PROBATE OSM CODE: EXR 31B THBW

STATE OF MICHIGAN FIFTH JUDICIAL DISTRICT SECOND JUDICIAL CIRCUIT BERRIEN COUNTY PROBATE	CERTIFICATION OF RECORDS/ ATTESTATION OF EXEMPLIFIED COPIES	CASE NO. 2002-0321-DE-N

Court Address 811 Port Street, Saint Joseph, MI 49085 — Court telephone no. (616) 983-7111

Plaintiff	V	Defendant

Davidson County WILL
Recvd: 02/19/04 14:14 8pgs
Fees:42.00 Taxes:0.00
20040219-0019401

☐ Juvenile In the matter of _____

☒ Probate In the matter of ROSE GOLDSTEIN

ATTESTATION OF CLERK/REGISTER

I am the clerk/register of the court and I attest that:

1. I am the custodian of the records of the BERRIEN COUNTY PROBATE court.

2. I have compared the annexed copies of LAST WILL AND TESTAMENT and FIRST CODICIL TO THE LAST WILL AND TESTAMENT OF ROSE GOLDSTEIN

from the above case with the originals on file and of record in this court, and I find the copies to be true copies of the whole of such originals.

March 5, 2003
Date

Cora V. Robinson
Clerk/Register

Cora V. Robinson
Name (type or print)

By: Teresa Stevens
Deputyclerk/regiister

CERTIFICATION OF JUDGE

I, Thomas E. Nelson, judge of the Berrien County Probate Court
Name (type or print)
court, certify that the above attestation is in proper form and that the signature is genuine.

March 5, 2003
Date

Judge

Bar no. 22

NOTE: The Certification of Judge is completed only when records are being sent out of the state.

31 B
THRU

Last Will and Testament

OF

ROSE GOLDSTEIN

SIGNED: Rose Goldstein

I, **ROSE GOLDSTEIN,** currently residing at 4150 Ridge Road #3, Stevensville, Lincoln Township, Berrien County, Michigan 49127, being of full age and of sound and disposing mind and memory, do hereby declare and publish this my Last Will and Testament, hereby revoking all prior Wills made by me, including but not limited to the Wills dated October 2, 1979, and February 10, 1989.

FIRST: Debts and Expenses; Funeral and Burial: I direct that all debts including medical and last illness costs and funeral expenses, and the expenses of administration be paid out of my Estate as soon as possible. My Personal Representative (Executrix) shall pay all federal and local Estate and/or Inheritance taxes imposed with respect to any property included within my Estate for such tax purposes. No part of such taxes shall be recovered from, paid by or apportioned to or between any or all recipients of such property. Notwithstanding any local law or rule to the contrary, my Personal Representative shall not be limited in the amount of funeral or burial expenses as she within her sole discretion shall deem appropriate. It is my desire that I be buried at such site as my immediate family and Personal Representative shall jointly decide;

SECOND: Bequests; residue: All of my Estate, of whatever nature, real, personal or mixed, and no matter where located, and including but not limited to all interests in real estate, partnerships, automobile, cash, other liquid or investment assets, retirement and insurance assets, I hereby give, devise and bequeath in fee simple and absolutely, in equal shares, to my three children **ENID, DEANA and GARY**, provided, however, that if any said child has not survived me by at least thirty (30) days but leaves surviving lineal issue surviving (natural born or adopted), then the deceased child's share is to be given to such surviving lineal issue (as defined) who shall survive me by thirty (30) days per stirpes (which means that the deceased child's children, if any, take the child's one-

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third share), and not per capita. The division of the rest, residue and remainder between all of such beneficiaries shall be determined in the sole discretion of my Personal Representatives, including but not limited to deciding: which assets should be sold, traded, exchanged, or distributed "in kind"; the relative values of all assets to each other; and the timing and manner of distributions. In the event my surviving children acting in their capacities as Co-Personal Representatives, cannot agree as to distributions, divisions, etc., of my estate, then they shall seek the assistance of a neutral party (for example an attorney, a CPA, a mediator, etc.) agreeable to all my then surviving children, to assist them in making these decisions.

