

LAST WILL AND TESTAMENT

OF

JAMES BUTLER HICKOCK

STATE OF LOUISIANA

PARISH OF JOHNSON

BE IT KNOWN, that before me, the undersigned authority, duly commissioned and qualified in and for the Parish of Johnson, State of Louisiana, and in the presence of the undersigned competent witnesses, personally came and appeared:

JAMES BUTLER HICKOCK, of legal age, who declared that he lives and resides in the Parish of Johnson, Louisiana at the following address: 1873 Troy Grove Lane, Mariah, LA 70808.

who declared to me, Notary, that he wishes to take advantage of the provisions of La. Civ. Code Ann. art. 1576, et seq., and does hereby make and declare this to be his last will and testament, to-wit:

I, JAMES BUTLER HICKOCK, knowing how and being able to read and write, declare this to be my testament. I revoke all of my prior testaments or codicils.

I. FAMILY

- A) Marriage. I have been married but once and then to MARTHA JANE CANNARY HICKOCK, hereinafter sometimes called “wife”, with whom I am presently living.
- B) Children. Of my marriage were born: ROBERT W. HICKOCK and CHARLOTTE HICKOCK, both of full age and of majority.

II. GENERAL OR UNIVERSAL LEGACIES

- A) Usufruct of spouse. I hereby grant to my spouse, MARTHA JANE CANARY HICKOCK, a usufruct over and to all of my property, community and separate; said usufruct is hereby confirmed upon her for life.
- B) Rights of usufructuary. In addition to those rights granted under Louisiana law, MARTHA JANE CANARY HICKOCK may dispose, alienate, mortgage or encumber all nonconsumables subject to her usufruct without seeking the consent of the naked owners of the property. My spouse's usufruct will automatically attach to the proceeds from the sale or alienation of all nonconsumables subject to such usufruct, and shall thereafter be treated as a usufruct of money. In the event my nonconsumables are exchanged, rather than sold, my spouse's usufruct will automatically attach to the nonconsumables received

in the exchange. I dispense MARTHA JANE CANARY HICKOCK from any requirement to give bond or post security as usufructuary.

- C) Obligations of usufructuary. In addition to those obligations imposed under Louisiana law, MARTHA JANE CANARY HICKOCK will report and pay the income tax attributable to any capital gains, allocable to the naked owners, realized upon the sale or exchange of any property subject to the usufruct granted in this testament. However, MARTHA JANE CANARY HICKOCK is entitled to reimbursement, without interest, from the naked owners for the income tax so paid, at the termination of the usufruct.
- D) Residuary legatees. I leave the residue of my estate after the above bequests to my children, ROBERT W. HICKOCK and CHARLOTTE HICKOCK, one-half to each.
- E) Renunciation or Lapsed Legacies. In the event a legacy under Section 2.4 lapses or if any of my residuary legatees renounce all or part of their inheritance, that legatee's portion shall devolve upon his/her descendants by roots who were in existence at the date of my death or, if none, to my remaining residuary legatees.

### III. MISCELLANEOUS PROVISIONS

- A) Executor. I name MARTHA JANE CANARY HICKOCK as Executrix of my succession. Should she cease or fail to serve, I name CHARLOTTE HICKOCK as successor Executrix. All of my executors may serve independently, without court supervision.
- B) Compensation. My individual Executor shall serve without compensation, but shall be entitled to recover his or her expenses from my Estate.
- C) Bond. I dispense all of my Executors, including any duly appointed dative or provisional executor, from giving bond.
- D) Selection of Assets. Pursuant to La. Civ. Code art. 1572, my executor has the authority to select assets to satisfy any legacy herein expressed as a quantum or value of my estate, including a fractional share.
- E) Counterparts, revocations, and conflicts. A multiple original of this testament is on file at the office of William Paterson, Esq., 1793 Somerset St., Mariah, Louisiana 70808 for the sole purpose of safekeeping. This testament shall remain in full force and effect unless (a) superseded by a properly executed codicil or testament of a later date than this testament or, (b) all multiple originals of this testament are destroyed by me or at my direction.
- F) Common disaster. Should I die together with any legatee in a common disaster or under such circumstances as to render it doubtful as to who died first, it shall be presumed that I survived.

- G) Collation. I dispense all of my heirs from collating any gift received from me whether inter vivos or by reason of my death.
- H) Undue Influence. No disposition in this testament has been made by me as a result of hatred, anger, suggestion or captation. I understand the nature and extent of my property and the consequences of the dispositions in this testament.
- I) Executor's election to allocate unused exclusion to surviving spouse. My executor has the sole discretion to determine whether any unused federal estate tax exclusion in my estate shall be allocated to my surviving spouse. The cost of preparing a federal estate tax return necessary to make this election shall be charged to my spouse's interest in my estate or, if none, shall be paid directly by my surviving spouse.

*J B Hickock*  
*with Bill*  
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 JAMES BUTLER HICKOCK

IN WITNESS WHEREOF, the testamentary, JAMES BUTLER HICKOCOK, declared to me, Notary, and to CHARLES H. UTTER and JOHN McCALL, the undersigned competent witnesses, that this testament consisting of three (3) pages is his last will and testament, and that he has read the same, and then signed his name hereunto at the end of and on each page in the presence of the undersigned competent witnesses and me, Notary; and in the presence of said testatrix and each other the witnesses and I, Notary, have also signed our names hereunto at Mariah, Louisiana, on the 25<sup>th</sup> day of April, 2012.

WITNESSES:

\_\_\_\_\_  
 CHARLES H. UTTER

\_\_\_\_\_  
 JOHN McCALL

SWORN TO ME AND SUBSCRIBED BEFORE ME  
 THIS 25<sup>TH</sup> DAY OF APRIL, 2012:

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 WILLIAM PATERSON  
 NOTARY PUBLIC; BAR ROLL NO: 9710