

SIMPLE WILL--ALL TO SURVIVING SPOUSE AND  
ALTERNATIVE BEQUEST TO CHILD(REN) WITH  
SIMPLE TRUST IF ANY CHILD IS A MINOR

LAST WILL AND TESTAMENT OF  
Peter Miller

Peter Miller, presently residing at 1287 Pine Avenue, in the City of Dallas, County of Las Collinas and State of Texas, being of sound and disposing mind and memory do hereby make, publish and declare this to be my Last Will and Testament.

FIRST: I hereby revoke all former Wills and Codicils heretofore made by me.

SECOND: I direct that my Executor pay and discharge all of my just debts, including the expenses of my last illness, funeral and administration expenses as soon as shall be practicable. I further direct that any and all federal, state, foreign or other estate, transfer, inheritance, succession, legacy and similar taxes, including interest and penalties thereon, if any, imposed upon or with respect to any property required to be included in my gross estate under the provisions of any such tax law, and whether passing hereunder or by any Codicil hereto or otherwise, or upon or with respect to any person with respect to any such property, shall be paid out of my residuary estate as an expense of administration and shall not be equitably prorated or charged against the gifts provided herein.

THIRD: I give, devise and bequeath all of the rest, residue and remainder of my property, real, personal and mixed, of whatsoever kind and nature and wheresoever situated, of which I shall die seized or possessed, and all property over or with respect to which I shall have any power of appointment, remaining after the payment of my debts, funeral and administration expenses and any taxes which may be payable, absolutely and forever to my spouse, Sarah Miller, Smith, presently residing at 1287 Pine Avenue, Dallas, Texas. Should my spouse Sarah Miller, Smith fail to survive me, I give, devise and bequeath all of my said property to my issues, Peter Miller, presently residing at 1287 Pine Avenue, Dallas, Texas, and Jerry Miller, presently residing at 1287 Pine Avenue, Dallas, Texas, in equal shares per stirpes.

FOURTH: Despite the foregoing, if any property becomes payable or distributable under this Will to a person who is then under the age of twenty-one (21) years, such property shall not vest in such person but shall be set apart and held by my Trustee, hereinafter named, in Trust, for the following uses and purposes: (a) To hold, manage, invest and reinvest the said property, to collect and receive the income therefrom, and to pay the net income, in quarter-annual installments to such child until the termination of the Trust herein created. (b) In addition to the said payment of net income from said Trust, my Trustee is authorized to pay from the principal of the Trust, at any time or from time to time, such portion or portions of the principal as my Trustee, in his sole and uncontrolled discretion may determine to be in the best interests of such child in order to provide for the health, education and general welfare of such child. (c) When such child attains the age of twenty-one (21) years, one-half (1/2) of the then principal of the Trust shall be paid over and distributed absolutely and forever to such child, and when such child attains the age of twenty-five (25) years, the remaining principal of the Trust then held shall be paid over and distributed absolutely and forever to such child together with any and all undistributed income and the Trust herein created shall cease and terminate. In the event that such child shall die before the termination of the Trust as herein provided but shall leave issue surviving, my Trustee shall divide the remaining principal then held in Trust for such child together with any undistributed income into such number of equal shares as shall provide one share for each of such child's issue and shall thereupon be held in Trust by my said Trustee in accordance with the provisions of the Trust herein created, except that each such separate Trust shall cease and terminate upon the attaining of the age of twenty-one (21) years by each such issue of such child. In the event that such child shall die before the termination of the Trust as provided herein and shall leave no issue surviving, the Trust herein created shall cease and terminate on the date of such child's death and the remaining principal then held, together with any undistributed income, shall be paid absolutely and forever to those persons who would have been my heirs at law had I died intestate on the date of such child's death.

FIFTH: In the event that any of the legatees under this Will shall die with me in a common accident or disaster, or under such circumstances as make it impossible or difficult to determine which of us died first or in the event that any such legatee shall die within sixty (60) days of my death, regardless of the circumstances, it shall be conclusively presumed that such legatee shall have predeceased me and deemed not to have survived me.

SIXTH: I nominate, constitute and appoint Henry Patterson, presently residing at 654 4th Avenue, Waco, Texas, as the Executor of this Will. In the event of (his)(her) death or resignation or failure or refusal to act in said capacity, I nominate, constitute and appoint Harry Green, presently residing at 3454 7th Street , Houston, Texas, as the Successor Executor of this Will. I nominate, constitute and appoint Stephen Green, presently residing at 8965 Merry Street, Albany, New York, as the Trustee of any Trust herein created.

SEVENTH: I direct that no bond, security or other undertaking shall be imposed upon or required at any time or in any jurisdiction of any individual named herein for the faithful performance of (his)(her) duties.

IN WITNESS WHEREOF, I have set my hand and seal this 29th day of June, 2005.

.....  
Peter Miller

The foregoing consisting of 5 pages inclusive of this page, the original of which was signed or initialled by the above named Testator prior to the execution thereof, was signed, published and declared by said Testator as and for his Last Will and Testament, in our presence and hearing and we thereupon, at his request, and in the presence of each other subscribed our names as witnesses this 12th of October, 2005.

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WITNESS (1) Helen Black  
residing at 1987 10th Avenue, Waco, Texas

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WITNESS (2) Simon Smith.  
residing at 2878 Drummond Street, Austin, Texas

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WITNESS (3) Peter Patterson  
residing at 7654 4th Street, Houston, Texas

STATE OF Texas, COUNTY OF Las Collinas, ss:

On 2nd day of October, 2005, before me personally came Peter Miller to me known, and known to me to be the individual described in and who executed the foregoing WILL, and duly acknowledged to me that (s)he executed the same.

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Notary Public

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