his share of the net income therefrom to his issue, per stirpes, and one-half (1/2) thereof to his widow until her death or remarriage and thereafter to his issue, per stirpes, until the termination of this trust as hereinafter provided, at which time his share of the corpus shall be distributed to his issue, per stirpes, either in cash or in kind, according to the desires of a majority of the adult beneficiaries entitled to the corpus at such time. Should a child of my said son die, leaving issue surviving, his share of the income as well as that of the corpus upon termination of the trust shall be paid to his issue, per stirpes, and if said child has no issue surviving, his share of the income and of the corpus shall be paid equally to the surviving issue of said son. If my said son should die without surviving issue, or if there should thereafter be a failure of his issue prior to the termination of this trust as hereinafter provided, his share of the corpus shall be added to the corpus of the trust established for his brother, James Simmons Timothy, and his issue.

(d) If both of my sons should die without issue, or there should be a failure of their issue before the distribution provided for herein, then the trust estate shall go to The Little Sisters of the Poor,

Patrick Henry Timothy
Testator

Chicago Province, Chicago, Illinois, subject to the payment of one-fourth (1/4) of the income from said trust to the widow, if any, of each of my sons, for her lifetime or until she remarries, during which time the trust estate shall continue.

BOOK 5826 PAGE 760

(e) My Trustee shall hold title to said trust property, and out of the income therefrom shall pay its share of the expenses of maintaining the property and the expenses of executing the trust herein created, and shall invest any cash that may come into its possession and, from time to time, in its discretion, subject only to the qualification mentioned in this section, shall assign, mortgage or otherwise encumber or dispose of said trust property, real and personal, and execute and deliver for that purpose all necessary and proper deeds, mortgages, notes, assignments or bills of sale and receive the proceeds, which it shall thereupon reinvest and hold upon the same uses and trusts, and the purchaser shall not be required to see to the application of the proceeds. In making such investments and reinvestments, my Trustee shall not be limited to any status limiting the investment of trust or guardianship funds, but is authorized to purchase any kind of property, real or personal, including, by way of illustration but not of limitation, stocks, bonds, notes, insurance or annuity contracts, and other securities. My Trustee is further authorized, in its discretion, to execute leases of any real property which may be held in said trust, even though such leases may extend beyond the duration of said trust.

Patrick Henry Hurley

Testator

My Trustee is further authorized to take from the Executors hereinafter appointed with respect to said Nashville property the corpus of the trust herein created, subject to such indebtedness and leases as may have been made by said Executors, and to retire said indebtedness out of the income of the trust in such manner as it, in its discretion, shall deem advisable.

The sole qualification herein referred to is that prior to the sale or encumbering or reinvestment of the corpus of the trust, and prior to the execution of any lease of the trust property, my Trustee shall advise with my two sons, or the survivor, so long as either may live, and may only act upon the written authorization and approval of one of them, provided, during the lifetime of both, the Trustee may act upon authorization or approval of either, though the other dissents.

(f) During the continuance of the trust herein created, if, in the opinion of my Trustee, the income therefrom should be insufficient to provide properly for such beneficiary or beneficiaries, or to enable such beneficiary or beneficiaries to afford suitable maintenance, education and support for their children in the station of life to which they are accustomed, or if such beneficiary or beneficiaries or their children should need to incur unusual expenses for hospital services or medical attention, or other emergency, said Trustee is authorized, in its discretion, to encroach upon the corpus of said trust to such an

Testator

extent as it shall deem necessary or proper, but said power to encroach shall only exist in favor of a direct beneficiary of such trust who is at the time of such encroachment entitled to receive the income therefrom. Nothing in the next preceding section or in this section is intended to confer any rights upon my said two sons to in anywise pass upon any question as to an encroachment.

Any encroachment for either of my sons or their issue shall be charged against the share of such beneficiary.

