

Last Will and Testament of

MONTE [REDACTED]

I, MONTE [REDACTED] (also known as FAYE [REDACTED] of [REDACTED] County, state of Washington, declare this to be my Last Will and Testament and revoke all prior Wills, Codicils, Trusts, and all other documents of a similar nature which address the disposition of my assets upon my death.

ARTICLE I Identification of Family

1.1 My immediate family living at the time of the execution of this Will consists of my husband, WILLIAM [REDACTED] (also known as BILL [REDACTED]), and my three children; namely, JAY [REDACTED] (born [REDACTED]), JEFFREY [REDACTED] (born [REDACTED]), and CHRISTY [REDACTED] (born [REDACTED]).
I have no deceased children.

1.2 Except as provided below, I make no provision in this Will for any child who survives me, whether named herein or hereafter born or adopted, nor for the descendants of any child who does not survive me.

1.3 In the event that any person, whether a beneficiary named in this Will or not mentioned herein, shall contest this Will or object to any provisions of this Will, then such person shall forfeit all of his interest in said estate and shall be granted the sum of One Dollar (\$1.00) and no more; provided that this provision for forfeiture shall not affect any contest or objection which is found by the Court wherein this Will is admitted to probate to have been made in good faith and for probable cause and in such case the Court in its discretion may allow the expenses incurred by the contesting party paid from my estate.

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ARTICLE II
Appointment of Personal Representative

I appoint the following persons as personal representative and alternate personal representatives of this my Last Will and Testament.

- 2.1 My husband, WILLIAM [REDACTED] shall serve as my personal representative.
- 2.2 If for any reason he shall be unable or unwilling to so act, I appoint my daughter, CHRISTY [REDACTED] to so act as first alternate personal representative.
- 2.3 If neither WILLIAM [REDACTED] nor CHRISTY [REDACTED] is able nor willing to act, then I appoint my son, JAY [REDACTED] to so act as second alternate personal representative.
- 2.4 If none of the above are able or willing to act, I appoint my son, JEFFREY [REDACTED] to so act as third alternate personal representative. If there is no successor personal representative named, the last named personal representative shall have the right to name a successor.
- 2.5 Any personal representative shall act as such without bond and without the intervention of any court, except as may be required under the laws of the state of Washington in the case of a nonintervention will.
- 2.6 My personal representative shall be entitled to compensation for the administration of my estate and for the payments and distributions made by my personal representative. The amount of compensation shall be that customarily charged for similar services by the trust departments of banks in the community. My personal representative shall be reimbursed for all expenses reasonably incurred in the administration of my estate. No personal representative, whether original or successor, shall be required to furnish bond or other security, except as herein expressly provided.

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ARTICLE III
Debts, Expenses and Taxes

- 3.1 My personal representative shall pay all legally enforceable debts, including the expenses of my last illness and funeral expenses, current bills and any and all other expenses incurred in administering my estate out of my residuary estate.
- 3.2 My personal representative shall also pay out of my residuary estate any and all estate, transfer, inheritance, or other death taxes together with interest and penalties thereon, if any, which may be levied or assessed by reason of my death with respect to any and all property required to be included in my gross taxable estate, specifically including, but not limited to, my interest in life insurance, United States Savings Bonds, and jointly-held property passing by right of survivorship, for the purpose of any such taxes, without proration among the persons interested in my estate or to whom such property is or may be transferred or to whom any benefit accrues.

ARTICLE IV
Devises and Bequests

- 4.1 **General.** Except as expressly otherwise provided in this Article IV, I intend to dispose of all of my property.
- 4.2 **Medicaid transfer.** If at the time of my death any part of my estate consists of assets that were transferred from my spouse to me in order to qualify my spouse for any means tested benefit programs then the provisions below shall not apply to such transferred assets. The disposition of assets transferred out of my spouse's name to me shall be governed by the provisions of my spouse's Last Will and testament which has been executed at approximately the same time as this Last Will and Testament.
- 4.3 **Special Bequests.** Pursuant to RCW 11.12.260, I may leave a list, signed by me or in my handwriting, in which I dispose of some or all of my tangible personal

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property. My personal representative shall carry out the provisions of the list. I give any insurance policy on property contained in the list to the person named to receive such property. If a person named in the list to receive property dies before me, the property will be disposed of under this Will unless I have made an alternate disposition in the list.

4.4 Personal and Household Effects.

4.4.1 I give to my husband, WILLIAM [REDACTED], provided he survives me, any of my personal and household effects he may want, except for those items listed in any tangible personal property list I may have prepared.

4.4.2 If my husband does not survive me, I give to my daughter, CHRISTY [REDACTED], any of my personal and household effects she may want, except for those items listed in any tangible personal property list I may have prepared.