THIRD: Confirmation of Assets by Operation of Law: I hereby reaffirm the names I have designated as beneficiaries or joint owners (as appropriate) on my present IRA plans, or any other deferred income or retirement plans (if any), joint bank accounts, other joint liquid asset accounts, life insurance, auto, real property or any other jointly held assets, or any other asset(s) that normally would pass title at my death by operation of law. In the event for any reason any of these assets is not automatically distributed or conveyed to such other named person by its own terms or by operation of law, then I hereby confirm such intention and hereby give, devise and bequeath such asset(s) to such named person(s) respectively, in fee simple and absolutely;

SIGNED:

FOURTH: Appointment of Co-Personal Representatives (Executors): I hereby nominate and appoint any and all of my three children **ENID, DEANA and GARY** who survive me by at least thirty (30) days, as the Co-Personal Representatives (Co-Executors) of this Last Will and Testament and of my Estate, hereby authorizing and empowering them without Court Order or proceeding, to qualify in any jurisdiction where they deem it appropriate to do so; to act with regard to any or all assets or funds in my Estate, regarding sales, dispositions or other distributions, and paying of taxes and debts of my Estate, as if such Co-Personal Representatives were the owners, acting in their sole discretion as they may deem proper; and to have full power to sell, lease, encumber or otherwise dispose of or deal with any interest in real or personal property I may own at the time of my death. If any of my said children are unable or unwilling for any reason whatsoever (including death or disability) to act in such capacity, then those of my children who have so survived me by thirty (30) days and who are willing and able to serve in such capacity, shall be my Co-Personal Representative(s) (Co-Executor(s)), even if only one of them serves in this capacity, with all and full powers and authorities as granted jointly to the original choices herein;

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FIFTH: Unsupervised Probate; No Bond; and Other Provisions: If permitted by the local law or Court rules wherever my Estate Administration shall be conducted:

5-A: Unsupervised Probate: I hereby direct that the probate administration of my Estate shall be unsupervised;

5-B: Bond: I direct that my Co-Personal Representatives (or substitute or successor) be permitted to serve without bond. I further direct that the cost of any bond which the Court may set upon the demand of any person (interested person, creditor or otherwise) pursuant to any provision of law or Court rule, be deducted from such person's distribution from my estate or, if a creditor or claimant, be set off by my Co-Personal Representative from such person's claim;

5-C: Waiver of Inventory and Accounts: I direct that my Co-Personal Representatives not be required to file any inventories or accounts with any court, and I hereby authorize my Co-Personal Representatives to sign a waiver of filing of inventories and accounts in any court in which any portion of my estate may be subject to administration, and to take any other action necessary to effectuate my intent;

5-D: Self-dealing: My Co-Personal Representatives (or substitute or successor) or his or her spouse, agent or attorney, or any entity in which any such person has a substantial beneficial interest, may purchase assets from my estate at not less than their inventoried value and may otherwise engage in any other transaction with my estate provided that my personal representative in his sole discretion, shall first determine to his satisfaction that the proposed transaction is fair to my estate; and

5-E: Distributions to Minors: Any distribution under this Will to or for any beneficiary who is a minor at the time of distribution, may be made in full or in part outright, without a court order, to: (1) his or her parent or guardian; (2) any person who may be the statutory custodian for such minor under the Uniform Transfer to Minors Act (as it may hereafter be amended) or similar legislation then in effect; or (3) a person with whom the minor may reside, without bond or without trust, as my Co-Personal Representatives may deem in the best interests of the beneficiary. If deemed necessary by my Co-Personal Representatives, I authorize my Co-Personal Representatives to select a person to serve as custodian for such beneficiary and to distribute the property to such custodian for said beneficiary pursuant to the Uniform Transfers to Minors Act applicable in the relevant jurisdiction (as it may hereafter be amended), or similar legislation then in

SIGNED:

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effect. My Co-Personal Representatives shall not be held liable for any damages which may result from such selection or distribution which was made in good faith.

