Davidson County WILL
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# STATE OF TENNESSEE

**I, RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of Last Will & Testament heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. 15P59.

**IN TESTIMONY WHEREOF,** I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 26th day of February in the year Two Thousand and Fifteen.

**RICHARD R. ROOKER,** Clerk

**By:** _____
Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK

15p59

429757

PROBATE COURT 3

FILED

FEB 26 2015

RICHARD R. ROCKER, Clerk

By _____ Deputy

# LIVING TRUST DECLARATION
# LAST WILL AND TESTAMENT

OF

**KIRK FREDERICK WICKLINE**
**AND**
**VICKI LEE WICKLINE**

05142014:1512:P0127

We are **KIRK FREDERICK WICKLINE** and **VICKI LEE WICKLINE.** We establish a trust by this instrument to own and control all of our property and estate and to govern the use and disposition of all our property and estate. We are not man and wife. Any general reference to the **"KIRK FREDERICK WICKLINE LIVING TRUST AND VICKI LEE WICKLINE LIVING TRUST,"** *"living trust," or "trust"* will identify the trust established by this instrument. To the extent that any property remains outside of the trust, and is subject to probate in any jurisdiction, this instrument shall operate as our Last Will and Testament of **KIRK FREDERICK WICKLINE** and/or the Last Will and Testament of **VICKI LEE WICKLINE** in any probate proceeding. For convenient reference, we presently reside in Harris County, Texas. The governing jurisdiction for the interpretation and enforcement of this instrument is Texas. Children shall indemnify,

**KEITH AARON VINCENT,** whose date of birth is February 16, 1983.

**KELLIE SUZANNE BUTKIEWICZ,** whose date of birth is April 27, 1979.

**STACIE NICOLE SCHNEIDER,** whose date of birth is September 19, 1980.

The term *"survivor"* identify the last to die of **KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE.** Under the terms of this instrument, a, to be a survivor he or she, must survive the other for a period of 90 days.

04082014:1311:90028

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A Certified Copy
Attest: 11/21/2014
**Stan Stanart, County Clerk**
Harris County, Texas

Krystal Chavez

Krystal Chavez Deputy

EXHIBIT
Exhibit
A

PROBATE COURT NO.3 OF HARRIS COUNTY, TEXAS

05142014:1512:P0128

04082014:1311:G0027

## ARTICLE 1. ESTABLISHMENT OF THE TRUST

This living trust is established this day by each of us for the purpose of owning, controlling and managing all property transferred to this trust, and

(1) to provide for our care, support and maintenance for life, without the need for a court-supervised guardianship proceeding for any part of the property held by or for this trust during any period or episode of time during which either of us or both of us may be incapacitated.

(2) to fully settle each estate upon the death of either party hereto, precluding to the greatest extent possible the need for any court-supervised or court-enforced settlement of the estate of either party hereto.

This trust will survive our disability and death. This trust will continue as an entity until the trust is finally settled and liquidated according to the terms of this instrument.

For the purpose of fully funding this trust, *we* transfer to this trust by **self-declaration of trust** all property of any kind and nature, in any location, including property that (1) is registered, listed or titled in the name of **KIRK FREDERICK WICKLINE**; (2) registered, listed or titled in the name of **VICKI LEE WICKLINE**; (3) registered, listed or titled in the name of both **KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE**; or in which **KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE**, or either of us have or may have a beneficial interest. We transfer, assign and convey title to, with the right of control, use and possession, all tangible personal property owned by each of us or either of use, including the personal belongings of **KIRK FREDERICK WICKLINE** and the personal belongings of **VICKI LEE WICKLINE**. The term "personal belongings," for example, without limiting this category, include personal items of wearing apparel, adornment, jewelry, art work, furniture and equipment, collectibles, and recreational equipment. Transfer of title to property, tangible and intangible, and particularly an ownership interest in any corporation, partnership, or other entity will include, without limitation, all voting



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rights incident to the property transferred. Any property that either of us, or both of us, may acquire or possess after the execution of this trust is to be considered to be a contribution to this trust. We do **not** transfer ownership of any qualified retirement account or individual retirement account to this trust, but designate each trustee then serving to be our personal representative in making decisions for each of use with regard to any qualified retirement plan or account, especially during any period of disability or incapacity of either of us.

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Assets that continue to be held in the name of **KIRK FREDERICK WICKLINE** and **VICKI LEE WICKLINE**, **KIRK FREDERICK WICKLINE**, or **VICKI LEE WICKLINE** without a direct transfer to this trust (such as a personal bank account and title to an automobile) will be nonetheless be held by **KIRK FREDERICK WICKLINE** and **VICKI LEE WICKLINE** in trust and as nominee for this trust.

To the extent that this trust does not hold record title and/or rights of possession to all of our property upon the death of either of us, and to the extent that a custodian, registrar, transfer agent, depository or agency will **not** transfer title without letters testamentary or other evidence of authority incident to probate, this instrument will operate as the **Last Will and Testament of KIRK FREDERICK WICKLINE** and the **Last Will and Testament of VICKI LEE WICKLINE**. The beneficiary of all property that passes under the **Last Will and Testament of KIRK FREDERICK WICKLINE** and the beneficiary of all property that passes under the **Last Will and Testament of VICKI LEE WICKLINE** is this trust.

**ARTICLE 2. DESIGNATION OF TRUSTEES**

The following are to serve as trustee, their service to be in the order listed:

By Original Appointment: **KIRK FREDERICK WICKLINE** and **VICKI LEE WICKLINE**, our



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service to be joint, with full rights of selection.

If all of the above cease or fail to serve for any reason, and if all those appointed in any instrument exercising right of selection fail or cease to serve, **ROCKY W. POTTER** is designated and appointed to serve as trustee. If **ROCKY W. POTTER** does not qualify, or having qualified, dies, resigns, becomes incapacitated or otherwise ceases to act, then **TODD LORING LUFT** is designated and appointed to serve.

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A successor as trustee will have the authority vested in the trustee by original appointment under this instrument. A successor trustee will not be obligated to examine the accounts, records and acts of the previous trustee, nor will a successor in any way or manner be responsible for any act or omission to act on the part of any previous trustee. Reference to "trustee" in the singular will include the plural. To the greatest extent possible and allowable, this trust is to be administered and settled as a trust and under the trust laws of Texas, and not under probate law.

To the greatest extent permitted by the law of the governing jurisdiction, a trustee or trustees designated to have a "right of selection" will have the right, without Court approval, to appoint his, her, or its successor as trustee including the designation of a different order of succession. Likewise, a trustee then serving, and with rights of selection, will have the right to add another or others to serve jointly and in the capacity of a trustee.