4.4.3 If both my husband, WILLIAM [REDACTED] and my daughter, CHRISTY [REDACTED], are not surviving, I give all of my remaining personal and household effects, except for those items listed in any tangible personal property list I may have prepared, in three approximately equal shares, one share to each of my children who survives me or one share by right of representation to the then living descendants of each of my children then deceased. If a child of mine predeceases me and leaves no children surviving him or her, that child's share shall pass to my surviving children or to the then living descendants of any of them then deceased.

- (a) If any personal and household effects pass to more than one beneficiary, my beneficiaries shall have one hundred twenty (120) days from the date of my death to divide the property among themselves. If they do not agree among themselves to a division within that period, or if any beneficiary is unable to

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make a choice because he is under a legal disability, I give my personal representative authority to make an equitable division of the articles and any proceeds from their sale among the beneficiaries. In so doing, he may direct the sale of any or all of the property to one or more of my beneficiaries or to others.

- (b) With respect to the share of any beneficiary under a legal disability, my personal representative is given the authority in his sole discretion to: (1) deliver all or any part to the person; (2) place assets in storage or in safekeeping for the person and pay fees incurred; (3) sell all or any part and distribute the proceeds to the beneficiary or add them to any trust fund for his benefit; or (4) deliver all or any part to the guardian of his person or the person with whom he resides, and the receipt of the personal guardian or person shall be a complete discharge of my personal representative for the property delivered.

4.5 Bank and Financial Accounts. In the event I have any joint bank accounts or joint ownership of any personal property with anyone of my beneficiaries wherein it is held in joint tenancy with right of survivorship, such accounts and/or other properties shall be added to my estate passing under the terms of this will for purposes of computation of the distributive share of each of the beneficiaries under this, my Last Will and Testament, and shall first be used to pay expenses of my last illness, my funeral expenses, any just debts owing, and the costs of administration of my estate. The remainder of such accounts and/or other properties so held, which shall pass to any of my beneficiaries under the right of survivorship, shall be considered an advancement against such beneficiary's distributive share of my estate, as above-computed. In the event that any such accounts and/or other properties passing to one of my beneficiaries shall exceed the distributive share of said beneficiary, such beneficiary shall have no obligation to reimburse my estate, nor to make payment to any of the other beneficiaries, so as to equalize the distribution of my estate.

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4.6 Residue.

- 4.6.1 If my husband survives me, I give all the rest, residue, and remainder of my net estate, whether real or personal and wheresoever situated, to the trustee named in the Safe Harbor Trust For Monte [REDACTED] established in Article V below, to hold, administer and distribute for the benefit of my husband, WILLIAM [REDACTED].
- 4.6.2 If my wife does not survive me, I give, devise, and bequeath all the rest, residue, and remainder of my net estate as follows:
- (a) To my daughter, CHRISTY [REDACTED] I give my residence commonly known as [REDACTED], Washington, 98021, and legally described under [REDACTED] County Assessor Parcel [REDACTED] free and clear of any indebtedness secured by such property. If my daughter does not survive me, then this gift shall pass equally by right of representation to her then living descendants.
 - (b) The rest, residue and remainder of my net estate, after distribution of this paragraph 4.6.2(a) above, shall be distributed in three equal shares, one share to my son, JEFFREY [REDACTED], one share to my son, JAY [REDACTED], and one share to my daughter, CHRISTY [REDACTED]. If a child of mine does not survive me, that child's share shall pass equally by right of representation to his or her then living descendants.
- 4.6.3 If a child of mine predeceases me and leaves no children surviving him or her, that child's share shall pass equally to my surviving children or to the then living descendants of any of them then deceased.
- 4.6.4 If a beneficiary of mine is under the age of thirty (30) years, his or her share shall be held, administered, and distributed in the Contingent Trust For Minors established in Article VI below.

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- 4.6.5 If my husband and all of my descendants fail to survive me, my personal representative shall divide my residuary estate into two equal shares. One share shall be distributed to my heirs-at-law and the other share shall be distributed to my husband's heirs-at-law, their identities and respective shares to be determined under the laws of intestate succession in the state of Washington.

ARTICLE V
Safe Harbor Trust For William [REDACTED]

If my husband survives me, I give my residuary estate to the trustees named below to be held, administered, and distributed for the benefit of my husband, WILLIAM [REDACTED] as follows:

- 5.1 **Appointment of Trustee.** My daughter, CHRISTY [REDACTED] shall serve as primary trustee.
- 5.2 **Designation of Successor Trustees.** If any trustee named by me shall be unable or unwilling to so act, I name the following (each to act alone and successively, in the order named) as successors to my trustee. If there is no successor trustee named, the last named fiduciary shall have the right to name a successor:
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| (a) | First Successor: | JAY [REDACTED] |
| | Relationship: | Son |
| (b) Second Successor: JEFFREY [REDACTED] | | |
| | Relationship: | Son |
- 5.3 **Intent.** My intent in creating the Safe Harbor Trust is to protect my estate from uncovered long term care and/or medical costs my spouse might face after my death. To that end, the Safe Harbor Trust assets are to be used only if my spouse's estate is fully depleted addressing my spouse's uncovered care costs.

