

LAST WILL AND TESTAMENT

OF

JAMES A. MARTIN

I, JAMES A. MARTIN, of 4866 Sheller Avenue, Dayton, Ohio 45432, being of sound and disposing mind, memory and understanding, do make, publish and declare this typewritten instrument as and for my Last Will and Testament, hereby revoking and making null and void all other Last Wills and Testament, by me made heretofore.

ITEM I. My Will is that my just debts and funeral expenses shall be paid out of the assets of my estate, by my Executrix hereinafter named, as soon after my death as shall be found convenient.

ITEM II. I give, devise and bequeath to my beloved wife, BARBARA JEAN MARTIN, all the rest, residue and remainder of my estate and property of every kind and description, real, personal and mixed, wheresoever situated, now owned or hereafter acquired by me, absolutely and in fee simple.

ITEM III. In the event that my wife predeceases me or dies with me in a common disaster, or dies within thirty days from the date of my death, for any reason whatsoever, then I give, devise and bequeath to my beloved children, THOMAS S. MARTIN, GREGORY A. MARTIN, STANLEY J. MARTIN and BARBARA E. MARTIN, all the rest, residue and remainder of my estate and property of every kind and description, real, personal and mixed, wheresoever situated, now owned or hereafter acquired by me, in equal shares, share and share alike, absolutely and in fee simple; the share of any deceased child or children shall be divided equally among my surviving children.

ITEM IV. In the event that my wife predeceases me or dies with me in a common disaster, or dies within thirty days from the date of my death, for any reason whatsoever, and in the event that at the date of my death, my children, now living, and any child or

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children hereafter born the issue of this marriage, are of minor age, to-wit: under the age of eighteen years, then I give, devise and bequeath all the rest, residue and remainder of my estate and property of every kind and description, real, personal and mixed, wheresoever situated, now owned or hereafter acquired by me, to GREGORY A. MARTIN AND DEBORAH MARTIN, 3112 Hobart Avenue, Kettering, Ohio 45429, in trust, however, and I direct said trustees to establish a trust for my said minor child or children whom I may leave surviving me, until such said minor child or children reach the age of eighteen years, at which time said trust is to terminate, and the rest, residue and remainder of said estate and property is to vest in my said children, THOMAS S. MARTIN, GREGORY A. MARTIN, STANLEY J. MARTIN and BARBARA E. MARTIN, now living, and any child or children hereafter born to the marriage of my wife and myself, in equal shares, share and share alike, absolutely and in fee simple.

I direct that letters of trusteeship issue to said trustees, without bond, and I hereby authorize the said trustees to sell, transfer, lease or otherwise dispose of or deal with the trust corpus as if said trustees were the absolute legal owners thereof, subject only to the provisions of this, my Last Will and Testament, and the duties of reasonable care imposed by the rules of law.

I further direct said trustees to expend at their discretion whatever sums of money they deem necessary to provide said child or children with proper care, having due regard to such said child's or children's needs for their welfare, benefit and education.

ITEM V. I hereby nominate and appoint GREGORY A. MARTIN and DEBORAH MARTIN to be the guardians of my minor child or children who inherit from me under the terms of trust, as set forth above. My Guardians are to serve as such without bond.

ITEM VI. I hereby nominate and appoint my wife to be the Executrix of this, my Last Will and Testament, hereby authorizing and empowering my said Executrix to compound, settle and adjust all claims in favor of or against my estate; and to sell, at private or public sale, at such prices and upon such terms of credit or otherwise, as she may deem best, the whole or any part of my real or personal property, and to execute, acknowledge and deliver deeds and other proper instruments of conveyance thereof to the purchaser or purchasers. No purchaser from my Executrix need see to the application of the purchase money to or for the purpose of the trust, but the receipt of my Executrix shall be a complete discharge and acquittance therefor. My Executrix is to serve without bond.

In the event that my wife, BARBARA JEAN MARTIN, is unable to serve as Executrix for any reason whatsoever, then I nominate and appoint THOMAS S. MARTIN, to serve as Executor, with the same powers and authority as hereinbefore given to my wife, as Executrix, to serve as such without bond.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of November, 1978.

s/James A. Martin
JAMES A. MARTIN

Signed by the said JAMES A. MARTIN and by him acknowledged to be his Last Will and Testament, before us and in our presence, and by us subscribed as his attesting witnesses, in his presence, and at his request, and in the presence of each other this 29th day of November, 1978.

s/Betty L. Kuhn residing at Spring Valley, Ohio

s/Elaine Grace residing at New Carlisle, Ohio

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