IN WITNESS WHEREOF: I have hereunto subscribed my name to this my Last Will and Testament, consisting of 3 typewritten pages (and I have signed on the margin of pages 1 - 3) this 18 day of November, 1995.

Rose Goldstein
ROSE GOLDSTEIN

Signed by ROSE GOLDSTEIN, and by her acknowledged to be her LAST WILL AND TESTAMENT, before us and in our presence; and by us subscribed as attesting witnesses, at her request and in her presence, and in the presence of each other, this 18 day of November, 1995.

WITNESSES PLEASE PRINT AND SIGN NAMES AND ADDRESSES BELOW:

Jean Penwell residing at 2811 Evergreen, St. Joe, MI

Jean Penwell

Mark M. Penwell residing at 2811 Evergreen Dr. St. Joseph, MI

Mark M. Penwell

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RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

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State of: _____)
County of:_____) ss:

Subscribed and sworn to before me, a Notary Public for the State and County stated above, by ROSE GOLDSTEIN, who acknowledge the above to be her Last Will and Testament, this _____ day of November, 1995.

_____
Notary Public

My Commission Expires:_____

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FIRST CODICIL TO THE LAST WILL AND TESTAMENT OF ROSE GOLDSTEIN

I, ROSE GOLDSTEIN, a resident of Lincoln Township, Berrien County, Michigan, on this 3rd day of April, 2000, do make and declare this to be the First Codicil of the Last Will and Testament executed by me on the 18th day of November, 1995 in the presence of JEAN PENWELL and MARK PENWELL. I revoke and annul Fourth Article to read as follows:

FOURTH: I appoint my son, GARY GOLDSTEIN, to be my Personal Representative of this my LAST WILL AND TESTAMENT. I request that only nominal bond, if any, be required by my Personal Representative hereunder. In addition to the powers conferred on Personal Representatives by law, my Personal Representative shall have full power, in his discretion and without any court order or proceedings, to sell pursuant to option or otherwise, at public or private sale and upon such terms including provisions deferring payment as he shall deem best, any real or personal property belonging to my estate without regard to the necessity of such sale for the purposes of paying debts, taxes or legacies, or to retain all of such assets not so required, without liability for any depreciation thereof; to adjust, compromise and settle all maters of business or venture in which I am engaged at the time of decease; and to do any and all things necessary or proper to complete the administration of my estate, all as fully as I could do if living.

I hereby expressly authorize my Personal Representative to permit any beneficiaries of any property hereunder, to enjoy the use or benefit of any household goods, chattels, or other tangible personal property (exclusive of choses in action, cash, stock, bonds, or other securities) which my Personal Representative may receive in

kind, and my Personal Representative shall not be liable for any consumption, damage, injury to or loss of any tangible property so used.

If my son predeceases me, declines to act, or having qualified, resigns, dies, or is removed, I nominate my daughters, ENID and DEANA, as my CO-Personal Representatives.

In all other respects, I ratify and confirm all the provisions of my said Will dated the 18th day of November, 1995.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my LAST WILL AND TESTAMENT, consisting of this and one (1) preceding typewritten pages, and for the purpose of identification I have initialed each page, all in the presence of the persons witnessing it at my request on this 3rd day of April, 2000, at St. Joseph, Michigan.

Rose Goldstein
ROSE GOLDSTEIN

The foregoing instrument, consisting of this and one (1) preceding typewritten page, was signed, sealed, published and declared by ROSE GOLDSTEIN, the testatrix, to be the First Codicil to her Last Will and Testament, in our presence, and we, at her request and in her presence and in the presence of each other have hereunto subscribed our names as witnesses this 3rd day of April, 2000 at St. Joseph, Michigan.

Sharon Roggow residing at Benton Harbor, MI

Mary Lucchesi residing at St. Joseph, MI

Testament consisting of 7 pages
Including Codicil, if any, was duly
approved and admitted to Probate.
May 8, 2002
Cora V. Robinson
Probate Judge
Berrien County, Michigan