**ARTICLE 3. APPOINTMENT OF PERSONAL REPRESENTATIVE**

The person we have appointed and identified as the trustee of this trust is to serve, in the order listed, as the personal representative of the estate of either of us in any probate proceeding. Reference to



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"personal representative" or "trustee" in this instrument includes the office of personal representative, executor, independent executor, or other appropriate designation pertaining to the administration and settlement of an estate subject to probate. All authority vested in the trustee by this instrument is also vested in the personal representative of the probate estate. Any specific directive pertaining to a trustee with regard to the administration of the trust, court supervision, and all other matters will also apply to the personal representative. Their personal representative and the trustee may act jointly in the settlement of an estate subject to probate. Any reference to "trust" will include the probate estate.

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If this instrument is filed for probate or ancillary probate in a jurisdiction that has independent administration or a summary administration of an estate, we each provide that no other action shall be required in the probate court or surrogates court in relation to the settlement of the estate of our deceased other than the probating and recording of this instrument and the return of an inventory, appraisement and list of claims of the estate.

**ARTICLE 4. TRUST ADMINISTRATION — COURT SUPERVISION, BOND**

A fiduciary or fidelity bond is not required as a prerequisite to the service of a trustee. This trust is to be subject to the least judicial supervision permitted by the laws of Texas or any other jurisdiction in which this instrument may be filed for probate or in which a personal representative may transact business for and on behalf of the probate estate.

To the extent notice, filing and court approval requirements may be waived, the trustee will be under no obligation to comply with any one or more of the following:

(1) the requirement to file with any court or registrar a notice of appointment as trustee, a copy of this instrument, or a list of the names and addresses of the beneficiaries;



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(2) the requirement to make and file an inventory or accounting with any court or registrar or to seek court approval of any inventory and accounting; and/or

(3) the requirement that a trustee seek court approval of any sale, acquisition, or any other transaction.

Notwithstanding this general waiver and negation, any court of competent jurisdiction may, upon application of any beneficiary, or by the personal or legal representative of a beneficiary, require the trustee to produce a formal accounting in the form and manner required by the court and subject to the court's acceptance and approval thereof and judicial sanctions for the failure to do so.

To the extent permitted by the laws of a governing jurisdiction, a trustee will have the right to seek a judicial approval of any inventory, accounting or other action taken or any transaction proposed to be taken in any court of competent jurisdiction.

**ARTICLE 5. GUARDIANSHIP**

To the extent that a court-supervised guardianship is required:

The guardian of the estate of **KIRK FREDERICK WICKLINE** is to be the trustee of this trust then serving.

The Guardian of the estate of **VICKI LEE WICKLINE** is to be the trustee of this trust then serving.

**ARTICLE 6. DURATION, RIGHTS OF REVOCATION AND AMENDMENT**

This trust is to continue for the life of **KIRK FREDERICK WICKLINE** and **VICKI LEE WICKLINE**, and

(1) for the life of the survivor, and

(2) from year to year following the death of the survivor until this trust is finally settled



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and liquidated according to the terms of this instrument.

We retain the right to jointly revoke and to amend this trust for so as we both shall live. Amendments to this trust must be written and may include the use of a qualified beneficiary designation. Holographic amendments or addendums to this trust are permitted only as to the disposition of personal belongings. For so long as we both shall live, the income of the trust may be distributed to us, or may be used and/or applied for our use and benefit. Undistributed income is to be added to the principal of the trust. The trustee or trustees then serving may distribute trust principal to us or for our unrestricted use and benefit, even to the exhaustion thereof.

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**KIRK FREDERICK WICKLINE** retains the right to withdraw all or any part of his property, or interest, in the trust at any time and retains the right to make gifts of his property or his interest in the trust property. A gift by **KIRK FREDERICK WICKLINE** of trust property will constitute a withdrawal of the gift property from the trust by **KIRK FREDERICK WICKLINE**, followed by a delivery of the gift property to the designated donee. In no event will a gift of trust property be a gift by the trust, but, rather, will be a gift by **KIRK FREDERICK WICKLINE** even though, for convenience, the transfer is made from the trust to the designated donee. These rules will apply to any other kind of estate planning transfer, such as an estate planning sale or a transaction that is part gift and part sale.

**VICKI LEE WICKLINE** retains the right to withdraw all or any part of her property, or interest, in the trust at any time and retains the right to make gifts of her property or her interest in the trust property. A gift by **VICKI LEE WICKLINE** of trust property will constitute a withdrawal of the gift property from the trust by **VICKI LEE WICKLINE**, followed by a delivery of the gift property



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to the designated donee. In no event will a gift of trust property be a gift by the trust, but, rather, will be a gift by **VICKI LEE WICKLINE** even though, for convenience, the transfer is made from the trust to the designated donee. These rules will apply to any other kind of estate planning transfer, such as an estate planning sale or a transaction that is part gift and part sale. Our withdrawal rights of includes the right to compel a partition of property that is jointly owned by us at the time the property was acquired and at the time is transferred to this trust, including postmortem transfers of property to this trust. The interest of a deceased in this trust will become irrevocable at the time of his or her death. The interest of a deceased includes postmortem transfers of property to this trust. Except as otherwise permitted by this instrument, no one will have the right to amend or revoke the trust as to the interest of the deceased, nor to withdraw the income and/or principal of the trust attributable to the interest of the deceased. The survivor will continue to have all rights of amendment, revocation, withdrawal and partition with respect to his or her interest in the trust.

The trust will not terminate by reason of: (1) the death or disability of a member; (2) the removal, resignation, death, disability or other inability to continue service of a trustee or the addition of a trustee; or (3) the bankruptcy or insolvency of any beneficiary or trustee. All rights of management and administration of the trust are vested in the trustee or trustees of this trust.

**ARTICLE 7. DISTRIBUTIONS, FEDERAL INCOME TAX MATTERS, ACCOUNTING DURING THE LIFE OF KIRK FREDERICK WICKLINE AND VICKI LEE WICKLINE**

For so long as we both shall live, and for so long as the trust is revocable, this trust is to be treated for income tax reporting purposes as a grantor trust under Treasury Regulation § 1.671-4(b) (i.e., the



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tax identification number will be the social security number of **KIRK FREDERICK WICKLINE** or the social security number of **VICKI LEE WICKLINE**) and all items of income, gain, loss, credit and deduction are to be reported in our individual or joint income tax returns.

### ARTICLE 8. SPECIAL AUTHORITY OF THE TRUSTEE

The trustee then serving is authorized to act in the capacity of personal representative with regard to each of the following matters:

The trustee may sign a personal income tax return if we, or either of us, are reasonably unavailable or unable to personally sign the return.

The trustee may sign a federal estate tax return, inheritance tax return, or any other similar return for and on behalf of the estate of either of us.

The trustee may sign a final income tax return for and on the behalf of us.

The trustee may file claims for tax refunds and to represent either or both of us in any audited or contested matter with the Internal Revenue Service or any other taxing agency.

With regard to estate and gift tax matters, or inheritance tax matters, the trustee may file claims for tax refunds and to represent us or the estate of a deceased in any audited or contested matter with the Internal Revenue Service or any other taxing agency.

