

005596

78-33 CP-02

FILED FOR RECORD
HAROLD W. BROWN, CLERK
HERNANDO COUNTY, FLA.

Last Will and Testament

'78 MAR 22 AM 9 29

OF

FILED FOR RECORD
HAROLD W. BROWN, CLERK
HERNANDO COUNTY, FLA.
MAR 21 PM 1 55

000000

LARRY DIE POLDER

I, LARRY DIE POLDER, domiciled in Hernando County, Florida, do make and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

I.

I direct that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave) and the costs of administration of my estate be paid as soon as practicable after my death. My Personal Representative may, in its sole discretion, pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

II.

I direct my Personal Representative to sell at such time as he deems propitious all of my cattle, farm machinery, tractors, tools, syrup tanks, feeders, and all manner of supplies and the items used in my farming operation, and any and all notes and mortgages that I may own, and that said funds shall be placed in my residuary estate.

III.

I direct that my Personal Representative pay out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes (together with any penalty thereon), assessed by reason of my death imposed by the government of the United States, or any state or territory thereof, in respect to all property required to be included in my gross estate for estate or like death tax purposes by any of such governments, whether the property passes under this will or otherwise, including property over which I have a power of appointment, without contribution by any recipient of any such property.

IV.

I bequeath to my wife, COURTNEY DIE POLDER, in fee, all clothing,

L.D.P.

jewelry, household goods, personal effects, automobiles and all other tangible personal property not otherwise specifically bequeathed, except cash on hand, owned by me at the time of my death. I direct that any expenses incurred in safeguarding or delivering such property be paid from my estate as an administration expense thereof. If my said wife shall not survive me, I bequeath all of aforesaid property in equal shares to my son, MAIN HENDERSON, 1249 Seventh Avenue South, St. Petersburg, Florida.

V.

I hereby grant unto my beloved wife, COURTNEY DIE POLDER, a life estate in so much of my property in Hernando County, Florida, that encompasses my home place, consisting of my dwelling, outbuildings, garages and barn, but in no event to exceed ten (10) acres for and during her natural lifetime. Upon her decease said property and appurtenances shall pass to the owner or devisee of the property around my homeplace.

VI.

I hereby devise to my stepson, LARRY ROBERTS, my Model K.22 Caliber and one Ace Model Pistol (.22 caliber pistol on a .45 caliber frame) to be his property absolutely should he survive me, and in the event he predeceases me then this gift is lapsed.

VII.

I devise to my son, MAIN HENDERSON, as Trustee, the following:

- (a) Three thousand (3,000) common shares of Florida Power Corporation
- (b) Ten Thousand Dollars (\$10,000.00) New Jersey Turnpike Bonds and
- (c) Five Thousand Dollars (\$5,000.00) Hernando School Bonds, and
- (d) Lots 22, 24, 25 and 26, and Lots 35, 36, 37 and 38 of Harbor View Subdivision, as the same is recorded in Plat Book 6, page 11 of the Public Records of Hillsborough County, of which Pinellas County was formerly a part.
- (e) Lots 5 and 11 of Block 2S1.
- (f) Lots 13, 18, 19 and 23 of Block 4S1.
- (g) Lots 4 to 16, inclusive, and Lot A of Block 7S1
- (h) Lots 11, 12 and 13 of Block 8S1, and a strip one hundred and forty (140) feet wide at the south end of Government Lots 3 and 4 of Section 20, Township 41 South, Range 20 East, all being situated in New Pass Haven Subdivision, as the same is recorded in the Public Records of Charlotte County, Florida.

to hold, administer and distribute for the following purposes. I hereby

L.D.P.

authorize and empower the trustee from time to time to disburse the income from the Trust Corpus in the following priorities:

1. Pay all ad valorem taxes and assessments levied against the real property held in this trust.
2. After payment of taxes and assessments above pay to my niece, KATE PHILOW, Clayton, New York, the sum of One hundred and Fifty (\$150.00) Dollars per month beginning after my death as soon as possible, and which sum shall be paid during her lifetime, or until the trust assets are sold as hereinafter appears, and in the event said trust assets are sold, then the first Ten Thousand (\$10,000.00) Dollars received from such sale shall be paid to my niece, KATE PHILOW.
3. After payment of one and two above any income remaining shall be used by MAIN HENDERSON to pay the expenses of the trust such as accountant's fees, attorney's fees, etc., and then any remaining sums shall be paid to MAIN HENDERSON to be his property absolutely.

