Pour-Over Will
of
Roderic Stephen Sims

I, Roderic Stephen Sims, a resident of Alameda County, California, revoke any prior Wills and codicils made by me and declare this to be my Pour-Over Will.

Article One
Family Information

Karen Johnson Davidson County
Batch# 663669 WILL
06/24/2021 09:52:55 AM 8 pgs
Fees: $42.00 Taxes: $0.00
20210624-0085507

I am unmarried.

I have two children. Their names are:

Nikkida Shiree Sims-Tinsdale and

Dest-Tonie ToShana Unique Sims.

All references in my Will to *my children* are to these children.

But, I am specifically disinheriting Dest-Tonie ToShana Unique Sims and her descendants. Therefore, for the purposes of my Will, Dest-Tonie ToShana Unique Sims and her descendants will be considered to have predeceased me. RSS

Article Two
Distribution of My Property

Section 2.01 Pour-Over to My Revocable Living Trust

I give all of my probate estate, excluding any property over which I have a power of appointment, after expenses and taxes are paid under this Will, to the then-acting Trustee of the Roderic Stephen Sims Revocable Trust dated April 10, 2019 and executed before this Will, to be added to the property of that trust. I direct that the Trustee administer the property according to the trust and any amendments made prior to my death.

Section 2.02 Alternate Disposition

If the trust referred to in Section 2.01 is not in effect at my death, or if for any other reason the pour over fails, I specifically incorporate by reference all the terms of the trust into this Will. I direct my Executor to then establish a new trust under the provisions of that trust and distribute the remainder of my estate, excluding any property over which I have a power of appointment, to that Trustee to administer as provided in the trust.

If incorporation by reference fails for any reason, I direct my Executor to distribute the remainder of my estate, excluding any property over which I have a power of appointment as follows:

Beneficiary	Share
Jayce Tisdale	50%
Nikkida Shiree Sims-Tinsdale	25%
Sheppora Tylana White	15%
Nikida White	5%
Lemuel Dee Sims	5%

Article Three
Designation and Succession of Fiduciaries

Section 3.01 Executor

I nominate Sheppora Tylana White as my Executor. If Sheppora Tylana White is unwilling or unable to act as my Executor, I nominate Nikkida Shiree Sims-Tinsdale as my successor Executor.

Article Four
Executor Powers

My Executor may, without prior authority from any court, exercise all powers conferred by my Will, by common law, or by the California Probate Code, Division 7, Part 5, beginning with Section 9600 or other statute of the State of California or any other jurisdiction whose law applies to my Will. My Executor has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Article Five
Administrative Provisions

Section 5.01 Court Proceedings

Any trust established under my Will will be administered in a timely manner; consistent with its terms; free of active judicial intervention; and without order, approval, or other action by any court. The trust will be subject only to the jurisdiction of a court being invoked by the Trustees or by other interested parties, or as otherwise required by law.

Section 5.02 No Bond

I direct that no Executor be required to give any bond in any jurisdiction. But if a bond is required by law or by court determination, no sureties will be required on the bond.

Section 5.03 Compensation and Reimbursement

Any fiduciary serving under my Will is entitled to reasonable compensation commensurate with services actually performed. In addition, any fiduciary serving under my Will is entitled to reimbursement for reasonable expenses incurred.

Article Six
Taxes, Claims, and Expenses

Section 6.01 Payment of Death Taxes, Claims, and Expenses

The Trustee of the Roderic Stephen Sims Revocable Trust is authorized to pay expenses incurred for my funeral and for the disposition of my remains, claims against my estate, and expenses of estate administration. Accordingly, I direct my Executor to consult with the Trustee to determine which expenses and claims should be paid by my Executor from property passing under my Will, and which expenses and claims should be paid by the Trustee from the Roderic Stephen Sims Revocable Trust.

I direct my Executor to follow any instructions contained in the Roderic Stephen Sims Revocable Trust in making any tax elections, including the allocation of my GST Exemption. My Executor will suffer no liability for making or not making any tax election in good faith to any person, including any person not yet in being, whose interest may have been affected.

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Any taxes imposed on property passing under and outside my Will because of my death will be apportioned and paid under the provisions of the Roderic Stephen Sims Revocable Trust, and I incorporate the tax apportionment provisions of the Roderic Stephen Sims Revocable Trust as part of my Will.

No death taxes may be allocated to or paid from property that is not included in my gross estate for federal estate tax purposes, or that qualifies for the federal estate tax charitable deduction.