### ARTICLE 9. USE AND DISPOSITION OF TRUST PROPERTY UPON THE DEATH OF EITHER OF US

This Article controls the use and disposition of the property of a deceased if he or she is survived by the other. The term "property" will identify the property of this trust attributable in interest to the deceased and all postmortem additions to the trust attributable in interest to the deceased. Postmortem additions, for example, include: (1) property that pours-over to this trust from the estate of the deceased subject to probate; (2) property not subject to probate that is to be distributed to this trust under a beneficiary designation, or otherwise, as the result of the death of the deceased.



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**A. Particular Property, Outright Disposition**

All of the following property is to pass outright to the survivor. If any of this property remains in this trust as a mater of convenience, the survivor will have the unilateral right and authority to withdraw this property from the trust at any time and from time to time.

- ❖ All of the ownership interest of the deceased in the home we then occupy as our primary residence.
- ❖ All of the ownership interest of the deceased in his or her personal belongings, all household furnishings and equipment, and any motor vehicles that either of us may then own.
- ❖ All of the ownership or beneficial interest of a deceased in any qualified retirement plan or account.
- ❖ All of the ownership or beneficial interest of the deceased in any property or income that is classified as, or produces, income in respect of descendant.

The term "qualified retirement plan or account" identifies any pension plan, profit-sharing plan, thrift plan, stock bonus plan, tax deferred annuity plan, individual retirement account, or other plan or account that is qualified for favorable income tax treatment under Sections 401-409 of the Internal Revenue Code or elsewhere in the Internal Revenue Code.

The term "income in respect of decedent" or "IRD" has the meaning prescribed by Section 691 of the Internal Revenue Code. These are typically contractual rights that produce future income and that are subject to both the federal estate tax and the federal income tax. The term "applicable property" identifies any qualified plan or account or any contract, plan, property, or benefit that produces IRD.

It is our intent that this property pass in a manner that will qualify for the federal estate tax marital deduction undiminished by the allocation of any federal or state transfer tax or other death tax to this



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property.

**B. Remainder**

The disposition and use of all property of the deceased remaining after subtracting the transfers to the survivor (above), is to be controlled by the following requirements.

(1) **First**: All estate settlement costs and claims that are deductible for federal estate tax purposes and all death taxes produced as the result of the death of the deceased, if any, are to be paid form the property remaining. The term "death taxes" include any federal and state transfer taxes and any other death tax payable by reason of the death of a deceased. Death taxes are not to be imposed upon, attributed to, or allocated to any transfer that qualifies for the estate tax marital deduction or the estate tax charitable deduction, nor to any transfer that is exempt from estate tax under Section 2010(c) of the Internal Revenue Code. It is our intent and purpose that this trust and our respective estates pay the least possible death tax, and this instrument is to be construed to accomplish this result.

(2) **Next**: Of the property remaining after the payment of estate settlement costs, claims, and death taxes (if any), shall pass for the use and benefit of the survivor for so long as he or she shall live.

(3) **Alternative Distributions**

This instrument does not negate property and property rights controlled in use and disposition by contract or a contractual beneficiary designation. The use of the terms "contract" or "contractual beneficiary designation" includes:



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(1) an accident or life insurance policy or any kind of insurance policy in which a designation of a beneficiary, other than this trust, has been made;
(2) rights of survivorship prescribed with regard to a joint bank account, certificate of deposit, brokerage account, money market fund, or similar property, or pursuant to a pay-on-death (POD) designation with regard to any account, fund, or deposit;
(3) rights of survivorship prescribed with regard to any other property held in common, as a tenant in common, or otherwise, and
(4) without exclusion, any other property, property right, or income right controlled in use and/or disposition by any contract or trust, by state or federal law, or otherwise.

## ARTICLE 10. REMAINDER BENEFICIARIES

**A. Death of Both, Death at or Near the Same Time**

This Article controls the use and disposition of all of our property and estate in the event that our death should occur at or about the same time or if one does not survive the other for a period of 90 days. The term "property" will identify the property of this trust attributable in interest to each, including postmortem additions to the trust. Post mortem additions, for example, include: (1) property that pours-over to this trust from the estate of a deceased subject to probate; (2) property not subject to probate that is to be distributed to this trust under a beneficiary designation or otherwise as the result of the death of a deceased.

**B. Personal Belongings, Other Special Gifts**

Except for items of personal belongings designated to be delivered to others according to that provision of this trust instrument entitled **Disposition of Personal Belongings by Memorandum** (and without any limitation on the value of any particular item designated in a memorandum), all personal belongings are to pass outright and free of trust to **KEITH A. VINCENT, KELLIE S. BUTWEWICZ, and STACIE N. SCHNEIDER.** The term "personal belongings" identifies tangible personal property that is possessory in nature, such as, household furniture and furnishings,



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art work, collectibles, personal wearing apparel and jewelry. Personal belongings, designated to pass to particular family members and friends of the family using a list, a memorandum, a letter, stickers, or any other method of designation, is to pass free of trust and as directed in a list, memorandum, letter, sticker, or other method of identification. Especially excluded from a general disposition of personal belongings, other than listed items, is any individual item of property that has value in excess of $10,000. The trustee may, without liability, make or supervise the division and distribution of personal belongings in a manner which is considered to be fair and equitable. Any unwanted items may be donated to charities such as Good Will and the Salvation
Army or any other qualified charitable organization. These gifts are to pass free and clear of any death taxes, transfer taxes and settlement costs.

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**C. Distribution of the Remainder**

The rest and residue of our property and estate remaining after the payment of estate tax and other succession tax and the costs to settle this trust and the estate is to pass according to the following directions.

(1) 1/3 to **KEITH AARON VINCENT, KELLIE SUZANNE BUTKIEWICZ,** and **STACIE NICOLE SCHNEIDER,** per stirpes

A transfer of a distributive share in this trust is subject to the following rules and contingencies.

(1) **Death of the Primary Beneficiary of a Designated Trust.** If the person identified as a primary trust beneficiary of a designated trust is deceased at the time his/her trust becomes entitled to a distributive share of this trust, the share designated to pass to his/her trust will nonetheless pass to his/her designated trust if his/her trust continues for the use and benefit of any one or more members of his/her family, including any



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one or more of his/her lineal descendants or any one or more of our lineal descendants.

(2) **If Designated Trust Does Not Exist.** If the designated trust does not exist at the time the trust becomes entitled to a distributive share of this trust, the distributive share is to pass outright and free of trust to the person designated as its primary trust beneficiary, or, if he/she is then deceased, per stirpes to his/her descendants then living.

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(3) **Lapse.** A share will lapses and is to be divided among the remaining distributive share or shares

(a) **if** the person identified as primary trust beneficiary is deceased at the time his/her trust becomes entitled to an interest or distributive share from this trust; **and**

(b) **if** the person identified as the primary trust beneficiary is not then survived by lineal descendants.

(4) **Outright Distributions Subject to Contingent Trust Provisions of This Instrument.** Any distribution to a beneficiary whose interest is not specifically protected by a trust identified herein is subject to the general limitations prescribed in this trust instrument (under the title, **Contingent Trust For Certain Beneficiaries**) for a distribution to a beneficiary who has not attained a required age or who is disabled.