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This restriction, however, shall not apply if my spouse is not incapacitated, not receiving means tested benefits or the distribution will not impact the benefits he might be receiving at the time.

- 5.4 Purpose.** The express purpose of this trust is to provide my husband extra and supplemental care, maintenance, support, and education in addition to and over and above the benefits he otherwise receives as a result of his incapacity or disability from any local, state, or federal government, or from any other private agencies, any of which provide services or benefits to incapacitated persons. It is the express purpose of the trustor to use the trust estate only to supplement other benefits received by the beneficiary. To this end, the trustee may provide such resources and experiences as will contribute to and make the beneficiary's life as pleasant, comfortable, and happy as feasible. Nothing herein shall preclude the trustee from purchasing those services and items which promote the beneficiary's happiness, welfare, and development, including, but not limited to, vacation and recreation trips away from places of residence, expenses for traveling companions if requested or necessary, entertainment expenses, supplemental medical and dental expenses, social services expenses, and transportation costs. This trust is to be considered as a discretionary trust, and not a basic support trust. The trust estate shall not be used to provide basic food, and shelter, nor be available to the beneficiary for conversion to such items, unless all local, state, and federal benefits to which the beneficiary is entitled as a result of disability have first been applied for those purposes. This trust is irrevocable except as provided in the paragraph entitled "Term" set forth immediately below.
- 5.5 Irrevocable.** This trust is irrevocable except as provided in paragraphs entitled "Term" and "Trustee's Discretion to Distribute" set forth immediately below.
- 5.6 Term.** This trust shall expire upon the death of my husband, at which time the assets then remaining in this trust shall pass and be distributed according to the terms set out in Article IV, Paragraphs 4.6.2 through 4.6.5, above.

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- 5.7 **Trustee's Discretion to Distribute.** In keeping with the intent outlined above, the Trustee shall have the discretion to determine whether or not this trust would be beneficial to the beneficiary. If the Trustee determines that the trust would not be beneficial, Trustee shall have the authority to distribute all or part of the trust corpus directly to the beneficiary, even if it would mean that beneficiary may lose some or all of the public benefits he is receiving as a result of his incapacity or disability from any local, state, or federal government, or from any other private agencies, any of which provide services or benefits to incapacitated persons.
- 5.8 **Trustee May Compel.** The Trustee may compel the beneficiary to apply for benefits he may be entitled to receive as a result of his incapacity or disability from any local, state, or federal government, or from any other private agencies, any of which provide services or benefits to incapacitated persons before making the assets of this Trust available to the beneficiary.
- 5.9 **Trustee's Right to Withhold Distributions.** The Trustor anticipates that in order to qualify for government benefits, the beneficiary may have to spend down the beneficiary's estate. The Trustor expects that if the beneficiary engages in such a spend down, that any money gifted or spent for this purpose will be used for the sole benefit of the beneficiary prior to requesting funds from this Safe Harbor Trust. To this end, the trustee shall have a right to refuse distribution if the trustee is not satisfied that funds gifted or spent by the beneficiary or the beneficiary's agent during a spend down were used for the benefit of the beneficiary. I encourage my trustee, if the trustee deems appropriate, to demand an accounting of the beneficiary's assets and any spend down of the beneficiary's estate in order to ensure such spend down is consistent with the Trustor's expectations as stated herein.
- 5.10 **Trustee's Authority over Real Property.** Should the property located at [REDACTED], or any property replacing it as our residence, become an asset of this Safe Harbor Trust, the trustee shall allow my husband, WILLIAM [REDACTED], to use and enjoy the property so long as he is able to do so. If my husband is unable to do so, the

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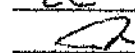
trustee has the authority to rent the property and place the net rental proceeds into this Safe Harbor Trust, or sell the property and deposit the proceeds from sale to this Safe Harbor Trust for the benefit of my husband or use the proceeds to purchase a new home suitable for his needs. At no time, shall this paragraph be construed to confer upon the beneficiary any property interest in such real property.

- 5.11 Trustee's Duty to Hire a Care Coordinator.** I recognize that my husband's care needs related to his disability may place additional burdens on the trustee. In order to minimize these burdens and allow the trustee to have a life of her own, it is my desire that the trustee hire a care manager to assist her in determining the course of action and support systems necessary to address my husband's long term care needs and quality of life issues. To that end, the trustee shall have a duty to hire a care coordinator. The care coordinator shall assess his needs with the aim of enhancing or maintaining his quality of life and communicate those needs to the trustee who in her discretion may implement the suggestions. Once obtaining this first assessment, the trustee shall no longer be obligated to hire a care coordinator. Should the trustee feel that the recommendations are improper, nothing would prohibit the trustee from obtaining a second opinion from another independent care coordinator. It is my intent that my husband should remain at home and out of an institutional setting for as long as possible.