(g) The income from the trust shall be paid to the beneficiary or beneficiaries entitled thereto under the terms thereof, but if any beneficiary should be less than twenty-one (21) years of age, or should be disabled for any reason, said Trustee is authorized to pay such income to such schools, institutions or other persons as in its discretion it may consider to the best interest of such beneficiary. Also, my trustee is authorized and empowered to determine all questions involving allocation of funds to principal or income.

(h) Until the expiration of the trust herein created, none of the beneficiaries thereof shall have the right or power to assign, encumber or anticipate the corpus or income of the property in trust, nor shall it be subject to their debts or liabilities.

(i) (1) Except with respect to any portion of the trust estate which may be owned by any descendants of my two sons, with respect to which portion the pro-

Testator

visions of sub-paragraph (j) hereof shall govern, and unless terminated sooner by virtue of the provisions hereinabove set out, this trust shall terminate within five (5) years (the termination during such five-year period to be determined as hereinafter set forth) after:

(A) the death of my two sons; and

(B) the death of the widows of my two sons; and

(C) the death or remarriage of Francine Evans Timothy, the former wife of my son, James Simmons Timothy.

(2) The determination of when, during the five (5) year period following the happenings of all of the events set forth in sub-paragraphs (A), (B), and (C) of Paragraph (i)(1) hereof this Trust shall terminate, shall be resolved by the recommendation of the Trustee in writing to the beneficiaries that the said Trust be terminated because in its judgment such was the optimum time for its termination, which recommendation must have the approval in writing of the beneficiaries holding at least fifty per cent (50%) interest (computed by amount and not by number of beneficiaries) of the corpus of the Trust; such approval may be expressed by the adult beneficiaries or by the guardians or next of kin of minor beneficiaries.

(j) Anything herein contained to the contrary notwithstanding, any portion of the trust estate which shall have devolved upon any descendants of either of my sons, such portion of the trust estate shall remain in trust until each said beneficiary shall have reached the age of thirty (30) years. Nothing contained in this paragraph shall preclude the distribution of the real estate or any other asset belonging to such portion of the trust estate and the reinvestment of the proceeds

Patrick Henry Timothy
Testator

thereof. During the time that any beneficiary of this trust shall be less than twenty-one (21) years of age, the income from such portion of the trust estate attributable to such beneficiary shall be payable to the guardian or next of kin of such beneficiary and, thereafter, until the beneficiary becomes thirty (30) years of age, such income shall be paid to such beneficiary. At such time as each such beneficiary shall reach the age of thirty (30) years the corpus of that portion of the trust estate attributable to such beneficiary shall be delivered to such beneficiary unless this trust is in force and effect by reason of its non-termination as hereinabove set forth.

(k) Irrespective of the provisions of Paragraphs (i) and (j) hereof, at any time after my death, both of my sons if living, may terminate this trust or the portion thereof vested in the major beneficiaries of this trust by an instrument in writing, signed by them jointly and delivered to the Trustee, or, if at such time, only one of such sons shall be living and he and all other beneficiaries of this trust desire to terminate this trust or the portion thereof vested in the major beneficiaries of this trust they may do so by executing an instrument in writing signed by them jointly and delivered to the Trustee, and thereupon this trust or the portion thereof vested in the major beneficiaries of this trust shall terminate and the Trustee shall distribute, transfer, and convey to the then surviving beneficiaries the ratable share to each of any assets other than the real estate owned

Testator

by the trust and shall deliver to the said beneficiaries, in indivision, their ratable shares of such property belonging to the trust.



(l) The Trustee herein named shall be entitled to compensation for its services, payable out of the gross income from the trust herein created, according to the then current and prevailing rates for such services established by law or custom.

I make, constitute and appoint the Third National Bank of Nashville, Tennessee, as Trustee of the trust herein created and hereby relieve it of the obligation of furnishing bond as such.

All the rest and remainder of my property real, personal and mixed, I leave and bequeath to my two sons, share and share alike. If either of my sons should predecease me, I leave his share to his issue, per stirpes, subject to a usufruct to his widow, if any, for life or until she remarries, of one-half (1/2) of his said share of my Louisiana estate. If either of my sons predeceases me without issue, I leave his share to my surviving son, or if both of my sons have predeceased me, then to the issue of the one leaving issue, subject to a usufruct to the widow, if any, of each of my sons, for her lifetime or until she remarries, on the whole of my said Louisiana estate.

