

Mr. John H. Hammel, Jr.
Attorney at Law
1308 First National Bank
of Commerce Building
New Orleans, Louisiana 70112



*Jack's
inheritance*

Mr. John W. Myers
443 Centenary Drive
Baton Rouge, Louisiana 70808



CONTINENTAL BANK

CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO • 231 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS 60693

May 10, 1974

TRUST DEPARTMENT

AIR MAIL

Mr. Jack Myers
c/o J. W. and Alta Myers
443 Centenary Drive
University Hills
Baton Rouge, Louisiana 70808

Dear Mr. Myers:

As you may know, Elizabeth A. Stewart died January 30, 1974. Our bank is acting as Executor of Mrs. Stewart's Will, and we are pleased to report that the Will directs that the following items be delivered to you:

Grandfather's clock, a mahogany side chair,
two cherry lamp tables, two Victorian armchairs
and a blue and white mosaic tracery staffordshire
platter

The foregoing described items should be delivered to you
in the near future.

Sincerely,

Tom C. Whitmore
Estate Administration
Telephone: (312) 828-3665

TCW:CG

JOHN H. HAMMEL, JR.
JOHN H. HAMMEL, III
RICHARD A. HAMMEL
LAW AND NOTARIAL OFFICES

1308 FIRST NATIONAL BANK OF COMMERCE BUILDING
TELEPHONE 522-4617 NEW ORLEANS, LA. 70112

Friday
November
Fifteenth
Seventy-four

Mr. John W. Myers
443 Centenary Drive
Baton Rouge, Louisiana 70808

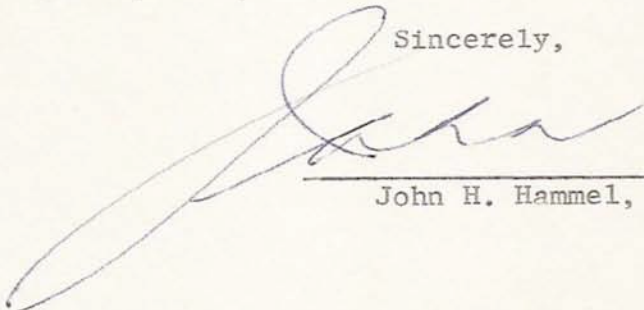
Dear John:

RE: Estate of Elizabeth A. Stewart

I enclose photocopies of the last will and testament as well as the codicil of the above named Decedent, which I have obtained in accordance with your request.

With kindest regards, I am,

Sincerely,



John H. Hammel, Jr.

JHH, Jr:jo
Enclosure

P. S. I wonder what happened to John Mace's sword?

*It's mounted
It's on Jack's wall
date 1987*

CODICIL

I, ELIZABETH A. STEWART of Southport in the Town of Fairfield, Connecticut, hereby make this Codicil to my Will dated November 2, 1972.

FIRST. If my husband JAMES A. STEWART survives me by sixty (60) days, I give to him the sum of Forty Thousand Dollars (\$40,000). Without impressing any trust on such gift, I here express my wish that my husband use such gift to facilitate his purchase from my estate of the cooperative apartment which we presently occupy as our winter home (known as Penthouse C, 25 Sutton Place South, New York City).

SECOND. If my husband JAMES A. STEWART survives me by sixty (60) days, I direct my Executor to permit him for a period of one (1) year after my death to use on a rent-free basis the cooperative apartment which we presently occupy as our winter home (known as Penthouse C, 25 Sutton Place South, New York City) or any other cooperative or condominium unit which I may own (or in which I may have an interest) at my death. This right shall extend only to the use of my husband (and of his guests) and shall not authorize him to sublet such unit, but I authorize my Executor to rely fully upon any representations of my husband in respect of such use.

E.A.S.

As used herein, the term "rent-free" shall include all charges and assessments levied by the cooperative corporation in respect of any proprietary lease, including charges for mortgage principal amortization and interest, real estate taxes and other assessments and maintenance charges and insurance and all similar levies in respect of any condominium unit (all of which expenses shall be paid by my Executor), but in either case my husband shall be liable for the payment of all utilities charges and for minor repairs.

THIRD. Except as hercinabove expressly modified, I hereby ratify and confirm in all respects my said Will dated November 2, 1972.

IN WITNESS WHEREOF, I, ELIZABETH A. STEWART, have set my hand and affixed my seal to this Codicil (consisting of this page and one preceding typewritten page) at Fairfield, Connecticut on October 24, 1973.

Elizabeth A. Stewart (L.S.)