For the purposes of this trust, the term "care coordinator" is to be broadly construed and shall include a geriatric manager, a social worker, or any similarly situated professional qualified to assist a disabled person with care coordination issues..

- 5.12 Discretion.** In addition to the Care Coordinator, the trustee shall also have discretion to determine when and if the beneficiary needs regular or extra supportive services and provisions as referred to in the paragraphs above. The exercise by the trustee of her discretion shall be conclusive and binding on all persons. However, this authority shall be in effect only if it does not interfere with my husband's right to receive public benefits and shall be ineffectual if the

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right to amend will disqualify my husband for benefits he may be eligible for on account of his disability or incapacity.

5.13 Payments. All payments from this trust which do go to the benefit of the beneficiary are to be direct payments to the person or persons who supply either goods or services to the beneficiary at the request of the trustee. However, the trustee may exercise discretion in allowing the beneficiary such periodic allowances for personal spending money as the trustee deems appropriate.

5.14 Qualified Assets and Conduit Trust. The intent of this provision is to make sure that my qualified funds that may have been distributed to the trustee of this Safe Harbor Trust comply with the requirements of PLR 200620025, published February 21, 2006, in order to protect the integrity of tax qualified status thereof:

5.14.1 Each year, beginning with the year of my death, the Trustees of such trust shall withdraw the Minimum Required Distribution for such Qualified Retirement Plan payable to such trust for such year, plus such additional amount or amounts as the Trustees (excluding, however, any Interested Trustee) deem advisable in their sole discretion. The Trustees may distribute to or apply for the benefit of the beneficiary so much of the net income and principal of the trust as appears advisable in Trustees sole discretion, or the Trustees may accumulate, so long as it does not violate the provisions of PLR 200620025, any or all of the trust income; income not distributed in the current year shall be added to the principal.

5.14.2 The following definitions shall apply in administering these provisions relating to such trust. The Minimum Required Distribution for any year shall be, for each Qualified Retirement Plan: (a) the value of the Qualified Retirement Plan determined as of the preceding year end, divided by (b) the Applicable Distribution Period; or such greater amount (if any) as the Trustees shall be required to withdraw under the laws then applicable to such Qualified Retirement Plan to avoid penalty. If my death occurred before my "required beginning date" with

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respect to such benefit, the Applicable Distribution Period means the life expectancy of the Beneficiary. If my death occurred on or after my "required beginning date" with respect to such benefit, the Applicable Distribution Period means the life expectancy of the Beneficiary.

- 5.14.3 Notwithstanding the foregoing, if my death occurred on or after my "required beginning date" with respect to such benefit, the Minimum Required Distribution for the year of my death shall mean (a) the amount that was required to be distributed to me with respect to such benefit during such year, minus (b) amounts actually distributed to me with respect to such benefit during such year. Life expectancy, and the meaning of "required beginning date" and others terms in this paragraph, shall be determined in accordance with Code Sec. 401(a)(9).
- 5.14.4 As used in this paragraph to define the person to whom amounts are to be distributed, the term "the Beneficiary" shall refer to the person otherwise designated as "the Beneficiary" thereof elsewhere in the instrument.
- 5.14.5 Exclusion of Qualified Retirement Benefits from Creditors. Anything to the contrary in this Will notwithstanding any Retirement Benefits payable to my Personal Representatives or Trustees under this Will shall, however, never be or become part of my probate or testamentary estate hereunder, and nothing in this Will shall be deemed to subject those proceeds to payment of my debts or expenses.
- 5.15 Trustee/Substitute Trustee.** It is recognized by the trustor that, in the event any trustee designated herein is a possible residual beneficiary of this trust, that person could be considered to be in a position of conflict of interest. The trustor acknowledges that possibility, but has full faith and trust in the individuals so designated to act in the best interest of the prime beneficiary.

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5.16 Amendment. The trustee shall have the right to amend this trust as necessary to carry out the purposes and intents specified herein and to accommodate any changes in the nature or degree of any beneficiary's disability and any changes in local, state, or federal laws or regulations concerning receipt of benefits based on disability; provided that the right to amend this trust shall not include the right to revoke the trust, to negatively impact any tax advantage intended by this trust, or to make any amendment contrary to the intent stated in this instrument.