VIII.

I hereby grant to my Personal Representative and, also, to the Trustee of the trust established hereunder (including any substitute or successor Personal Representative (or Trustee) the power to deal with the property, real or personal, held in my estate or in any trust, which power may be exercised independently and without the prior or subsequent approval of any Court or Judicial Authority as long as such power is exercised explicitly as herein set forth and no person dealing with the Personal Representative or Trustee shall be required to inquire into the propriety of any of his actions as long as the same follow the terms of this trust.

I hereby grant to my Personal Representative and, also, to my Trustee hereunder the following specific powers of authority:

(a) To compromise, settle or adjust any claim or demand by or against my estate or any trust, and to agree to any rescission or modification of any contract or agreement.

(b) To retain any security owned by me at the time of my death so long as such retention appears advisable, and to exchange any such security for other securities and to retain such items received in exchange. My Personal Representative or Trustee may presume that I have

confidence in the securities owned by me at the time of my death; and therefore, no sale thereof shall be made solely in order to diversify investment. I also waive the provision of FSA Section 738.12 relating to under-productive property with respect to any property owned by me at the time of my death.

(c) To sell, exchange, assign, transfer and convey any security held in my estate or in any trust fund at public or private sale at such time and price and upon such terms and conditions as hereinafter set forth.

(e) To register and carry any property in their own name or in the name of their nominee, or to hold it unregistered, but without thereby increasing or decreasing their liability as fiduciary.

(f) To sell or exercise any "rights" issued on any securities held in my estate or in any trust fund hereunder.

(g) Unless inconsistent with other provisions of this instrument to consider and treat as principal all dividends payable in stock, all dividends in liquidation and all "rights" issued on securities, and to consider and treat as income all other dividends received (except those declared and payable as of a "record date" preceding my death, which shall be considered and treated as principal).

(h) To vote in person or proxy any stock or securities held and to grant such proxies and powers of attorney to such persons or person as he may deem proper.

(i) To consent to and participate in any plan for the liquidation, reorganization, consolidation or merger of any incorporation any security of which is held.

(j) Whenever required or permitted to divide and distribute my estate or any trust created hereunder to make such division or distribution in money or in kind, or partly in money and partly in kind; and to exercise all powers herein conferred, after the termination of any trust until the same is fully distributed.

(k) To employ accountants, attorneys and such agents as he may deem advisable, to pay a reasonable compensation for their services and to charge same to the income as hereinafter set forth.

LAP

(1) Whenever authorized by this instrument to accumulate or distribute income, to make such decision free from attack or question by any person; it being intended that the Trustee may feel free to make such decision on the basis of the facts that they exist at the time as such decision is made.

(m) To abandon in any way property which he determines not to be worth protecting.

IX.

It is my intent and my desire that the real property held in the above trust shall only be sold at such time as it has reached its maximum value, which maximum value can be determined by taking the value as of the date of this my Last Will and Testament as computed by me as follows:

Lots 35 to 38, inclusive, Fifteen Thousand (\$15,000.00) Dollars each,

Lots 23 to 26, inclusive, Five Thousand (\$5,000.00) Dollars each,
Harbor View Subdivision as recorded in Plat Book 6, page 11 of the aforesaid Public Records.