Section 6.02 Tax and Administrative Elections

My Executor may exercise any available elections under any applicable income, inheritance, estate, succession, or gift tax law.

Article Seven
General Provisions

Section 7.01 Adopted and Afterborn Persons

A legally adopted person in any generation and that person's descendants, including adopted descendants, have the same rights and will be treated in the same manner under this Will as natural children of the adopting parent if the person is legally adopted before turning 18 years old. If an adoption was legal in the jurisdiction it occurred in at that time, then the adoption is considered legal.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

Section 7.02 Applicable Law

The validity and construction of my Will will be determined by the laws of California.

Section 7.03 Contest Provision

If any person directly or indirectly attempts to oppose the validity of my Will or my Revocable Living Trust, including any amendments to my trust, or commences, continues, or prosecutes any legal proceedings to set my Will or Revocable Living Trust aside, then that person will forfeit his or her share, will cease to have any right or interest in my property, and will be considered to have predeceased me for the purposes of my Will.

But during any period in which the laws of the State of California govern the applicability or validity of this provision, Section 21311 of the California Probate Code will apply, and my Executor may only enforce this provision against any of the following types of contests:

a direct contest brought by any beneficiary without probable cause;

any pleading by any beneficiary to challenge a transfer of property on the grounds that the transferor did not own the property at the time of the transfer; and

any filing of a creditor's claim or prosecution of any action based on the filing of such a claim.

The terms *direct contest*, and *pleading* have the same meanings as set forth in Section 21310 of the California Probate Code. My Will and any trusts created under my Will are *protected instruments* as provided in Section 21310(e) of the California Probate Code.

Section 7.04 Construction

Unless the context requires otherwise, words denoting the singular may denote the plural, and words indicating the plural may denote the singular. As the context requires, words of one gender may denote another gender.

Section 7.05 Headings and Titles

The headings and paragraph titles are for reference only.

Section 7.06 Shall and May

Unless otherwise specifically provided in this document or by the context in which used, the word *shall* is used to impose a duty or to command, direct, or require, and the word *may* is used to allow or permit, but not require. In the context of the Trustee or my Executor, the word *shall* is used to impose a fiduciary duty on the Trustee or my Executor. When I use the word *may*, I intend to empower the Trustee or my Executor to act with sole and absolute discretion unless otherwise stated in this document.

Section 7.07 Survivorship

For purposes of this Will, any beneficiary will be deemed to have predeceased me if the beneficiary dies within 30 days after my death.

Section 7.08 Severability

If any part of this instrument is determined to be void or invalid, the remaining provisions will continue in full force and effect.

I, Roderic Stephen Sims, sign my name to this instrument on April 10, 2019 and do declare that I sign and execute this instrument as my Pour-Over Will, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence. I ask the persons who sign below to be my witnesses.

Roderic Stephen Sims

Each of us declares under penalty of perjury under the laws of the State of California that on the day and year written below, Roderic Stephen Sims, published and declared this instrument to be his Pour-Over Will, that he signed this Will in our presence, that each of us, in his presence and at his request, and in the presence of each other, have signed our names as attesting witnesses. We also declare that each of us is now more than eighteen years of age, is a competent witness, and resides at the address set forth after his or her name.

We also declare that at the time of our attestation of this Will, Roderic Stephen Sims was, to our best knowledge and belief, of sound mind and memory, eighteen years of age or older, and that this Will was not procured by duress, menace, fraud, misrepresentation, constraint or undue influence.

Executed on April 10 in the County of Contra Costa, California.

John V. DiAna, Witness
2875 Spring Creek Lane
Walnut Creek, California 94598

Deborah Taylor, Witness
2875 Spring Creek Lane
Walnut Creek, California 94598



SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA
The foregoing instruments are true and correct copies of the original on file in this office

ATTEST: APR 26 2021

CLERK OF THE SUPERIOR COURT
By _____ Deputy

23505451

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Probate Clerk's Office
Berkeley Courthouse • 2120 Martin Luther King, Jr. Way, Berkeley, CA 94704

WYNNE CARVILL
Presiding Judge

CHAD FINKE
Executive Officer

CARYN DOWNING
Director

COVERSHEET

Received:	***For Court Use Only***
RECEIVED ALAMEDA COUNTY NOV 1 3 2020 CLERK OF THE SUPERIOR COURT By Patricia Williams Deputy ***(Pursuant to PrC 8200)***	

Case No.: RP20 080078

ORIGINAL WILL RECEIVED
W/CODICIL: YES [ ] NO [X]

Will of: SIMS (Last Name) **RODERIC STEPHEN** (First)