

POUR OVER WILL

I, Charles Smith  
Residing at :  
1122 Manchester Blvd  
Waco , County of , Valey  
State of Texas  
Herein referred to as Testator

hereby Appoint

Peter Miller.  
Residing at :  
2112 1st Street  
San Antonio , County of , Alamo  
State of Texas  
hereinafter called the Executor

I, Charles Smith, being of sound mind and in the contemplation of the certainty of death, do hereby declare this instrument to be my last will and testament.

II. I hereby revoke all previous wills and codicils.

III. I hereby direct that the disposition of my remains be as follows:

to be decided by executor

IV. I hereby give all the rest and residue of my estate to Henry Summerlin, 3223 4th avenue, New York, New York , the Executor of the Living Trust, solely to be held in trust and used for the purposes stated within the trust.  
The executor shall have the following powers

(a) Full power and authority to do any and all things necessary for the complete administration of my estate, by public or private transaction, and without court order or approval; to keep intact in its original form, or sell, convey and convert into cash the whole or any part of my estate, real and personal;

(b) To exchange, improve, repair, pledge, mortgage, lease for any term whatsoever, and otherwise dispose of and deal with any part, or all, of my estate;

(c) To carry on, as long as and in such manner as appropriate, any business enterprise in which I owned any interest and to collect the income, rents, and profits therefrom and reinvest these sum in an appropriate manner

(d) To borrow money with or without security;

(e) To settle and handle any and all claims, either in favor of or against my estate;

(f) To distribute cash or assets, whether income or principal, from my estate, as appropriate, in advance of the final distribution;

(g) For all of the above purposes to execute and deliver all necessary and proper documents and instruments ; and

(h) In addition to the above, my Personal Representative shall have any powers and authority granted by the laws of the State of Texas .

My Personal Representative shall not be accountable or responsible to any person interested in my estate for the manner in which reasonable discretionary authority is exercised.

V. I hereby appoint Peter Miller to act as the executor of this will, to serve without bond. Should Peter Miller be unable or unwilling to serve, then I appoint to act as the executor of this will.

In Witness Whereof, I do hereby sign and seal this instrument, and my Executor in executing same hereby acknowledges receipt of property set forth on Schedule A and accepts the trust created hereunder and covenants to faithfully discharge all duties of its office as Executor,

Date :March 12th 2006

.....  
(Testator, Charles Smith

.....  
(Executor) , Peter Miller

.....  
Witness (1) Charles Stuart ,address 278 Channell Hill, Austin, Texas

.....  
Witness (2) Georges Summer ,address 1243 4th Street, Dallas, Texas

On the March 12th 2006 , Charles Smith , declared to us, the witnesses , that this instrument, consisting of these few pages including the page signed by us as witnesses, was a POUR OVER WILL and requested us to act as witnesses to it. Charles Smith , thereupon signed this POUR OVER WILL in our presence, all of us being present at the same time. We now, at his or her request, in Charles Smith,s presence and in the presence of each other, subscribe our names as witnesses. Each states that Charles Smith is not a minor and appear to be of sound mind and that we have no knowledge or any facts indicating that the foregoing instrument, or any part of it, was procured by duress, menace, fraud or undue influence. We, each for himself or herself, declare that each of us is at least the age of majority, and that each of us is, and the others appear to be of sound mind. We, each for himself or herself, declare under penalty of perjury that the foregoing is true and correct and that this attestation and this declaration are executed on the March 12th 2006

\_\_\_\_\_  
(Testator) :  
Charles Smith  
Address : 1122 Manchester Blvd  
Waco , County of Valey , state of Texas , 91876  
Phone : 418 344 5500

State of Texas

County of Alamo

On this day, before me, the undersigned authority, in and for and residing in the above County and state, personally appeared Charles Smith , who is personally known to me to be the same persons whose names is subscribed to the foregoing document, and, being duly sworn, he/she verified that the information contained in the foregoing document is true and correct on personal knowledge and acknowledged that said document was signed as a free and voluntary act.

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name and signature

My commission expires: \_\_\_\_\_

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