Subscribed and sealed by the above-named Testator, ELIZABETH A. STEWART, in our presence, and at the same time published, declared and acknowledged by her to us to be her Codicil, and thereupon we, at her request, and in her presence and in the presence of each other, hereunto subscribed our names as witnesses at Fairfield, Connecticut on October 24, 1973.

Gilbert A. Prinstein
Ernest J. Gushick

Stamford, Conn
Ernest J. Gushick

Affidavit of Attesting Witnesses

STATE OF CONNECTICUT,
COUNTY OF FAIRFIELD,

} ss.

Fairfield

October 24, 1973

Then and there personally appeared the within-named

Ellen Armstrong and Edith G. Garlick and

_____, who, being duly sworn, depose and say that they witnessed the execution of the within Codicil to the Will of the within-named Testator,

ELIZABETH A. STEWART;

that said Testator subscribed, sealed, published, declared and acknowledged the same to be her Codicil WNK in their presence; that they thereafter subscribed the same as witnesses in the presence of said Testator and in the presence of each other and at the request of said Testator; that said Testator appeared to them to be of full age and of sound and disposing mind and memory; and that they make this affidavit at the request of said Testator.

Ellen Armstrong
Edith G. Garlick

Subscribed and sworn to before

me on October 24, 1973

[Signature]

Commissioner of Superior Court
Fairfield County, Connecticut

W I L L

I, ELIZABETH A. STEWART of Southport in the Town of Fairfield, Connecticut, hereby make my Will as follows:

FIRST. I hereby record my wish that my body be cremated and the ashes placed in a suitable urn and buried in Forest Lawn Memorial Park, Glendale, California, with those of my father William Mace McCafferty.

SECOND. I hereby declare that I am married, that my husband's name is James A. Stewart (sometimes known as James Alexander Stewart), and that I have one living child, Margaret Ann Walker, presently at Southbury Training School, Southbury, Connecticut.

THIRD. If my husband JAMES A. STEWART survives me, I give to him all my tangible personal property not otherwise specifically bequeathed herein or described in Article FOURTH hereof.

FOURTH. I direct my Executor hereinafter named to sell as soon as is convenient after my death all my jewelry, clothing, accessories, furs and silverware not otherwise bequeathed, and any lapsed gift of tangible personal property described in Article SEVENTH hereof and to add the proceeds of sale to my

H. J. S.

residuary estate. I further direct that no person related to me by blood or marriage shall be allowed either directly or indirectly to purchase any of the above items. The decision of my Executor regarding the existence of any such relationship shall be final and binding upon all persons interested hereunder.

FIFTH. To the WASHINGTON MANOR HOUSE at Sulgrave, Northampton, England (or to such organization as may have the custody thereof at my death), I give my three volumes entitled The Washington Ancestry and the Records of the McClain, Johnson and Forty Other American Families, as prepared by Charles Arthur Hoppin.

SIXTH. I give to THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION MUSEUM, Washington, D.C., my 19th century coin silver spoons monogramed J. M. and D. M., my two pairs of 18th century Georgian silver salt cellars with blue glass liners and the four small salt spoons which belong with the salt cellars.

SEVENTH. To the extent that each of them shall survive distribution thereof to him or her (which distribution, in the absence of litigation, shall not be deferred beyond one [1] year after my death), I give to the following persons the amounts or items set after their names:

- (1) to G. ALANNA CHESEBRO, presently of 526 South
- E. A. L.*

Irving Boulevard, Los Angeles 5, California, the sum of One Thousand Dollars (\$1,000.00);

(2) to G. SIMONE BARBIER, residing at 11, rue St. Guillaume, Paris 7eme, France, the sum of Five Hundred Dollars (\$500.00);

(3) to ANNA HANNESTAD, presently of 2605 Locksley Place, Los Angeles, California 90039, the sum of Five Hundred Dollars (\$500.00);

→ (4) to JACK MYERS, son of J. W. and Alta Myers, 443 Centenary Drive, University Hills, Baton Rouge, Louisiana, the sword of our mutual ancestor, John Mace, and the following articles belonging to his great-great-grandmother Elizabeth Mace McCafferty: grandfather's clock, mahogany side chair, two cherry lamp tables (one drawer), two Victorian arm chairs and a blue and white mosaic tracery Staffordshire platter;

(5) to LOUIS PULICI, presently of 1202 Point View Street, Los Angeles 35, California, the sum of One Thousand Dollars (\$1,000.00);

(6) to MARY B. PULICI, presently of 1202 Point View Street, Los Angeles 35, California, the sum of Twenty-five Thousand Dollars (\$25,000.00) and my 18K gold wrist watch and bracelet from Gubelin of Switzerland;

(7) to HARRY K. SAITO, presently of 1158 South

Hudson Boulevard, Los Angeles, California, the sum of Five Hundred Dollars (\$500.00); and

(8) to DELL ARMSTRONG ROBINSON, presently of 146 Sherbrook Road, Mansfield, Ohio, my pair of 18K gold bracelets from Settipassi of Florence, Italy.