(5) **Allocation of the GST Tax Exemption Amount.** The "GST tax exemption amount" is the amount allowed to every individual as an allocable exemption from the United States generation skipping transfer tax under Internal Revenue Code Section 2631. The term "unused GST tax exemption amount" mans that part of an



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individual's GST tax exemption amount that has not been previously allocated (as prescribed by Section 2632(c) of the Internal Revenue Code). For the purpose of allocating the unused GST tax exemption amount, the trustee then serving, without liability in the exercise of discretion, is authorized to make an allocation of the unused GST tax exemption amount to those trusts that will most probably best utilize (and not waste) the exemption.

**ARTICLE 11. DISPOSITION OF PERSONAL BELONGS BY MEMORANDUM**

We each have items of tangible personal property that have been transferred to the trust or otherwise subject to the personal representative/trustee's control. The term "personal belongings" or "tangible personal property" will mean and identify personal wearing apparel, jewelry, household furnishings and equipment, motor vehicles, books, albums, artwork, entertainment and sports and recreation equipment and sports vehicles, and all items of decoration or adornment. We each reserve the right to, at any time and from time to time, prepare written instructions as to any living or postmortem gifts of personal belongings, and the trustee will be authorized and obligated to make disposition of these items as reasonably directed by memorandum. The term "memorandum" includes any method of identification such as stickers affixed to one or more items, individual letters to beneficiaries, and photographs of items with the name of a beneficiary upon either side of the photograph.

**ARTICLE 12. CONTINGENT TRUST REQUIREMENTS FOR CERTAIN BENEFICIARIES**

The term "qualifying beneficiary" will identify an individual person



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(1) who is entitled to a partial or final distribution ("liquidating distribution") of property from this trust and whose interest is not otherwise protected by a prescribed trust of that person; and

(2) who has a disability that, in the opinion of the trustee, reasonably precludes his or her prudent management and conservation of his or her own property.

The interest of qualifying beneficiary may, in the sole and absolute discretion of the trustee, be continued as a separate trust for the use and benefit of the qualifying person or until he or she is no longer disabled. For so long as the trust shall exist for contingent trust beneficiary, the trustee shall hold, manage, and make distributions of income and principal for the support, maintenance, health and education of the beneficiary of the trust. The trustee may make an entire distribution of principal to a trust beneficiary if, in the trustee's determination alone, the beneficiary has demonstrated an ability to conserve his or her resources or if it is no longer economically feasible for the trust to continue considering the size of the trust and the time and cost to maintain the trust. A contingent trust beneficiary, with consent of the trustee, may also extend the term of the trust. If the beneficiary dies prior to a final distribution of his or her interest from trust, that person's interest will pass per stirpes to his or her descendants then living, or if none, per stirpes to the descendants of **KIRK FREDERICK WICKLINE** and **VICKI LEE WICKLINE** then living.

**ARTICLE 14. PARTIAL AND FINAL LIQUIDATING DISTRIBUTIONS**

A. **Definitions.** A partial distribution is a liquidating distribution to a beneficiary of less than the whole of the beneficiary's interest or a liquidating distribution that is less than a total and



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final distribution of the whole.

B. **Accounting and Discharge**. The trustee and the personal representative of an estate, in making or in preparing to make a partial or final distribution, may prepare an accounting and may require, as a condition to payment, a written and acknowledged statement from each distributee that the account has been thoroughly examined and accepted as correct; a discharge and release from any loss, liability, claim or question concerning the exercise of due care, skill and prudence of a personal representative/trustee in the management, investment, retention, and distribution of property during a trustee's term of service, except for any undisclosed error or omission having basis in fraud or bad faith; and an indemnity of personal representative, to include the payment of attorney's fees, from any asserted claim of any taxing agency, governmental authority, or other claimant. Any beneficiary having a question or potential claim may require an audit of books and records as an expense of administration. Failure to require the audit prior to acceptance of the report, or the acceptance of payment, will operate as a final release and discharge of the trustee and personal representative except as to any error or omission having basis in fraud or bad faith.

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C. **Permitted Distributions**. Except as otherwise required in this instrument as to distributions in kind, the trustee and the personal representative of an estate, in making or preparing to make a partial or final distribution, will have the authority to: (1) partition any asset or class of assets and delivery divided and segregated interests to beneficiaries; (2) sell any asset or class of assets (whether or not susceptible to partition in kind), and delivered to the beneficiaries a divided interest in the proceeds of sale and/or divided or undivided interests in any note and security arrangement taken as part of the purchase price, and/or (3) deliver



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undivided interests in an asset or class of assets to the beneficiary subject to any indebtedness which may be secured by the property.

D. **Continuation of the Trust Pending Final Liquidation.** The trust is to continue in existence for a time reasonably necessary to conclude the administration, pay expenses of termination, to settle all claims, including potential tax claims or disputes, and to distribute all property to those entitled thereto. Distributions to beneficiaries may be deferred until all claims, including tax claims and disputes, are finally resolved.

E. **Compliance With the Rule Against Perpetuities.** In no event will the term of any trust represented by, or established by, this instrument continue for a term greater than permitted by the law of Texas. The "lives in being" used to measure the application of any term limit will be all of our lineal descendants and all of the descendants of our maternal and paternal grandparents living upon the death of the survivor. Any continuation of the trust by the exercise of a power of appointment will be construed as the creation of a separate trust and an extension of the Rule Against Perpetuities to the extent permitted by law. A court of competent jurisdiction is to liberally construe and apply this provision to validate an interest consistent with settlor's intent and may reform or construe an interest according to the doctrine of *cy pres*.

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**ARTICLE 14. PAYMENT OF DEBTS, TAXES, SETTLEMENT COSTS, ELECTIONS**

The following directions concern the payment of debts, taxes, estate settlement costs, and the exercise of any election permitted by governing law or by the Internal Revenue Code. The personal representative of an estate subject to probate and the trustee of this trust (collectively called the "personal representative") may act jointly and may treat the property of the estate subject to probate



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and the property held in trust as one fund for the purpose of paying debts, taxes, estate settlement costs, and the making of elections. The probate estate and the trust estate are called collectively "the estate". The term "residuary estate" will mean the rest and residue of the estate remaining after allowance for the payment of specific bequests or gifts, as applicable.

A. **Payment of Indebtedness and Settlement Costs.** The personal representative will have the discretionary authority to pay from the estate all costs reasonably and lawfully required to settle the estate and any trust. The personal representative is under no obligation to prepay an indebtedness payable in installments or which is not then due and payable. Unless otherwise provided, indebtedness and settlement costs will be paid first from the residuary estate and, if the residuary estate is insufficient, will be prorated among any specific gifts and bequests. Unless otherwise directed, if property given as a specific bequest or gift is subject to a mortgage or other security interest, the designated recipient of the property will take the asset subject to the obligation and the recipient's assumption of the indebtedness upon distribution of the asset to the recipient. The obligation to be assumed will be the principal balance of the indebtedness on date of death, and the estate will be entitled to reimbursement or offset for principal and interest payments paid by the estate to date of distribution.