If both of my sons predecease me and both leave no issue, then I name The Little Sisters of the Poor, Chicago Province, Chicago, Illinois, as residuary legatee of my Louisiana estate, subject to a usufruct of an undivided one-fourth (1/4) thereon in favor of each said widow, for her lifetime or until she remarries.

Testator

I hereby appoint my son, James Simmons Timothy, Executor, with full seizin and without bond. If he predeceases me or is unable or unwilling to act, then I appoint my son, John Troxell Timothy as Executor, with full seizin and without bond. If neither survives me or is willing and able to act, then I appoint The Whitney National Bank of New Orleans as Executor of my estate, with full seizin and without bond. I name the Third National Bank of Nashville, Tennessee as Ancillary Executor of my Tennessee estate.

I direct that all expenses of administration and all inheritance and estate taxes levied upon my estate, including those chargeable against my Tennessee real property, be paid out of my Louisiana estate. I further direct that all indebtedness secured by mortgage on my Tennessee real estate, whether created by me or by a predecessor in title, shall be a charge against said real estate and is not to be paid out of my personal property, and I authorize my Trustee to retire any such indebtedness out of the income of the trust, in such manner as it, in its discretion, shall deem advisable.

Anything herein contained to the contrary notwithstanding, at least one-half (1/2) of the income from the trust shall be paid to the beneficiaries unless it is necessary to use all or part of the same to prevent any indebtedness from being in default.

I appoint M. Truman Woodward, Jr., or the law firm of which he is a partner, or its successors, as attorneys for my Executors in the settlement of my estate, provided he or they are willing to handle the

Patrick Hamm Timothy
Testator

same, at the minimum fee which was recommended by the New Orleans Bar Association on October 27, 1966 or which may be in effect at the time of my death.

IN WITNESS WHEREOF, I have signed this my last will in the presence of the witnesses hereinafter named and undersigned.

Patrick Henry Timothy
Testator

Signed on each page and declared by Testator above named, in our presence to be his last will and testament, and in the presence of the Testator and each other, we have hereunto subscribed our names on this 10th day of July, 1974.

WITNESSES:

Patrick Henry Timothy,
Testator

NOTARY PUBLIC

Appearers declare and stipulate that the original of said document was declared by the said Patrick Henry Timothy, who is now deceased, to be his last will and testament in the presence of Emile A. Wagner, III, Notary Public, and M'Adele R. Hudson, Debra A. Troxclair and Joseph W. Looney, witnesses, and the said Patrick Henry Timothy, signed the said document on each page thereof also in the presence of the said persons, that is, Emile A. Wagner, III, as Notary Public, and M'Adele R. Hudson, Debra A. Troxclair and Joseph W. Looney, as witnesses, and that each of the witnesses and the Notary then signed the testament in the presence of the testator, Patrick Henry Timothy and each other, all of which was accomplished in the Parish of Orleans on July 10, 1974.

Appearers have declared that said Appearers recognize the signatures of the said testator on the said will and also their own signatures and those of the other witnesses.

Appearers make and execute this affidavit in the presence of the undersigned competent witnesses for use in the probate of said last will and testament before the Civil District Court for the Parish of Orleans, State of Louisiana.

WITNESSES:

Melanie L. Miller

Elizabeth M. Higgins

Emile A. Wagner, III

Joseph W. Looney

Sworn to and subscribed before me
this 2nd day of November, 1981.

