

Last Will and Testament

OF

PROBATE COURT 4

875736

JOHN LEWIS KINGSTON
402418

714-83-0037

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS §

That I, JOHN LEWIS KINGSTON, a resident of HARRIS County, Texas, make and publish this my LAST WILL AND TESTAMENT, and I revoke all Wills and Codicils previously made by me.

ARTICLE I

Identification

1.01 My spouse's name is ELVIE LOU KINGSTON. All references in this Will to "my spouse" are to her.

1.02 I have one child from a previous marriage whose name and date of birth is: JOHN LEWIS KINGSTON, born May 6, 1950. I have a niece and nephew whose names and dates of birth are: MICHELLE CRUZ HARTMAN, born February 13, 1970; and ERNEST ANTHONY CRUZ, born May 14, 1966. All references to "my children" in this will are to my niece and nephew named above.

FILED

2011 JAN 31 PM 1:30

Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

J.L.K.

PURPORTED WILL

ARTICLE II.

Property Being Disposed

It is my intention to dispose of all of the property which I may own and have the right to dispose of.

ARTICLE III.

714-83-0038

Personal Effects and Specific Bequests

I give and bequeath all of my interest in any automobiles and other motor vehicles, club memberships, clothing, jewelry, household goods, furniture and furnishings, other articles of personal use or ornament and other personal effects of a nature, use or classification similar to the foregoing, together with any insurance thereon to my spouse provided she survives me by thirty (30) days, otherwise to my children, **MICHELLE CRUZ HARTMAN** and **ERNEST ANTHONY CRUZ**, in equal shares. I may express my desires as to the disposition of some of my personal effects bequeathed under this Article in a letter to my executor. It is my expectation that these desires will be carried out, and my executor shall be fully protected in relying upon any such letter. Absent such a letter, or to the extent that such a letter does not dispose of all of my property described in this Article, in making up the respective shares, the executor shall have sole discretion to divide these items among the beneficiaries, taking into account my desires and the desires of the beneficiaries. All expenses of packing, shipping, insuring, and delivering any of these items to a beneficiary shall be paid by my executor as an administration expense of my estate.


V.L.K.

ARTICLE IV.

Residue of Estate

4.01 I give, devise and bequeath the rest, residue and remainder of my estate, real, personal and mixed, separate and community, wheresoever situated, to the Trustee of the Trust established by that certain Trust Agreement executed earlier this day by myself as Grantor to be administered and disposed of a part of the aforesaid Trust.

714-83-0039

4.02 If for any reason the foregoing devise and bequest lapses or fails, then I give, devise, and bequeath all of the residue of my estate, real, personal, and mixed, wherever situated, to the Trustee named in the trust agreement referred to in Section 4.01 above to be held, administered, and distributed pursuant to the terms and provisions of that trust agreement in the same manner as if such terms and provisions, as presently existing, had been set forth herein in full.

ARTICLE V.

Fiduciary Appointments

5.01 I appoint **ELVIE LOU KINGSTON** to be Independent Executrix of my Will and estate. If **ELVIE LOU KINGSTON** dies, resigns, becomes incapacitated or otherwise ceases to act, then I appoint **MICHELLE CRUZ HARTMAN** to be Independent Executrix of my Will and estate. If **MICHELLE CRUZ HARTMAN** dies, resigns, becomes incapacitated or otherwise ceases to act, then I appoint **ERNEST ANTHONY CRUZ** to be Independent Executor of my Will and estate.

5.02 I direct that no bond or other security shall be required of my Executor in any jurisdiction, and that no other action shall be required in any court in relation to the settlement of my

estate other than the probating and recording of my Will and the return of an inventory, appraisement and list of claims of my estate.

5.03 In the administration of my estate my Executor shall act independently and free from control by any court and shall have all of the powers conferred upon trustees by the Texas Trust Code, and by any future amendments to the Texas Trust Code or any corresponding statute.