B. **Elective Deductions.** The personal representative will have the discretionary authority to claim any obligation, expense, cost or loss as a deduction against either estate tax or income tax, or to make an election provided by governing law, the Internal Revenue Code, or other applicable law, and the personal representative's decision will be conclusive and binding upon all interested parties and shall be effective without obligation to make an equitable adjustment or apportionment between or among the beneficiaries of the estate.



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C. **Apportionment.** Unless otherwise provided in this instrument or in any amendment to this instrument, estate, inheritance, succession, or other similar tax shall be charged to and apportioned to those whose gifts or distributive share generate a death tax liability by reason of death or by reason of a taxable distribution or a taxable termination. To the greatest extent possible, the personal representative may pay and deduct from a beneficiary's distributive share (whether the distribution is to be paid outright or is to be continued in trust) the increment in taxes payable by reason of a required distribution or termination of interest (i.e., estate, gift, inheritance, or generation skipping taxes) to the extent that the total of such taxes payable by reason of a distribution or termination is greater than the tax which would have been imposed if the property of the trust subject to the distribution or termination of interest had not been taken into account in determining the amount of such tax. Any increase in the estate, inheritance, succession, or other similar transfer tax caused by the inclusion of prior taxable gifts under Section 2001 of the Internal Revenue Code is to be paid from the residuary of the estate and/or trust of a decedent.

Unless there are specific directions to the contrary, any transfer that is deductible under Internal Revenue Code Sections 2055 or 2056 is to pass free of any burden to pay an aliquot share of the transfer tax or an aliquot share settlement costs.

To the extent a tax liability results from the distribution of property to a beneficiary other than under this instrument, the personal representative will have the authority to reduce any distribution to the beneficiary by the amount of the tax liability apportioned to the beneficiary, or if the distribution is insufficient, the personal representative will have the



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authority to proceed against the beneficiary for his, her, or its share of the tax liability. In making an allocation, the personal representative may consider all property included in the gross estate for federal estate tax purposed, including all property subject to probate, all amounts paid or payable to another as the result of death, including life insurance proceeds, proceeds from a qualified retirement plan or account, proceeds from a joint and survivorship account with a financial institute or brokerage company, proceeds from a buy-sell or redemption contract, and/or any other plan or policy which provides for a payment of death benefits. This provision further contemplates and includes any tax that results from the inclusion of a prior transfer in the federal gross estate even though possession of the property previously transferred is vested in someone other than decedent, decedent's estate or any trust, or decedent's personal representative. This provision does not include a reduction in the unified credit by reason of taxable gifts previously made. If the personal representative determines that the collection of an apportioned tax liability against another is not economically feasible or probable, the tax liability will be paid by the estate and will reduce the amount distributable to the residuary beneficiaries. The personal representative's judgment with regard to the feasibility of collection is to be conclusive.

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**ARTICLE 15. LIMITATIONS UPON ASSIGNMENT**

The following limitations apply to the interest of any beneficiary whose interest in the trust and an estate is irrevocable or contingent and these limitations will apply until a final outright distribution of cash and other property is made to the beneficiary.

(1) A beneficiary may **not** sell or hypothecate any income or remainder interest in the trust.

(2) The interest of a beneficiary may **not** be transferred to satisfy the claims of creditors



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or be subject to attachment, execution or other process of law.

**ARTICLE 16. GENERAL AUTHORITY OF THE TRUSTEE**

The trustee will have all authority, rights, and obligations prescribed by the trust laws of Texas or any other governing jurisdiction. The trustee has the authority to retain, manage, and conserve property in the form originally transferred and without the requirement that the property be liquidated in order to produce a diversification of investment because the property is non-income producing or produces an inadequate return on investment because the value of the property as an investment is speculative in nature. The trustee may refuse to accept property that has a high degree of liability exposure or, upon discovery of the risk of ownership, may immediately dispose of the property at the best price obtainable for an immediate or quick sale.

The trustee has the unrestricted authority to sell assets and to partition assets. The trustee will have the authority to reinvest the proceeds of sale, including the acquisition of partial interests in property and the equity of a closely held company or partnership.

The trustee then serving may contract for and close any transaction as the authorized representative(s) of the trust without the requirement that any beneficiary join in the execution of the transaction or closing documents or otherwise consent to the transaction.

Any person, title company, brokerage company, or other entity dealing with the trust may rely, without liability, upon the affidavit of a trustee that states:



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On my oath, and under the penalties of perjury, I swear that I am the duly appointed and authorized trustee of KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE LIVING TRUST. I certify that I have not been removed as trustee and have the authority to act for, and bind, the KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE LIVING TRUST in the transaction of the business for which this affidavit is given as affirmation of my (our) authority.

_____
Signature Line

Sworn and subscribed before me, the undersigned authority, by _____ this _____ day of _____, 2007.

_____
Notary Public

In addition to other protection given to the trustee in this instrument, a trustee will not be liable to any beneficiary for any loss of income or depreciation in the value of an investment or transaction of business if the trustee fully disclose(s) the terms of any proposed or pending transaction to a beneficiary that gives the beneficiary sufficient opportunity to examine the details of the transaction and to object to the transaction in a timely manner.

**ARTICLE 17. SPECIFIC INVESTMENT AND TRANSACTION AUTHORITY**

The trustee has the authority to retain, manage, and conserve property in the form originally transferred. The trustee may refuse to accept property that has a high degree of liability exposure or, upon discovery of the risk of ownership, may immediately dispose of the property at the best price obtainable for an immediate or quick sale.

Investments may be held and acquired without any limitation or standard that: (1) requires diversification of investment and risk of investment, including investments involving a prudent



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speculation that the value of an investment or a cash flow from an investment will increase over time; (2) precludes a trust from participating in closely held business and investment ventures and in acquiring an ownership position in a company, partnership, or other venture that is not registered fro sale to the general public and that is subject to contractual restrictions that limit the marketability and transferability of an equity interest; or (3) limits the authority of a trustee to acquire, hold or own non-income producing property.

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Cash or the equivalent of cash contributed or acquired must be invested. The trustee, however, is permitted to retain a reasonable amount as a cash or money market reserve to pay anticipated expenses and other costs and/or to provide for anticipated distributions to or for a beneficiary.

The trustee may:

(1) Acquire, exchange and sell property, tangible and intangible, including any sale or exchange that is "subject to" or "in assumption of" an existing indebtedness or, in selling property, may sell property in while or in part for a secured promissory obligation.

(2) Acquire, exchange, sell, transfer and exercise options to purchase tangible and intangible property of any kind, and acquire, hold, partition and dispose of undivided interests in property.

(3) Make any payment, receive any money, take any action, and make, execute, deliver and receive any contract, deed, instrument or document that is reasonable and necessary and incident to any transaction permitted by this instrument.

(4) Lend money upon such terms and conditions that are considered to be reasonable and prudent under the circumstances then existing.