Richard A. Ahrens
Notary Public

STATE OF LOUISIANA

PARISH OF ORLEANS

BOOK 5826 PAGE 769

BEFORE ME, the undersigned Notary Public, duly commissioned, qualified and sworn within and for the State and Parish aforesaid, and in the presence of the undersigned competent witnesses, personally came and appeared:

> Kennedy J. Gilly, Jr. of the full age of majority and a resident of Orleans Parish, Louisiana, who declared under oath that on August 23, 1978, he was a duly commissioned, qualified and sworn Notary Public in and for the Parish of Orleans; and Chris S. Sellers, of the full age of majority and a resident of Orleans Parish, Louisiana;

said two persons being hereinafter sometimes called "Appearers," the said Appearers, after having been by me, Notary, placed under oath, declared and stipulated on their respective oaths that Appearers know and recognize that certain document purporting to be a codicil to the last will and testament of Patrick Henry Timothy executed under the authority of Louisiana Revised Statutes 9:2442, et seq., said document being in words and figures as follows:

New Orleans, Louisiana

August 23, 1978

I, Patrick Henry Timothy, being of sound and disposing mind, do make this codicil to my last will and testament, dated July 10, 1974, to effect the following amendments to my said will:

(1) I declare that the third paragraph on page 1 of my said will shall be amended to read as follows:

"I will and bequeath my interest in the real estate forming the Northwest corner of Church Street and Sixth Avenue, North, in Nashville, Tennessee, which property I inherited from my mother, to the Third National Bank of Nashville, Tennessee, and my son, James Simmons Timothy, as Co-Trustees (hereinafter collectively referred to as Trustee), in trust, to be held, managed and disposed of on the following terms, conditions and trusts:"

(2) I further amend my said will by deleting the second full paragraph, being lines 9 through 12, inclusive, on page 9 of my said will and substituting in lieu thereof, the following:

"(m) In order that an equitable rental consistent with prevailing rates for comparable locations in the Central Business District of Nashville can be assured, the Trustee will consult with a leading real estate agent in the City of Nashville to determine what changes, if any, should be made in the then current lease. This consultation should be held shortly after receipt of the tenant's report of earnings, if required by the lease,

Patrick Henry Timothy

Patrick Henry Timothy - Testator

and at least ten (10) months prior to expiration of the then current lease. This period of time will permit Trustee to assure an orderly renegotiation of the lease or to secure a new tenant in event that tenant does not desire to extend the lease. Under the foregoing contingencies, Trustee may engage agent to conduct the aforesaid negotiations, with the proposed lease extension or new lease subject to his approval.

"(n) I name, constitute and appoint the Third National Bank of Nashville, Tennessee, and my son, James Simmons Timothy, as Co-Trustees of the Trust herein created, and hereby relieve them of the obligation of furnishing bond as such. In the event that my son, James Simmons Timothy, dies, or becomes unable or is unwilling to act as Co-Trustee, then the said Third National Bank of Nashville, Tennessee, shall continue as sole Trustee of the Trust herein created."

I confirm that the remainder of my will shall continue in full force and effect as written.

IN WITNESS WHEREOF, I have signed this codicil to my last will and testament in the presence of the witnesses hereinafter named and undersigned.

Patrick Henry Timothy

Patrick Henry Timothy-Testator

Signed on each page and declared by Testator above named, in our presence to be a codicil to his last will and testament, and in the presence of the Testator and each other, we have hereunto subscribed our names on this 23rd day of August, 1978.

WITNESSES:

Chris S. Sellers

Cary M. Davis

George B Jungers III

Patrick Henry Timothy

Patrick Henry Timothy - Testator

Kennedy J. Gilly Jr

NOTARY PUBLIC

Appearers declare and stipulate that the original of said document was declared by the said Patrick Henry Timothy, who is now deceased, to be a codicil to his last will and testament in the presence of Kennedy J. Gilly, Jr., Notary Public, and Chris S. Sellers, Cary M. Davis and George B. Jurgens, III, as witnesses, and the said decedent signed the said document on each page thereof, also in the presence of the said persons, that is, Kennedy J. Gilly, Jr., as Notary Public, and Chris S. Sellers, Cary M. Davis and George B. Jurgens, III, as witnesses, and that each of the witnesses and the Notary then signed the codicil to the testament in the presence of the testator and each other, all of which was accomplished in the Parish of Orleans on August 23, 1978.