5.17 Spendthrift. The beneficiary shall have no interest in either the principal or income of this trust. The assets of this trust shall in no way be assignable or alienable by or through any process whatsoever. The assets of the trust shall not be subject to garnishment, attachment, levy, or any other legal process of any court from any creditor of any beneficiary, nor shall the assets be an asset in any future bankruptcy of any beneficiary. Furthermore, because this trust is to be conserved and maintained for the special needs of the impaired beneficiary throughout his lifetime, no part of the corpus thereof, neither principal nor undistributed income, shall be construed as part of the beneficiary's "estate" or be subject to the claims of voluntary or involuntary creditors for the provision of goods, care, and services, including residential care, by any public entity, office, department or agency of the state of Washington or any other state, county, municipal, federal or other governmental entity, department or agency, except specifically provided for otherwise in this instrument.

5.18 Accounting. The trustee shall not be required to comply with the Trustees' Accounting Act, but may submit to the adult beneficiary hereunder and to the legal guardian or authorized limited guardian of any beneficiary who is a minor or under legal disability an annual statement or statements at more frequent intervals showing the receipts and disbursements since the last previous statement and a list of all assets comprising the trust estate.

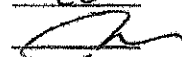
5.19 Trustee's Powers.

5.19.1 Having confidence in the ability of the trustee to act within the best interests of the beneficiary and not wishing to limit her ability to do so,

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the trustor authorizes and empowers the trustee to manage and deal with the trust estate in all particulars in the same manner and to the extent that trustor could, if living and holding personal ownership of the trust estate.

5.19.2 In addition to the powers and authority granted by law, including without limitation thereof, the powers granted to trustees by the Washington Trust Act of 1985, and as it may hereafter be amended, the trustee shall have the following specific powers, and the exercise of discretion in the application thereof, which are by way of extension of the powers heretofore granted and not a limitation thereof, to:

- a. Retain without liability for so doing any property, real or personal, productive or unproductive, of whatsoever kind and character and wheresoever situated, and specifically including any business in which the trustor may have any right, title, or interest, which the trustee may receive in trust herein from any source, regardless of whether the particular property so retained be of a kind and quality which the trustee would ordinarily purchase for trust accounts, regardless of whether such property if retained should constitute a larger portion of the trust estate than the trustee would ordinarily deem advisable or prudent.
- b. Employ such agents, attorneys, accountants, or appraisers as to her seem reasonably necessary; rely upon their legal, tax, or other expert advice; and pay them reasonable fees for said services from the trust estate.
- c. Retain during the period of the trust any stock of a trustee corporation received other than by purchase (except purchases from trusts or estates of the trustor) and such retention shall not be deemed in violation of trustee's undivided loyalty; PROVIDED, however, that the trustee is empowered to sell stock or exercise conversion rights that may arise concerning

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said stocks; it being trustor's desire to maintain the relative position of stock ownership unless the trustee shall conclude it unwise to do so; and to issue proxies to any of the adult beneficiary for voting stock of a trustee corporation.

- d. Consolidate this trust or any other trust created by the trustor in which the trustee named above and/or her successor has been named as trustee, insofar as the trustee shall deem appropriate and not in substantial conflict with the expressed terms of any instrument executed by the trustor. The determination by the trustee as to any consolidation hereunder shall be conclusive and binding on all parties interested in the trust estate; PROVIDED, that should the trusts be merged have differing dispositive provisions upon the death of the life beneficiary, those dispositive provisions shall continue in proportion to the trust share pertinent to each.
- e. Notwithstanding the fact that the trustee may be the executor or administrator of the estate of a trustor or trustee of any other trust created by the trustor, this trustee shall have the power to:
 - (1) Purchase or sell any real or personal property from or to said estate or trust at the established market value of said property, or if there be no established market value, then at the reasonable value thereof as shall be determined by the trustee.
 - (2) Loan or borrow from the estate or trust such sums and upon such security (or without security) and such interest rates and conditions as the trustee may deem advisable.
 - (3) Determine what is income and principal; pay such expenses, costs, and taxes, if any, deemed by the trustee to be lawfully chargeable to the trust estate as well as

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reasonable compensation to himself as trustee; apportion all such charges between income and principal as the trustee deems appropriate; act without bond and without posting security of any kind; and exercise all powers granted by law.

- 5.20 Insurance Proceeds.** The trustee is authorized to receive as additional assets to the trust estate any insurance benefits or proceeds directed to any beneficiary or to the trust.

ARTICLE VI Contingent Trust For Minors

If any of my beneficiaries are under the age of thirty (30) years at the time of my death, I give that beneficiary's share of my residuary estate to the trustee named below, to be held, administered, and distributed for the benefit of my beneficiaries as follows:

- 6.1 Appointment of Trustee.** My daughter, CHRISTY [REDACTED], shall serve as primary trustee.
- 6.2 Designation of Successor Trustees.** If any trustee named by me shall be unable or unwilling to so act, I name the following (each to act alone and successively, in the order named) as successors to my trustee. If there is no successor trustee named, the last named fiduciary shall have the right to name a successor:

(a) First Successor: JAY [REDACTED]
Relationship: Son

(b) Second Successor: JEFFREY [REDACTED]
Relationship: Son

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reasonable compensation to himself as trustee; apportion all such charges between income and principal as the trustee deems appropriate; act without bond and without posting security of any kind; and exercise all powers granted by law.