(5) Borrow money, especially asset acquisition indebtedness, and may pledge all or any part of the assets as collateral security for the payment of an obligation.

(6) Invest in publicly traded securities by direct or indirect traders, including stocks, bonds, warrants, futures, mutual funds, partnerships, real estate investment trusts, diversified asset funds, including international investments and investment funds. Direct or indirect trading on margin is permitted. The purchase and sale of options and put rights is permitted. For the purpose of this instrument, a "put" is an option contract that gives the owner the right to force the sale of a certain number of



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securities at a specified price on or before a specified date.

(7) Invest in obligations of the United States government or of any other nation or political subdivision thereof.

(8) Invest in cash deposit accounts, money market funds, brokerage company investment and money market accounts, certificates of deposit, savings accounts, and checking accounts, without limitation as to the location of the account or depository.

(9) Invest in promissory notes, secured and unsecured, including mortgage notes purchased at a discount.

(10) Invest in real estate, improved and unimproved, including non-income producing property held for potential appreciation in value, for development, or for rental.

a. The trustee may sell, convey, release, mortgage, encumber, lease, partition, improve, manage, protect, and subdivide real property or any interests therein or parts thereof and may dedicate for public use or vacate any subdivision or parts thereof.

b. The trustee may partition or exchange real property, or any part thereof, for other real or personal property, convey easements or charges of any kind, release, convey or assign any right, title or interest in or to the property or alter, repair, add to or take from building on the premises, purchase or hold real property, improved or unimproved.

c. The trustee may at as trustee of any land trust in which the trust has an ownership interest and may convey title to the real estate subject to a land trust. The trustee may execute all documents pertaining to the property subject to the land trust and act in all matters regarding the land trust. The trustee may execute assignments of all or any part of the beneficial interests in a land trust.

(11) Hold and/or acquire property held for agricultural production (include any land held in a governmental program or in recovery for future production) even though agricultural property constitutes all or a large part of the property of the trust and even though the agricultural use value of the land is less than the potential income and principal value of stocks, bonds, and other alternative investments available in the public marketplace.

a. The trust may engage in agricultural operations or may cash lease or share lease the land to others for agricultural production.

b. The trust may maintain, repair and improve the land and may acquire, maintain, repair any and all equipment reasonably necessary for agricultural production. The personal representative/trustee may acquire all resource



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materials, inventory and supplies necessary to conduct an agricultural operation.

(12) Invest in minerals, mineral rights and working interests in mineral producing property or any such property held for future development or production. This authority includes the power to purchase and/or lease, including the lease or sale of rights for the exploration for the removal of gas, oil and all other minerals.

(13) Invest in, and own, equipment, implements, stock in trade, leasehold improvements, and other property reasonably necessary for the conduct and continuation of any business or investment activity.

(14) Invest in annuities and insurance policies, including life insurance policies. This authority includes an investment in any policy of life insurance under a split-dollar plan or other plan that provides for a co-ownership position in a life insurance policy.

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(15) Invest in equity investments in a closely held corporation, partnership, limited liability company or investment trust, whether registered or not registered for public sale. The trust may serve as general partner of a limited partnership or the managing partner of a general partnership or the managing member of a limited liability company.

(16) Enter into a contract, restrictive covenant, or other agreement which has a term or period of performance that may continue beyond the duration of this trust.

(17) Own and hold property in any jurisdiction.

**ARTICLE 18. INCIDENTAL AUTHORITY**

A trustee will have any and all authority incident to the ownership, management and conservation of the property of the trust including:

(1) The right to insure the property against loss, including hazard and liability insurance and umbrella coverage.

(2) The right to manage and control the property.

(3) The right to lease the property.

(4) The right to repair, maintain, conserve and improve the property.

(5) The right to pay all taxes and tax assessments when due.

(6) The right to aggressively defend the trust from any and all claims.



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(7) The right to aggressively prosecute any and all claims.

(8) The right to participate in any process of the non-judicial resolution of claims including mediation and arbitration, without speculation that a better or improved result could or would have been realized in a judicial proceeding.

(9) The right to prepare and file all required tax returns and reports. The trustee may sign any waiver, consent to any extension of any period for assessment or collection of any tax, settle or compromise any tax liability, and execute any closing agreement.

(10) The right to borrow money and to establish a line of credit, secured and unsecured as is reasonable and appropriate to the need of the trust for cash and for leverage. As an incident to borrowing, the trustee may pledge all or any part of the assets of the trust to secure the payment of an obligation.

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(11) The right to aggressively pursue, negotiate, defend and prosecute any and all tax claims by or against the trust.

(12) To vote any interest held by the trust in a corporation, partnership, limited liability company, business or investment trust or other enterprise in which the trust may have, or may acquire, an ownership interest.

Without limiting the generality of a trustee's authority, the trustee may perform any other action, or may withhold performance, reasonably necessary to manage and conserve the property in the best interest of the beneficiaries.

## ARTICLE 19. EMPLOYMENT OF ADVISORS, COUNSEL, AGENTS

The trustee may employ, as an expense of administration, advisors and service providers the trustee considers necessary and appropriate to administer the trust. These advisors and service providers include (without expressly excluding others):

(1) A qualified manager for all or any part of the assets governed by this instrument—delegating to the manager such rights and responsibilities as are reasonably necessary to administer and manage the assets placed under a management or agency contract.

(2) Legal and tax advisors and counsel, including trial counsel.

(3) Investment advisors and brokers, including the delegation of investment authority to a qualified investment advisor or agent.



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(4) Accounting professionals, including those who provide tax preparation services.

(5) Custodial agents having the authority to hold the investments governed by this instrument.

(6) Real property, business, and other kinds of appraisers.

(7) Mental health professionals with regard to the health and welfare of a beneficiary and/or as an advisor as to the resolution of conflicts in the family.

(8) Mediators and arbitrators to assist with the resolution of any conflict, dispute or disagreement.

(9) Environmental experts with regard to the investment or ownership of property governed by this instrument.

The trustee may rely, without liability, upon the appraised fair market value of an asset or liability obtained from an appraiser qualified by experience and training to value the asset or liability in question. The trustee may obtain the opinion of legal and tax counsel concerning the interpretation, construction or effect of any provision of this instrument, or concerning any dispute or disagreement with regard to administration and settlement. The trustee is authorized, subject to any directions of a court of competent jurisdiction to the contrary, to act in accordance with and in reliance upon the opinion of counsel.

A trustee or any other person or agency having a fiduciary relationship will never be liable to the trust, to any beneficiary, or to any third party, for any act or decision if:

(1) As to tax matters, the fiduciary relied upon the advice of tax counsel.

(2) As to legal matters, the fiduciary relied upon the advice of legal counsel.

(3) As to investment matters, the fiduciary relied upon the advice of an investment advisor.

(4) As to life insurance matters, the fiduciary relied upon the advice of a life underwriter.



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(5) As to general insurance matters, the fiduciary relied upon the advice of a qualified insurance advisor.