600.00

EIGHTH. If my husband JAMES A. STEWART survives me, I give the sum of One Million Dollars (\$1,000,000) or assets having in the opinion of my Executor a fair market value in this amount at the time of distribution (and request that, to the extent feasible and permitted by the Internal Revenue Code and the regulations thereunder in effect at my death, this gift be funded with State or municipal bonds) to the trustee hereinafter named (hereinafter called the "Trustee") IN TRUST for the following purposes and upon the following terms:

(1) (a) During the life of my husband JAMES A. STEWART, the Trustee shall pay to him an annuity amount of Fifty Thousand Dollars (\$50,000) in each taxable year of the trust; provided that the obligation to pay such amount shall terminate with the payment next preceeding his death. The annuity amount shall be paid in equal quarterly installments from income and, to the extent that income is not sufficient, from principal. Any income of the trust for a taxable year in excess of the annuity amount shall be added to principal.

(b) In determining the annuity amount, the Trustee shall pro-rate the same on a daily basis for a short

taxable year and for the taxable year of my husband's death.

(c) No additional contribution shall be made to the trust after the initial contribution.

(d) The Trustee is prohibited from (i) engaging in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code of 1954, (ii) retaining any excess business holdings as defined in Section 4943(c) of the Code which would subject the trust to tax under Section 4943 of the Code, (iii) making any investments which would subject the trust to tax under Section 4944 of the code and (iv) making any taxable expenditures as defined in Section 4945(d) of the Code. The Trustee shall make distributions at such time and in such manner as not to subject the trust to tax under Section 4942 of the Code. The purpose of this paragraph is to comply with the provisions of Section 508(e) of the Code to the extent such provisions are applicable to this trust, and the references herein to designated Sections of the Code shall be deemed to include any corresponding provisions of the federal tax laws at the time and from time to time in force during the continuance of, and until the final termination of, the trust. The Trustee is authorized to amend the provisions of this instrument in such manner and to such extent as it deems advisable to comply with the requirements of the Internal Revenue Code and the regulations thereto to qualify the remainder interest of this trust for the charitable deduction. In its administration of the trust,

E. A. B.

notwithstanding the enumeration of powers in Article ELEVENTH hereof, the Trustee is prohibited from exercising any powers or discretion in such manner as to cause the trust to fail to qualify under the provisions of the Code or regulations thereto as a charitable remainder annuity trust.

(2) Upon the death of my husband JAMES A. STEWART, the Trustee shall transfer all of the then principal and income of the trust, other than any amount then due my husband, to the UNIVERSITY OF EDINBURGH, Edinburgh, Scotland, for the purpose of maintaining and improving existing University buildings and/or for the purchase of additional land and the construction thereon of additional University buildings, this gift to be added to the Arthur McClain Fund created under Article NINTH hereof. If the UNIVERSITY OF EDINBURGH is not an organization described in Section 170(c) of the Internal Revenue Code of 1954 at the time when any principal or income of the trust is to be distributed to it, the Trustee shall distribute such principal or income to the HOSPITAL OF THE GOOD SAMARITAN, presently of 1212 Shatto Street, Los Angeles, California for its general corporate purposes.

NINTH. I give all the rest of my property, together with any lapsed gift, and including also any property over which I may have a power of appointment (including, but not limited to,

any property in the inter vivos trust created by my mother Nellie M. Robinson of which I am presently Trustee and the principal beneficiary, which trust is known as the Nellie M. McCafferty Trust and the assets of which are now held by the First National Bank of Arizona as custodian, which power is effective as to the entire Trust at my death if I survive my daughter Margaret Ann Walker or as to the entire Trust less Fifty Thousand Dollars [\$50,000] if I do not survive my said daughter, in which latter event the power is effective as to such portion of the Trust on my said daughter's subsequent death) to the UNIVERSITY OF EDINBURGH, Edinburgh, Scotland, for the purpose of maintaining and improving existing buildings and/or for the purchase of additional land and the construction thereon of additional University buildings, this gift to be known as the Arthur McClain Fund.

TENTH. The fact that I have made no provision hereunder for my daughter Margaret Ann Walker is not to be construed as any indication that she does not hold a high place in my love and affection, but merely reflects my conviction that she is adequately provided for under the Nellie M. McCafferty Trust hereinabove referred to.