- 5.20 Insurance Proceeds.** The trustee is authorized to receive as additional assets to the trust estate any insurance benefits or proceeds directed to any beneficiary or to the trust.

ARTICLE VI Contingent Trust For Minors

If any of my beneficiaries are under the age of thirty (30) years at the time of my death, I give that beneficiary's share of my residuary estate to the trustee named below, to be held, administered, and distributed for the benefit of my beneficiaries as follows:

- 6.1 Appointment of Trustee.** My daughter, CHRISTY [REDACTED] shall serve as primary trustee.
- 6.2 Designation of Successor Trustees.** If any trustee named by me shall be unable or unwilling to so act, I name the following (each to act alone and successively, in the order named) as successors to my trustee. If there is no successor trustee named, the last named fiduciary shall have the right to name a successor:

(a) First Successor: JAY [REDACTED]
Relationship: Son

(b) Second Successor: JEFFREY [REDACTED]
Relationship: Son

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6.3 The trustee may manage the trust estate as a single trust so long as any beneficiary of mine is living and under the age of thirty (30) years, but shall account for each child's share separately. All distributions to or for any beneficiary shall be charged without interest as an advancement against such beneficiary's share upon subsequent division of the trust.

6.3.1 From the income and principal, the trustee may make discretionary distributions for the care, maintenance, support, health, and education of any beneficiary of mine, regardless of age, who is unable to earn his own living or who is unable to meet an emergency with which he may be confronted.

6.3.2 If a beneficiary of mine should die before reaching the age of thirty (30), the trustee may also make discretionary distributions for the benefit of the descendants of such deceased beneficiary, taking into consideration other income and assets available to them and considering the funds available in that deceased beneficiary's share of the trust. All distributions to or for any descendant shall be charged without interest as an advancement against such deceased beneficiary's share upon subsequent division of the trust.

6.3.3 In making distributions, the trustee shall not be required to apportion benefits equally among such beneficiaries and descendants, but is to take into consideration their respective ages, health, educational requirements, earning capacities, and other circumstances affecting them individually.

6.3.4 Notwithstanding the above directions, within the limitations of the funds available and considering the funds available in that beneficiary's share of the trust, the trustee is authorized to assist each beneficiary of mine, regardless of age, in acquiring a college or trade school education and, if desired, professional education.

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6.3.5 Distributions to or for any beneficiary for educational benefits shall be charged as an advancement against such beneficiary's share upon subsequent division of the trust.

6.4 Notwithstanding any provision herein as to the terms or manner of payment of income or principal to any trust beneficiary, no interest shall vest in such beneficiary until actually delivered to him by the trustee; nor shall such interest be liable for the debts of any beneficiary, be subject to process or seizure by any court, or be an asset in the bankruptcy or insolvency of such beneficiary. No beneficiary hereunder shall have the power to anticipate, alienate, or encumber his interest in any trust or the income therefrom. If by reason of bankruptcy, judgment or other cause, any income or principal of any trust would, except for this proviso, vest in or be enjoyed by some person other than the beneficiary intended by the terms of this instrument to have or enjoy the same, the income and principal so affected may be withheld by the trustee during the life of such beneficiary or any shorter period in its absolute discretion. The trustee at any time during any such period may, nevertheless, pay to or expend for the care, support, or education of such beneficiary discretionary amounts of income or principal from the share of the beneficiary and may likewise pay to or expend for the benefit of the spouse or children of such beneficiary discretionary amounts of such income or principal. The trustee may distribute any part of such income or principal in the proportions and to the person or persons other than the personal representatives of such beneficiary who, at the time of such distributions, would be entitled to such share under the terms of the trust if the beneficiary whose interest is so affected were to die. Every payment or distribution made by the trustee under this provision shall be conclusive upon all parties claiming an interest in any trust established herein.

6.5 In addition to the duties, powers, and rights imposed and granted by law, any corporate trustee shall have the power, and the exercise of discretion in the application thereof, to:

- (a) Determine what is principal or income, which authority shall specifically include the right to make any adjustments between

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principal and income for premiums, discounts, depreciation, or depletion; provided, that all dividends which represent capital gains realized from the sale of securities owned by regulated investment companies shall be treated as principal;

- (b) Rely with acquittance on the advice of counsel on questions of law;
- (c) Issue proxies to any of the adult beneficiaries for the purpose of voting stock of the trustee corporation held in trust; and
- (d) Merge or combine any trust hereunder with a trust or trusts otherwise established for substantially the same class or classes of persons, and thereafter to jointly administer and distribute such combined trust estate.