(6) As to valuation matters, the fiduciary relied upon the valuation opinion or report of a qualified appraiser.

A fiduciary will never be liable to the trust nor to any beneficiary for any act or decision if the fiduciary did not realize an economic benefit or personal gain from the transaction, action or decision. A fiduciary's right to ordinary and reasonable compensation, and the payment of, or the receipt of, ordinary and reasonable compensation is **not** an act of self-dealing.

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**ARTICLE 20. MATTERS PERTAINING TO AN INCOMPETENT OR INCAPACITATED BENEFICIARY**

Distributions to an incompetent or incapacitated beneficiary may be made by the trustee using any one or more of the following methods: (a) direct payments to such beneficiary; (b) payments to his or her guardian or legal representative (including a personal representative under a durable power of attorney); (c) payments to any person with whom he or she is residing; (d) payments to some near relative or close friend who has assumed the responsibility for the primary care of the beneficiary; or (e) payment or application of payment by the trustee for the care, support and maintenance of the beneficiary. A person is to be considered as "incompetent" if he or she cannot reasonably and diligently tend to financial, business, investment and tax matters because of any physical or mental limitation produced by age (the age of legal consent), illness, accident or other cause. A personal representative under a durable power of attorney, guardian, custodian or a near relative who has assumed the responsibility for the primary care of the beneficiary may:

(1) Receive all notices, accountings, and other information that the trustee is required to deliver to a beneficiary.

(2) Demand any accounting, report, or action that any beneficiary may require.



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(3) Give a binding written consent, waiver, or other instrument required of a beneficiary.

Any receipt of notice by a representative of a minor, incompetent or incapacitated beneficiary or action by a representative made in good faith will bind the minor, incompetent or incapacitated beneficiary.

**ARTICLE 21. ACCOUNTING**

The accounting period will be the calendar year. The accounting method will be on a cash basis (as opposed to accounting on an accrual basis). Assets governed by this instrument may be carried at historical cost. The trustee shall:

(1) Be responsible for the timely preparation and filing of tax returns and tax information reports required by applicable state and federal law without joinder by any beneficiary.

(2) Maintain accurate books of account, in keeping with generally accepted accounting principles, of all transactions pertaining to the property governed by this instrument, showing all disbursements, charges for services by a trustee, receipts of principal and income, and all investments and reinvestment of property, and a record of undistributed income. The trustee is to maintain records of the cost or other basis of assets and may report the values of assets at historical cost basis.

(3) Deliver to any beneficiary an accounting and copies of tax returns and reports upon reasonable demand therefore. The cost of preparation and delivery of accounting reports is to be an expense of administration.

The financial records shall be open for inspection at all reasonable times by a beneficiary and/or by a beneficiary's designated personal representative or legal representative.

**ARTICLE 23. JURISDICTION**

Any issue of law or fact pertaining to the creation, continuation, administration, and termination under the requirements of this instrument, or any other matter incident to this instrument, is to be



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determined under Texas law. If an article or subsection of this instrument is in conflict with a prohibition of the laws of a governing jurisdiction, the article or subsection, or this instrument as a whole, is to be construed in a manner that will result in a compliance with the law and in a manner that will result in the least amount of taxes and estate settlement costs. The governing jurisdiction for administration may be changed, without judicial approval: (1) to accommodate the change of the domicile of the principal beneficiaries of the trust; (2) to accommodate a change of trustee or the addition of one or more trustee; (3) to enhance the jurisdictional protection of the assets of trust and the interests of the beneficiaries insofar as the trust has sufficient jurisdictional contact with the jurisdiction of choice; and/or (4) to reduce the potential income, estate, inheritance, gift and property tax burden to the estate and trust insofar as the estate and trust have sufficient jurisdictional contacts with the jurisdiction of choice.

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**CONCLUSION AND ATTESTATION**

This instrument will obligate and bind the heirs, successors, assigns, and personal representatives of **KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE** and any person who receives, or is to receive, or who claims, any benefit under the terms of this instrument. The acceptance of any distribution or other benefit under the terms of this instrument by any person will obligate that person to exactly comply with the terms and conditions of this instrument. Any person or organization designated as a personal representative/trustee, and who accepts duties of office, will be bound in his, her or its fiduciary capacity alone. This instrument is to be effective upon the date recorded immediately below.



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Dated and effective: 09/13/07

KIRK FREDERICK WICKLINE

VICKI LEE WICKLINE

| | |
|---|---|
| Signature of Witness | Signature of Witness |
| TREVOR WOODHOUSE | Maria Bione |
| Printed Witness Name | Printed Witness Name |
| 3020 CLIFFORD ST | 310 Pacific Str. |
| Texas, TX 77511 | Houston, TX 77006 |
| Address | Address |



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STATE OF TEXAS §
§
COUNTY OF HARRIS §

Before me, the undersigned authority, on the 13th day of September of the year of 2007 personally appeared **KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE** (called "Principal" in the singular, whether one or more) and the following persons as witness:

Trevor Woodhouse and Maria Bione
(called "witnesses").

I confirmed the identity of each individual Principal and the witnesses on the basis of satisfactory documentary evidence.

Each individual Principal acknowledges that the instrument entitled KIRK FREDERICK WICKLINE LIVING TRUST and VICKI LEE WICKLINE LIVING TRUST (called "instrument"), was signed for the purposes and for the consideration therein expressed. Each individual Principal of free will, act and deed, and without duress.

Each of the witnesses declared under oath said in the presence of and hearing of each individual Principal and in my presence:

- that each individual Principal signed the instrument in our presence and that we signed the instrument as witnesses at the request of each individual Principal and in the presence and hearing of each individual Principal;
- that each individual Principal acknowledged and declared to me and to the witnesses that the instrument was executed to be binding and effective as a contract and a trust;
- that each individual Principal was at the time of execution at least eighteen years of age and appeared to be of sound mind; and
- that each witness was then at least eighteen years of age.

KIRK FREDERICK WICKLINE, Affiant

VICKI LEE WICKLINE, Affiant

Witness

Witness

Subscribed and sworn to before me by each individual Principal and by the witnesses this date.

Notary Public

BECKY S. MAIER
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
APRIL 1, 2011

33

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A Certified Copy
Attest: 11/21/2014
**Stan Stanart, County Clerk**
Harris County, Texas

Deputy
Krystal Chavez

PROBATE COURT NO.3 OF HARRIS COUNTY, TEXAS

20140512:P0160

STATE OF TEXAS §
§
COUNTY OF HARRIS §

Before me, the undersigned authority, on the 13th day of September of the year of 2007 personally appeared KIRK FREDERICK WICKLINE (called "Testator") and the following persons as witness: Trevor Woodhouse and Maria Bion (called "witnesses").

I confirmed the identity of Testator and the witnesses on the basis of satisfactory documentary evidence.

Testator acknowledges, states, and declares that the instrument titled the KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE LIVING TRUST and the **Last Will and Testament** of KIRK FREDERICK WICKLINE (called "instrument"), is his Last Will and Testament. Testator declared to me and to the witnesses, in my presence, that the instrument has been executed by Testator of his free will, act and deed, and without duress.