ELEVENTH. As Executor of this Will and as Trustee of any trust created hereunder, I appoint CONTINENTAL ILLINOIS NATIONAL

BANK AND TRUST COMPANY OF CHICAGO, without bond in either capacity. If it fails or ceases for any reason to act as such Executor or Trustee, I appoint as its alternate or successor, as the case may be, THE CHASE MANHATTAN BANK N.A. of New York, New York, also without bond. Except as otherwise expressly provided in Article EIGHTH hereof, I authorize my Executor and Trustee, in its respective capacities and discretions, as follows:

(1) to settle on such terms as it may deem advisable any claims of my estate or of any trust created hereunder against others or of others against my estate or against such trust;

(2) to complete any contracts and to pay or extend or renew any loans or debts which I may have or which may be owing to me at my death;

(3) to borrow from time to time such sums as it may deem advisable to facilitate the exercise of any rights, options or privileges of the character referred to in subdivision (9) of this Article ELEVENTH or for such other purposes as it may deem advisable for the preservation or benefit of my estate or of any trust created hereunder, and to secure any sum so borrowed by the pledge or mortgage of any securities or other properties constituting a part of my estate or of such trust;

(4) to sell, lease, mortgage, pledge, transfer, exchange or otherwise dispose of any securities or other properties which I may own at my death or which may come into its possession or under its control at any time hereunder upon such terms as to payment or otherwise (including, with respect to any lease, the term thereof) as it may deem advisable, and to execute and deliver such deeds, leases, assignments or other written instruments, with or without covenants, as may be necessary or convenient to accomplish such purposes (and no purchaser, lessee, mortgagee, pledgee, transferee or exchangee shall be required to see to the application of the proceeds thereof or to inquire into the validity, expediency or propriety thereof);

(5) to determine the date for the valuation of property in my gross estate for purposes of the Federal Estate Tax;

(6) to claim any expenses of administration of my estate as income tax deductions upon an income tax return or returns whenever in the judgment of my Executor such action will achieve

an overall reduction in income and death taxes, and without making any adjustment therefor of income and principal accounts in my estate;

(7) except as otherwise modified by Article TWELFTH hereof, to invest and reinvest the funds of my estate or of the trust created hereunder in such manner as it may deem advisable (including investments in non-income producing securities) without being restricted to investments of the character authorized by law for the investment of estate or trust funds and to hold funds uninvested to such extent as it may deem advisable; excluding, however, regulated investment companies or any other form of investment which will or may in its discretion disqualify my estate, under the Internal Revenue Code and the Regulations promulgated thereunder in effect at my death, from any charitable deduction otherwise allowable hereunder;

(8) to cause any investment securities or other properties held by it hereunder to be registered or held in the name or names of a nominee or nominees without being required to describe the capacity in which or the authority under which such securities or other properties are held, or to hold any such securities or other properties unregistered and in bearer form, without in any such case thereby changing its liability hereunder;

(9) to vote in person or by proxy any securities or other properties held by it hereunder with respect to which voting rights may at any time be exercised by the holders thereof; to exercise any rights, options or exchange or conversion privileges at any time pertaining to any securities or other properties held by it hereunder; and, generally, to exercise in respect of any securities or other properties held by it hereunder all such rights, powers and privileges as could be exercised lawfully by any natural person owning similar securities or other properties in his own right;

(10) to make all payments, divisions and distributions hereunder either in money or in property or partly in money and partly in property as it may deem advisable, its judgment as to the fairness and equality of any such payment, division or distribution to be final and binding upon all persons interested hereunder as to both the kind and value of any property designated by it for such disposition;

(11) to pay or deliver all or any part of the money or other property to which any minor shall be entitled hereunder to the parent or to the legal guardian of the person of such minor and to accept the receipt of such parent or guardian for the money or other property so paid or delivered as a full release from further accountability therefor;

(12) to employ such agents, experts and counsel as it may deem advisable in connection with the administration and management of my estate and of any trust created hereunder, and to delegate discretionary powers to or rely upon information or advice furnished by such agents, experts and counsel;

(13) to rely upon any affidavit, certificate, letter, notice, telegram or other paper or upon any telephone conversation believed by it to be genuine and upon any other evidence believed by it to be sufficient, and to be protected and saved harmless in all payments or distributions required to be made hereunder if made in good faith and without actual notice or knowledge of the changed condition or status of any person receiving payments or other distributions upon a condition; and

(14) to deal generally with my estate and with any trust created hereunder as in its judgment the best business interests thereof may require.