5.04 Any share of my estate that is to be distributed to a person who is under the age of twenty-five (25) years or who is, in the discretion of my Executor, incapacitated by reason of legal incapacity or physical or mental illness or infirmity (such person is referred to as the "Ward,") shall be held by my Executor as Trustee in a separate trust for the benefit of such Ward. My Trustee shall utilize such amounts of income and principal of the Ward's trust as my Trustee, in my Trustee's discretion, deems desirable from time to time to provide for the Ward's health, education, maintenance or support, directly and without the interposition of any guardian; provided, however, my Trustee may distribute to the Ward all or any part of the income of such trust as my Trustee deems desirable, without regard to any standard or other source of support. A trust created by this section for a Ward who is under the age of twenty-five (25) years shall terminate when such Ward attains that age. Every other trust created by this section shall terminate when the Ward of such trust, in the discretion of my Trustee, is legally, mentally and physically capable of receiving the outright ownership of the property of such trust. Upon the termination of a trust created by this section the remaining property of such trust shall be distributed to the Ward of such trust, but if a Ward dies before the termination of such Ward's trust, then upon such Ward's death the remaining property of such trust shall be distributed to such Ward's estate.

5.05 The Trustee may, in its discretion, merge the assets of any trust created hereunder with those of any other trust for which it serves as Trustee; provided, however, that such property shall only be added to a trust which has the same inclusion ratio for generation skipping tax purposes as the trust from which such property is being distributed, and if no trust with the same inclusion is then in existence, a new trust shall be created for such descendant which shall be administered pursuant to the provisions of this article.

5.06 Individual and corporate fiduciaries may receive compensation for serving under this Will. Any fiduciary shall be reimbursed for reasonable costs and expenses incurred in connection with such fiduciary's duties hereunder.

5.07 Any fiduciary of mine appointed under this Will shall be saved harmless from any liability for any action such fiduciary may take, or for failure to take any action, if done in good faith and without gross negligence, and no person dealing with any fiduciary of mine shall be required to inquire into the propriety of any such fiduciary's actions.

ARTICLE VI

Restraint Against Alienation or Attachment

Prior to the actual receipt of such property by any beneficiary, no property (income or principal) distributable under this Will or under any trust shall be subject to anticipation or assignment by any beneficiary, or to attachment by or to the interference or control of any creditor or assignee of any beneficiary, or taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary, and any attempted transfer or encumbrance of any interest in such property by any beneficiary hereunder prior to distribution shall be absolutely and wholly void.

ARTICLE VII.

Miscellaneous Provisions

714-83-0042

7.01 I direct that all of my legal debts, the expenses of my last illness and funeral, unpaid charitable pledges (whether or not the same are enforceable obligations of my estate) and the expenses of administering my estate shall be charged against my residuary estate and may be paid in the order and out of those assets of my residuary estate (including the income of my residuary estate) that my Executor may deem best. My Executor is specifically given the right to renew, refinance and extend, in any form that he deems best, any secured or unsecured debt or charge existing at the time of my death. Under no circumstances shall my Executor be required to prepay any debt of mine. Further, my Executor may, in his or her sole discretion, pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

7.02 My Executor, without incurring any liability, may expend funds from my estate within thirty (30) days of my death to the extent necessary to provide for the support of my children and those descendants of mine who are entitled to the residue of my estate under ARTICLE IV above.

7.03 If any provision of this Will or of any Codicil hereto is held to be inoperative, invalid, or illegal, it is my intention that all of the remaining provisions thereof shall continue to be fully operative and effective so far as is possible and reasonable.

7.04 The headings above the various provisions of this Will have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Will or in ascertaining my intentions.

Jan
L.K.

7.05 Where context and circumstances require, the gender of all words used in this Will shall include the masculine, feminine and neuter, and the singular of all words shall include the plural and the singular.

714-83-0043

7.06 The validity and administration of the Trusts established under this Will and all questions relating to the construction or interpretation of the Trusts shall be governed by the laws of the State of Texas.