Each of the witnesses declared under oath said in the presence of and hearing of Testator and in my presence:

- that Testator signed the instrument in our presence and that we signed the instrument as witnesses at the request of Testator and in the presence and hearing of Testator;
- that Testator acknowledged and declared to me and to the witnesses that the instrument was executed to be binding and effective as his Last Will and Testament;
- that Testator was at the time of execution at least eighteen years of age and appeared to be of sound mind; and
- that each witness was then at least eighteen years of age.

FILED
2014 APR -8 AM 10
Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

KIRK FREDERICK WICKLINE,
Affiant and Testator

Witness

Maria Bion
Witness

Subscribed and sworn to before me by Principal and by the witnesses this date.

Becky S. Maier
Notary Public

BECKY S. MAIER
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
APRIL 1, 2011



Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 11/21/2014
**Stan Stanart, County Clerk**
Harris County, Texas

Krystal Chavez
Deputy
Krystal Chavez

PROBATE COURT NO.3 OF HARRIS COUNTY, TEXAS

05142014:1512:P0161

STATE OF TEXAS §
§
COUNTY OF HARRIS §

Before me, the undersigned authority, on the 13th day of September of the year of 2007 personally appeared **VICKI LEE WICKLINE** (called "Testator") and the following persons as witness: Drew Woodhouse and Maria Bravo (called "witnesses").

I confirmed the identity of Testator and the witnesses on the basis of satisfactory documentary evidence.

Testator acknowledges, states, and declares that the instrument titled the KIRK FREDERICK WICKLINE and VICKI LEE WICKLINE LIVING TRUST and the **Last Will and Testament** of VICKI LEE WICKLINE (called "instrument"), is her Last Will and Testament. Testator declared to me and to the witnesses, in my presence, that the instrument has been executed by Testator of her free will, act and deed, and without duress.

Each of the witnesses declared under oath said in the presence of and hearing of Testator and in my presence:

- that Testator signed the instrument in our presence and that we signed the instrument as witnesses at the request of Testator and in the presence and hearing of Testator;
- that Testator acknowledged and declared to me and to the witnesses that the instrument was executed to be binding and effective as his Last Will and Testament;
- that Testator was at the time of execution at least eighteen years of age and appeared to be of sound mind; and
- that each witness was then at least eighteen years of age.

Vicki Lee Wicki
VICKI LEE WICKLINE,
Affiant and Testator

Witness

Maria Bravo
Witness

Subscribed and sworn to before me by Principal and by the witnesses this date.

Becky S. Maier
Notary Public

BECKY S. MAIER
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
APRIL 1, 2011



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Harris County, Texas
Krystal Chavez
Krystal Chavez Deputy

PROBATE COURT NO.3 OF HARRIS COUNTY, TEXAS

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FILED PROBATE COURT #3

No. 429757

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RICHARD R. ROOKER, CLERK

| | | |
|---|---|---|
| IN THE ESTATE OF | § | IN THE PROBATE COURT |
| | § | |
| VICKI L. WICKLINE, | § | NO. THREE (3) |
| | § | |
| DECEASED | § | HARRIS COUNTY, TEXAS |

D.C.

**ORDER PROBATING WILL AND AUTHORIZING LETTERS TESTAMENTARY**

On this day came on to be heard the Application filed herein by Kirk Wickline on March 27, 2014, for the probate of the Will of **VICKI LEE. WICKLINE**, hereinafter called Decedent, and for the issuance of Letters Testamentary.

The Court, after having heard and considered the evidence, finds that legal notices of the filing of said Application have been issued and posted in the manner and for the length of time required by law, and no one came to contest same; and it further appearing that said Will was executed on September 13, 2007 with the formalities and solemnities and under the circumstances required by law to make it a valid Will, was self-proved according to law during the lifetime of said Decedent; that such Will has not been revoked by Decedent; that Decedent died at Houston, Harris County, Texas on August 5, 2013; that this Court has jurisdiction and venue over the estate because Decedent was domiciled in Texas and had a fixed place of residence in Harris County, Texas at the time of her death; that four years have not elapsed since the death of Decedent or prior to the said Application; that a necessity exists for the administration of this estate; that no state, governmental agency of the state, nor charitable organization is named by the Will as a devisee; that Decedent's Will named Kirk Wickline to serve as Independent Executor to act independently without bond or other security, and the said Kirk Wickline is not disqualified by law from serving as such or from accepting Letters Testamentary, and would be entitled to such letters.

20140603 1557 P0068

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A Certified Copy
Attest: 11/21/2014
**Stan Stanart, County Clerk**
Harris County, Texas

Krystal Chavez Deputy

Krystal Chavez

PROBATE COURT NO.3 OF HARRIS COUNTY, TEXAS

EXHIBIT B

0603201411557; P0069

**IT IS THEREFORE ORDERED AND DECREED** by the Court that said Will is hereby proved and established and admitted to probate and recorded as the **LAST WILL AND TESTAMENT** of said **VICKI L. WICKLINE**, Deceased, and that Kirk Wickline be, and is hereby appointed Independent Executor of said Will and Estate without bond.

**IT IS FURTHER ORDERED** by the Court that Letters Testamentary upon the Will and Estate of **VICKI L. WICKLINE**, Deceased, be and the same are hereby granted, that the Clerk shall issue said Letters Testamentary to Kirk Wickline, as Independent Executor, when qualified according to law, and that no other action shall be had in this Court other than the return of an Inventory, Appraisement and List of Claims as required by law. No interested person has filed an application for the appointment of appraisers, and appointment of appraisers by the Court is waived. ✓308.001 Notice qu

**SIGNED** this 14 day of May, 2014.

Georgia Rees
**JUDGE PRESIDING**

**APPROVED AS TO FORM:**

May 22, 2014
Date

Judge Kelly R. Olsen

Frank Svetlik
Attorney for Estate
State Bar No.: 19542500
One Riverway, Suite 1700
Houston, Texas 77056
Telephone: (713) 840-8888
Facsimile: (713) 893-4811

FILED
2014 MAY 14 AM 10 16
Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

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A Certified Copy
Attest: 11/21/2014
**Stan Stanart, County Clerk**
Harris County, Texas
Krystal Chavez
Krystal Chavez Deputy

PROBATE COURT NO.3 OF HARRIS COUNTY, TEXAS

**AFFIDAVIT**

**I, William Timothy Hill, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.**

**William Timothy Hill**
**PRICE, HILL & KOLARICH**
**201 4th Avenue North, Suite 1800**
**Nashville, TN 37219**
**(615) 256-1577**

**State of Tennessee )**
**)**
**County of Davidson )**

**Personally appeared before me, Phyllis Ashby, a notary public for this county and state, (William Timothy Hill) who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.**

PHYLLIS ASHBY NOTARY PUBLIC STATE OF TENNESSEE DAVIDSON COUNTY

**Notary Public**

**MY COMMISSION EXPIRES:** September 11, 2017