6.6 As each beneficiary of mine reaches the age of thirty (30) years, the trustee shall distribute any then remaining trust estate of that child to that child. If any beneficiary predeceases distribution, his share shall pass by right of representation to his descendants in equal shares. If any beneficiary predeceases distribution and leaves no descendants surviving him, the trustee shall distribute any then remaining trust estate in accordance with Article IV, Paragraphs 4.6.2 through 4.6.5, above.

ARTICLE VII

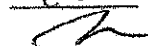
Presumption of Survivorship And Simultaneous Death Provision

- 7.1 If any beneficiary other than my husband cannot be located within one year after the admission of this Will to probate, then, upon a showing by the personal representative that reasonable attempts were made to locate that beneficiary, the beneficiary will be presumed to have predeceased me.
- 7.2 If my husband dies within ninety (90) days after the date of my death, any interests which would have passed to him under the provisions of this Will are

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to be disposed of according to the plan of distribution which would have been effective under this Will if my husband had predeceased me, except that, if a "Simultaneous Death Provision" is included in this Will or in any Codicil thereto, the Simultaneous Death Provision shall take precedence over the provisions of this paragraph in regard to survivorship of my husband. It is my intention that any property or interest which is distributed from my Will as a result of any transfer authorized by my personal representative prior to the death of my husband will not be revoked or otherwise affected by the subsequent death of my husband.

- 7.3 If we should die under such circumstances as would render it doubtful as to which of us died first, then it shall be conclusively presumed for the purposes of this Will that my husband predeceased me.

ARTICLE VIII Definitions

8.1 Descendants, Issue, and Children.

- 8.1.1 Wherever used in this document, the word "descendants" or the word "issue" shall mean legitimate descendants of whatever degree, including descendants both by blood and by adoption.
- 8.1.2 Any reference in this document to my "children" shall include only my natural and adopted children living or deceased at the date this document is signed; namely, JAY [REDACTED] (born February 20, 1961), JEFFREY [REDACTED] (born July 30, 1963), and CHRISTY [REDACTED] (born June 24, 1966).
- 8.1.3 For purposes of this document, a person shall be regarded as having been adopted by another only if the adoption is by court proceedings, the finality of which is not being contested by the adopting person. A child *en ventre sa mere* shall be regarded for purposes of this document

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[Signature]

as though such child were then living, but only if such child survives birth.

8.1.4 For purposes of this document a child shall be regarded as being a natural child born to a marriage if such child is born to the wife through artificial insemination where either the husband is the donor (homologous insemination) or, with the husband's consent, another man is the donor (heterologous insemination).

8.2 **Education.** Whenever used in this document, the term "education" shall include elementary, secondary, college, and postgraduate study; special education; vocational or trade school training or study; Elderhostel or similar programs; and, if desired, professional education, so long as pursued to advantage by the beneficiary at an institution of the beneficiary's choice. In determining distributions for education, the trustee may consider the beneficiary's reasonable living expenses.

8.3 **Income.** "Income" means net income and accumulated income added to principal. Undistributed income at the termination of the income interest to which it relates shall be dealt with as if accrued and received thereafter.

8.4 **Net Estate.** "Net estate" shall mean the total property passing within this estate, less debts, funeral expenses, costs of administration, and similar expenses.

8.5 **Personal and Household Effects.** All references in this document to my "personal and household effects" shall mean my jewelry, clothing, books, china, crystal, silverware, furniture and furnishings, objects of art, boats, automobiles, club memberships, and all other personal property of a nature, use, and classification similar to the foregoing, and includes all rights that I may have under any insurance policies relating thereto. Expressly excluded from this definition is any tangible personal property regularly used in connection with any business in which I own any interest.

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- 8.6 Residence.** All references in this document to my "residence" shall mean all of my interest in the real property, including improvements thereon, that is my principal residence at the time of my death, free and clear of any indebtedness secured by such property, together with all rights that I may have under any insurance policies relating thereto.
- 8.7 Residue.** All references in this document to my "residue" shall mean all the remainder of my property, of whatsoever kind (whether real, personal, or mixed, and whether tangible or intangible) and wheresoever situated (and including all lapsed bequests and devises that fail for any reason), not specifically disposed of herein. Should I possess one or more powers of appointment, however, I call attention to the fact that I do not desire to exercise such power; neither such power nor any property subject to any such power shall be regarded as part of my residue.
- 8.8 Right of Representation.** All references in this document to "right of representation" refers to the principle upon which the issue of a deceased person take or inherit the share of an estate which their immediate ancestor would have taken or inherited, if living. Where distribution of income or principal is made to a person's issue by right of representation, it is first determined who, of those entitled to a share in the estate, are in the nearest degree of kinship, and then the estate is divided among those persons in equal shares. The number of shares is ascertained by determining the persons who survive the deceased and are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the deceased, but left surviving issue. One share shall be distributed to each surviving person of the same degree of kinship. If such person predeceases distribution, then that person's share shall be divided among his or her surviving issue. If such person predeceases distribution and leaves no surviving issue, then that person's share shall be divided among the surviving persons of the same degree of kinship. RCW 11.02.005(3).
- 8.9 Survive.** For purposes of this instrument, one person shall be regarded as having survived another only if the former survived the latter by ninety (90) days or more.