7.07 If any beneficiary shall contest the probate or validity of this Will or any provision thereof, or shall institute or join in (except as a party defendant) any proceeding to contest the validity of this Will or to prevent any provision hereof from being carried out in accordance with its terms (regardless of whether or not such proceedings are instituted in good faith and with probable cause), then all benefits provided for such beneficiary are revoked and such benefits shall pass to the residuary beneficiaries of this Will (other than such beneficiary) in the proportion that the share of each such residuary beneficiary bears to the aggregate of the effective shares of the residuary. If all of the residuary beneficiaries join in such contest or proceedings, then such benefits shall pass to those persons (other than the persons joining in such contest) who are living at my death and who would have been my distributees had I died intestate a resident of the State of Texas and had the person or persons contesting my Will died immediately before me. Each benefit conferred herein is made on the condition precedent that the beneficiary shall accept and agree to all of the provisions of this Will and provisions of this Article are an essential part of each and every benefit.

7.08 References in this Will to "heirs-at-law" are to those persons who take upon intestacy under the statutes of descent and distribution of the State of Texas in effect at the date of distribution relating to separate personalty.

IN TESTIMONY WHEREOF, I have placed my initials on each of the foregoing pages of this, my LAST WILL AND TESTAMENT, and in the presence of two witnesses, who are acting as witnesses at my request, in my presence and in the presence of each other, I hereunto sign my name on this the 17 day of July, 2001.

714-83-0044

John Lewis Kingston
JOHN LEWIS KINGSTON
Testator

The foregoing instrument was signed by the Testator, JOHN LEWIS KINGSTON, in our presence and declared by him to be his LAST WILL AND TESTAMENT, and we the undersigned witnesses, sign our names hereunto as witnesses at the request and in the presence of the said Testator and in the presence of each other, on this the 17 day of July, 2001.

Michael C. Riddle
Signature of Witness

10211 Kleppel Rd

Michael C. Riddle
PRINTED NAME of Witness

Tomball, Texas 77375
Address

Ruth Horsley
Signature of Witness

1219 OE Rd

RUTH HORSLEY
PRINTED NAME of Witness

PINEHURST TX 77362
Address

THE STATE OF TEXAS §

COUNTY OF HARRIS §

714-83-0045

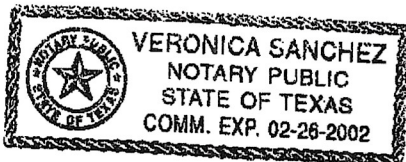
BEFORE ME, the undersigned authority, on this day personally appeared JOHN LEWIS KINGSTON, Michael C. Riddle and RUTH HORSLEY known to me to be the Testator and the Witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, JOHN LEWIS KINGSTON, Testator, declared to me and to the said Witnesses in my presence that the said instrument is his LAST WILL AND TESTAMENT, and that he had willingly made and executed it as his free act and deed for the purposes therein expressed; and the said Witnesses, each on his or her oath stated to me, in the presence and hearing of the said Testator, that the said Testator had declared to them that said instrument is his LAST WILL AND TESTAMENT, and that he executed the same as such and wanted each of them to sign it as a Witness; and upon their oaths each Witness stated further that they did sign the same as Witnesses in the presence of the said Testator and at his request, that he was at that time 18 years of age or over and was of sound mind; and that each of said Witnesses was then at least 14 years of age.

John Lewis Kingston
JOHN LEWIS KINGSTON
Testator

Michael C. Riddle
Witness

Ruth Horsley
Witness

SUBSCRIBED AND ACKNOWLEDGED before me by the said JOHN LEWIS KINGSTON, Testator, and subscribed and sworn to before me by the said Michael C. Riddle and RUTH HORSLEY Witnesses, this the 17th day of JULY, 2001.



(Notary Stamp or Seal)

Veronica Sanchez
NOTARY PUBLIC, STATE OF TEXAS

LLK
L.L.K.

PURPORTED WILL

402418

WILL

UNOFFICIAL COPY

714-83-0046

RIDDLE & BRAZIL, L.L.P.

ATTORNEYS AT LAW

4201 FM 1960 WEST, SUITE 550
HOUSTON, TEXAS 77068

(281) 537-7110

PURPORTED WILL