TWELFTH. During any period within which my husband JAMES A. STEWART may be entitled to receive income under the trust created under Article EIGHTH, he may on written notice to the Trustee (i) act as investment advisor to the Trustee for a semi-annual fee (payable from income) of one-quarter of one per cent ($1/4$ of 1%) of the market value of the trust fund at the end of each semi-annual period or, if he wishes, (ii) designate an outside investment advisor to the Trustee. Such outside investment advisor shall be experienced in the field, shall be paid a reasonable fee for his services, and may be changed by my husband at any time at his discretion. While such notice or designation is in effect, the Trustee shall obtain the approval of my husband or the outside investment advisor, as the case may be, to any investment change in the trust estate except that, if my husband or such outside investment advisor should refuse or neglect to approve or disapprove any proposed change within ten (10) days

after he is requested so to do, the Trustee shall be free to act with the approval of my husband, if he has designated an outside investment advisor, and otherwise without such approval. The Trustee must comply with any recommendation of my husband or such outside investment advisor, as the case may be, with respect to an investment change, and shall incur no liability to anyone interested hereunder for any action or non-action taken in compliance with an investment recommendation of my husband or such outside investment advisor; provided, however, that the Trustee shall not comply with any such investment recommendation if such action will or may in its discretion disqualify my estate, under the Internal Revenue Code and the Regulations promulgated thereunder in effect at my death or as amended from time to time, from any charitable deduction otherwise allowable to my estate; and provided, further, that the election given my husband herein to act as investment advisor or designate an outside investment advisor shall not become effective (or shall forthwith terminate) if such election or the exercise thereof will or may in the Trustee's discretion disqualify my estate under the Internal Revenue Code or the Regulations thereto in effect at my death or as amended from time to time, from any charitable deduction otherwise allowable to my estate. The Trustee shall have no obligation to investigate or make recommendations with respect to any investment made or continued on the recommendation of my husband or such outside investment advisor.

THIRTEENTH. I direct that any power granted to my Executor or Trustee hereunder may be released unconditionally at any time by its filing of a written renunciation with the probate court having jurisdiction of my estate.

FOURTEENTH. I direct my Executor to pay from my residuary estate as an expense of administration, without proration, all succession, inheritance, transfer, estate and similar taxes payable by my estate or by the beneficiary or donee or transferee with respect to any gift or interest hereunder or with respect to any property or interest or benefit, received or to be received, which is required to be included in my gross estate for the purpose of any such tax.

FIFTEENTH. I direct that the word "Executor" as used herein shall be construed to mean and to include any administrator with the Will annexed; and that the word "Trustee" as used herein shall be construed to mean and to include any successor trustee.

SIXTEENTH and LAST. I hereby revoke any and all Wills and Codicils heretofore made by me.

IN WITNESS WHEREOF, I, ELIZABETH A. STEWART, have

set my hand and affixed my seal to this Will (consisting of this page and the twelve preceding typewritten pages, each of which is identified by my initials at the bottom thereof) at Fairfield, Connecticut, on November 2, 1972.

Elizabeth A. Stewart (L.S.)

Subscribed and sealed by the within-named Testator ELIZABETH A. STEWART, in our presence, and at the same time published, declared and acknowledged by her to us to be her Will, and thereupon we, at her request, and in her presence and in the presence of each other, hereunto subscribed our names as witnesses at Fairfield, Connecticut on November 2, 1972.

Name

Address

Edward J. Farlick

Weston, Conn.

Diane P. Farlick

1-10-11-11 Conn.

Affidavit of Attesting Witnesses

STATE OF CONNECTICUT, }
COUNTY OF FAIRFIELD, } ss. Fairfield

November 2 , 1972

Then and there personally appeared the within-named

Edith G. Garlick and Diane Bergman ~~and~~

_____, who, being duly sworn, depose and say that
they witnessed the execution of the within ~~Testator's~~ Will of the within-named Testator,

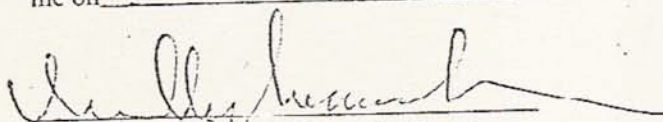
ELIZABETH A. STEWART;

that said Testator subscribed, sealed, published, declared and acknowledged the same to be
her ~~own~~ Will in their presence; that they thereafter subscribed the same as witnesses
in the presence of said Testator and in the presence of each other and at the request of said
Testator; that said Testator appeared to them to be of full age and of sound and disposing
mind and memory; and that they make this affidavit at the request of said Testator.

Edith G. Garlick
Diane Bergman

Subscribed and sworn to before

me on November 2 , 1972


Commissioner of Superior Court
Fairfield County, Connecticut