Lot 5 of Block 2SI, One Thousand (\$1,000.00) Dollars

Lot 11 of Block 2SI, Two Thousand Five Hundred (\$2,500.00) Dollars

Lot 13 of Block 4SI, Two Thousand Five Hundred (\$2,500.00) Dollars

Lots 18, 19 and 23 of Block 4SI, One Thousand (\$1,000.00) Dollars each

Lots 4 to 16, inclusive, Block 7SI, One Thousand (\$1,000.00) Dollars each,

Lot A, Block 7SI, One Thousand (\$1,000.00) Dollars

Lots 11 and 12 of Block 8SI, One Thousand (\$1,000.00) Dollars each

Lot 13 of Block 8SI, Two Thousand Five Hundred (\$2,500.00) Dollars

A strip one hundred and forty (140) feet wide at the south end of Government Lots 3 and 4 of Section 20, Township 41 South, Range 20 East, Twenty Thousand (\$20,000.00) Dollars; all being situated in New Pass Haven Subdivision as the same is recorded in the Public Records of Charlotte County, Florida.

The value set forth above is what I determined the fair market value to be as of the date of the execution of this will. It is my desire and my intent that when said property is sold by my Trustee that

LDP

the sale price received for each lot shall be the same as the values aforesaid adjusted to receive the same value as the purchasing power of the U.S. Dollar as determined by the Consumer Price Index as of the date of this, my Last Will and Testament, and any such sale by the Trustee shall be made by adjusting the value as aforesaid either upward or downward so that the amount received at the time of the sale shall result in generating the same purchasing power of the dollar received at the time of sale as of the date of this, my Last Will and Testament.

In the event of a sale of any of the trust assets either personal or real as set forth above during KATE PHILOW'S lifetime, then after the payment to her of the first Ten Thousand (\$10,000.00) Dollars, the balance of the sale proceeds shall be paid to my son, MAIN HENDERSON.

X.

I hereby devise all of the land which I own in the following sections in Hernando County, Florida, to-wit: Section 31 and 32, Township 22 South, Range 18 East, and Sections 5 and 6, Township 23 South, Range 18 East to the Gulf Ridge Council, Boy Scouts of America, Inc. and the Pinellas Area Council, Boy Scouts of America, Inc. to be held by said Council in trust for the use and benefit of those organizations. It being specifically understood that this property shall never be sold by said devisees and shall be used in connection with the Boy Scout programs only. The lands must never be used in any way that can be deemed commercial nor sold or disposed of in any way, shape or form. It is my desire and my intent that said property shall be used so that the Boy Scouts will have a place sufficiently large enough to enjoy the great outdoors and the beauties and benefits of nature. The above devisees shall begin to use the above lands for the purposes herein set forth and their purposes within two years from date of my death, and unless said lands are being used for the purposes herein expressed then this gift shall lapse and be of no further force and effect and all of the land above shall pass as hereinafter set forth.

XI.

In the event that the Gulf Ridge Council Boy Scouts of America, Inc. and the Pinellas Area Council Boy Scouts of America, Inc. should

LDP

fail to utilize the property within the time and manner herein set forth, then the above gift shall lapse and the property shall descend to Hernando County Florida to be used as a recreational area and park. This devise is made so that the citizens of this community will always have an area sufficiently large enough to enjoy the benefits of nature and the great outdoors. In the event that the property passes to Hernando County as herein set forth then Hernando County must use the property as herein set forth and in no way shall it be sold or used for commercial purposes.

XII.

I have specifically made no provision in this my Last Will and Testament for my beloved wife, COURTNEY DIE POLDER, because I have made other provisions for her and through property that we own jointly and that she enjoys an estate of her own with the exception of the grant of the life estate in the home that we have enjoyed for many years.

XIII.

All the rest and residue of my property wherever the same may be situated, located and found I give to my son, MAIN HENDERSON, to be his property absolutely and in fee simple, per stirpes.

XIV.

I appoint my son, MAIN HENDERSON, to be the Personal Representative and Trustee of this my will and trust created hereunder, and I direct that no surety be required on the bond of my Personal Representative and Trustee. If my son, MAIN HENDERSON, shall predecease me or for any reason shall fail to qualify as Personal Representative or Trustee hereunder (or having qualified shall die or resign) then in such event I appoint COURTNEY A. ROBERTS of Gainesville, Florida, to fill such vacancy and in such capacity shall possess and exercise all powers of authority conferred on the Personal Representative and Trustee. I vest my Personal Representative and Trustee and successor Personal Representative and Trustee as the case may be with the authority to sell, transfer and convey any property real or personal under the terms and conditions as specifically set forth herein and no other way.