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ARTICLE IX
Miscellaneous

- 9.1 Packing and Shipping Costs.** The costs of packing and shipping any bequest or personal and household effects to a beneficiary over and above One Thousand Dollars (\$1,000.00) shall be borne by the beneficiary.
- 9.2 Situs of Trusts.** The trusts created herein shall be deemed Washington trusts and shall, in all respects, be governed by the laws of the state of Washington. If, however, the trustee, in its sole discretion, determines that a change of situs would be beneficial to the purposes of any separate trust established by this document, the trustee shall have the discretion and authority to change the situs of any such trust to another state. Formal notice of any change of situs may be given by the trustee by the filing of a written declaration with the Division of Records and Elections or the auditor of my county. If the situs of any such trust is changed to another state, then the trust shall, in all respects, be governed by the laws of the state that is the new situs. No such change of situs shall be authorized herein, however, if it would result in a termination of the trust for federal tax purposes.
- 9.3 Use of Words.** As used in this document, unless the context indicates otherwise, the gender of all words shall include the masculine, feminine, and neuter, and the number of all words shall include the singular and plural.
- 9.4 Will Not Contractual.** My husband and I are at approximately the same time executing Wills in which each of us is the recipient of the other's bounty to a greater or lesser extent; however, these Wills are not the result of any contract or agreement between us, and either Will may be revoked at any time at the sole discretion of the maker thereof.
- 9.5 Invalid Provisions.** If any part of this document shall be invalid, illegal, or inoperative for any reason, it is my intention that the remaining parts, so far as possible and reasonable, shall be effective and fully operative. My personal representative or my trustee may seek and obtain court instructions for the

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purpose of carrying out as nearly as may be possible the intention of this document as shown by the terms herein, including any terms held invalid, illegal, or inoperative.

- 9.6 Maximum Duration of Trusts.** Notwithstanding any other provision of this document, if any trust herein created or herein authorized (by power of appointment or otherwise) has not otherwise fully terminated under the terms of this document, then that trust shall terminate fully and all principal and undistributed income shall be distributed to the respective income beneficiary or beneficiaries at the end of one hundred forty-nine (149) years and eleven (11) months after the date of death of the last to die of my descendants who are living at my death.
- 9.7 Governing Law and Construction.** This document shall be construed, governed, and administered in accordance with the laws of the state of Washington.
- 9.8 Headings.** The headings used throughout this document have been inserted for administrative convenience only, and do not constitute matter to be construed in interpreting this document.

DATED this 28th day of September, 2012.



Testatrix

Initials:

EL
[Signature]

On the above date, MONTE [REDACTED] (also known as FAYE [REDACTED]) declared to us, the undersigned, that the foregoing instrument, consisting of twenty-five (25) pages, including this page signed by us as witnesses, was her Last Will and Testament and requested us to act as witnesses to it. The testatrix thereupon signed this Will in our presence, all of us being present at the same time. We now, at her request, in her presence and in the presence of each other, subscribe our names as witnesses.



Printed Name:



Printed Name:

AFFIDAVIT OF SUBSCRIBING WITNESSES TO WILL

STATE OF WASHINGTON)

)ss.

COUNTY OF [REDACTED]

THE UNDERSIGNED, of lawful age and competent witnesses, being duly sworn each for self, testify as follows, to-wit:

I reside in the county of [REDACTED] state of Washington, and am over the age of eighteen (18) years. Upon the date of the instrument to which this affidavit is attached, designated as the Last Will and Testament of MONTE [REDACTED] (also known as FAYE [REDACTED]), I knew MONTE [REDACTED] (also known as FAYE [REDACTED]).

I am one of the subscribing witnesses to the said instrument; I also knew, at the date of the said instrument, the other subscribing witness; the said instrument was signed by the said testatrix at Edmonds, Washington, on the date it bears, in the presence of myself and the other witness; the said testatrix thereupon published the said instrument as, and declared the same to us to be, her Last Will and Testament and requested us in attestation thereof to sign the same as witnesses; we then and there, in the presence of the said testatrix and in the presence of each other, subscribed our names as witnesses to the said instrument.

The testatrix then and there requested me to sign this affidavit as a subscribing witness to the said instrument.

At the time of so executing the said instrument, the testatrix was over the age of eighteen (18) years and, according to my best knowledge and belief, was of sound and disposing mind and memory, not acting under duress, menace, fraud, undue influence, or any other misrepresentation.





SIGNED AND SWORN to before me on this 28th day of September, 2012.