Appearers have declared that said Appearers recognize the signatures of the said testator on the said codicil and also their own signatures and those of the other witnesses.

Appearers make and execute this affidavit in the presence of the undersigned competent witnesses for use in the probate of said last will and testament before the Civil District Court for the Parish of Orleans, State of Louisiana.

WITNESSES:

Richard D. Carmouche

Elizabeth M. Higgins

Kennedy J. Gilly, Jr.

Kennedy J. Gilly, Jr.

Chris S. Sellers

Chris S. Sellers

Sworn to and subscribed before me
this 3rd day of November, 1981.

Richard A. Ahrens
Notary Public

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. DIVISION " " DOCKET NO. 1

S U C C E S S I O N

BOOK 5826 PAGE 773

O F

PATRICK HENRY TIMOTHY

FILED: _____ _____

DEPUTY CLERK

O R D E R

The last will and testament of the late Patrick Henry Timothy and the codicil thereto having been drawn in accordance with the provisions of Louisiana Revised Statutes 9:2442 and having been filed in this proceeding, together with the affidavit of Emile A. Wagner, III, Notary Public and Joseph W. Looney, witness, and the affidavit of Kennedy J. Gilly, Jr., Notary Public, and Chris S. Sellers, witness, attesting respectively, that the said last will and testament dated July 10, 1974 and codicil dated August 23, 1978 were executed by Patrick Henry Timothy in their presence, in their respective capacities, and that at the time of execution the said Patrick Henry Timothy declared in their presence that the aforesaid instruments were his last will and testament and a codicil thereto, respectively, in accordance with the provisions of Louisiana Code of Civil Procedure Article 2890 as amended,

IT IS ORDERED that the proces verbal be dispensed with and that the said last will and testament of Patrick Henry Timothy dated July 10, 1974 and the codicil thereto dated August 23, 1978 be recorded, filed and executed in accordance with their terms.

New Orleans, Louisiana, this 5th day of November, 1981.

(Sgd) Joseph V. DiRosa

J U D G E

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 81-17487 DIVISION " " DOCKET NO. 1

S U C C E S S I O N

O F

PATRICK HENRY TIMOTHY

BOOK 5826 PAGE 774

FILED: _____ _____
DEPUTY CLERK

O R D E R

Considering the foregoing petition and the last will and testament of the decedent, Patrick Henry Timothy, which has been duly probated in this proceeding,

IT IS ORDERED that James Simmons Timothy be and he is hereby confirmed as Testamentary Executor of the Succession of Patrick Henry Timothy, and that Letters Testamentary issue to him upon his taking the oath required by law.

New Orleans, Louisiana, this 5th day of November, 1981.

(Sgd) Joseph W. DiRosa
JUDGE

RUSH

IDENTIF. REFERENCE

DEC 3 12 01 PM '81

FELIX Z. WILSON JR. REGISTER
DAVIDSON COUNTY, TENN.

10/83 6706635

1196

FORM 1—SOU.—3M

# Civil District Court for the Parish of Orleans

# STATE OF LOUISIANA

## LETTERS TESTAMENTARY

BOOK 5826 PAGE 775

NO. 81-17487 DIVISION L DOCKET 1

SUCCESSION OF

PATRICK HENRY TIMOTHY

FILED Nov. 5 19 81

J. Bart DEPUTY CLERK

BE IT KNOWN:

That JAMES SIMMONS TIMOTHY has been named, appointed and confirmed as executor of the LAST WILL AND TESTAMENT of the late PATRICK HENRY TIMOTHY, and, having complied with all legal requirements relative thereto, is fully qualified, authorized and empowered to collect all property of said deceased, and to perform all other lawful acts as executor aforesaid.

WITNESS our hand and the Seal of said Court, at the City of New Orleans this Fifth day of NOVEMBER 19 81

Joseph W. DiRosa Judge

A TRUE COPY

DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LA.

J. Bart Deputy Clerk