XV.

If my wife, COURTNEY DIE POLDER and I shall die under such circumstances

that there is not sufficient evidence to determine the order of our death, then it shall be presumed that she predeceased me and my estate shall be administered and distributed in all respect in accordance with such presumption.

XVI.

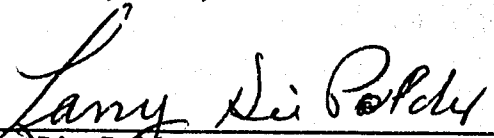
No income beneficiary of the trust created hereunder shall have any right or power to anticipate, pledge, assign, sell, transfer or alienate or encumber his or her interest in the trust in any way, nor shall any such interest in any manner be liable for or subject to the debts, liabilities or obligation of such beneficiary or claims of any sort against such beneficiary.

XVII.

Anything in this will to the contrary notwithstanding no trust created hereunder shall continue beyond twenty-one (21) years (or sooner time, if required by the laws of the state of Florida or other controlling jurisdiction) after the death of the last to die of those beneficiaries who are living at the time of my death and upon expiration of such period all trusts shall terminate and the assets thereof shall be distributed outright to my residuary devisee.

Should any part, clause, provision or condition of this will be held to be void, invalid and/or inoperative, then I direct that such invalidity shall not effect any other clause, provision and/or condition hereof, but the remainder of this will shall be effective as though such void clause, provision and/or condition had not been contained herein.

IN WITNESS WHEREOF, I hereunto set my hand to this my Last Will and Testament consisting of ten pages at Brooksville, Hernando County, Florida, this 16th day of May, A.D., 1977.


Larry Die Polder

LDP

The foregoing instrument was signed by the said Testator, in our presence, and by him published and declared as and for his Last Will and Testament, and at his request, and in his presence, and in the presence of each other, we hereunto subscribe our names as attesting witnesses, at Brooksville, Hernando County, Florida, this 16th day of May A.D., 1977.

Julius E. McFarland resides at Post Office Box 907
Brooksville, Florida 33512
Maie P. Appels resides at 2612 Crescent Road
Spring Hill, Florida 33512

L.P.

STATE OF FLORIDA
COUNTY OF HERNANDO

WE, LARRY DIE POLDER, RICHARD E. McGEE, SR.

and MARIE L. APPELT, the Testator and the witnesses,
respectively, whose names are signed to the attached or foregoing instru-
ment, being first duly sworn, do hereby declare to the undersigned
authority that the Testator signed and executed the instrument as his
Last Will and that he had signed willingly or directed another to sign for
him, and that he executed it as his free and voluntary act for the purposes
therein expressed; and that each of the witnesses, in the presence and
hearing of the Testator, signed the Will as witnesses and that to the best
of their knowledge the Testator was at that time 18 or more years of age,
of sound mind and under no constraint or undue influence.

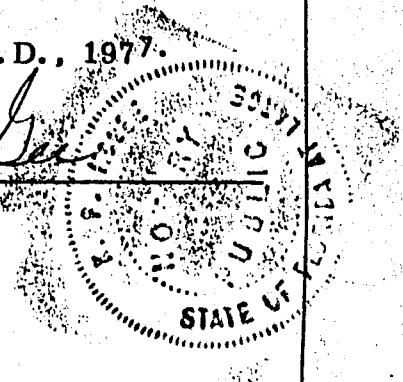
Larry Die Polder
Larry Die Polder
Richard E. McGee, Sr.
Witness
Marie L. Appelt
Witness

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me by

LARRY DIE POLDER, the Testator, and subscribed and sworn
to before me by RICHARD E. McGEE, SR. and MARIE L. APPELT
witnesses, this 16th day of May, A.D., 1977.

R. P. McGee, Sr.
Notary Public

My Commission Expires: 3/1/78



LDP