

Filed in error
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JOHNSTON COUNTY C.S.C.
BY [Signature]
ASST/DEPUTY CLERK

WILL

OF

MARGARET G. MILLARD

I, Margaret G. Millard, a resident of Wayne County, North Carolina, do make, publish, and declare this to be my Will, and I hereby revoke any and all Wills previously made by me.

INTRODUCTION

I am Margaret G. Millard. I live at 392 Luby Smith Road, Princeton, North Carolina. I was married to Elbert Millard who has predeceased me. We had one child, Judy Fay Millard Von Miller, who has predeceased us and who has left surviving her a daughter, who is Erica Frances Von Miller. Erica Frances Von Miller has two children, Tyler Alexander Howell and Summer Lee Cowdrey, who are minors.

ITEM I.

I direct my personal representative to pay from the assets of my estate, and as soon as practical after my death, my debts and funeral expenses (including the cost of a suitable monument at my grave), and the expenses of administering my estate. I have prepaid my funeral expenses at Casey Funeral Home in Princeton, NC, and already have my grave marker at Evergreen Cemetery in Wayne County.

ITEM II.

I will, devise, and bequeath unto my sister-in-law Myde Godwin, if she should survive me,

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the following items:

1. my cedar chest that I inherited from my mother;
2. my watch with crystal band that my husband Elbert gave me for our 50th wedding anniversary which might be located in the cedar chest; and
3. my blue table lamp with white shade (not the touch lamp) in master bedroom.

If Myde Godwin does not survive me, then these bequests shall be null and void and said items shall be distributed in accordance with Item VI below.

ITEM III.

I will, devise, and bequeath unto my nephew David Robert Millard my "Aunt Jemima" cookie jar that came from his dad Elton Millard.

If David Robert Millard does not survive me, then this bequest shall be null and void and said item shall be distributed in accordance with Item VI below.

ITEM IV.

I will, devise, and bequeath unto my niece Connie Hobbs my large picture of Ira Millard.

If Connie Hobbs does not survive me, then this bequest shall be null and void and said item shall be distributed in accordance with Item VI below.

ITEM V.

I will, devise, and bequeath unto my niece Jackie Sallee my large picture of Leslie Millard

If Jackie Sallee does not survive me, then this bequest shall be null and void and said item shall be distributed in accordance with Item VI below.

ITEM VI.

I will, devise, and bequeath all of the all the rest, residue, and remainder of my personal

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effects (not including cash, monies, deposits, or securities, etc.), furniture, and all of my vehicles to my granddaughter, Erica Frances Von Miller, absolutely and in fee simple. This bequest shall include all appliances, except for the stoves and refrigerators which shall remain in the houses in which they are located. I also bequeath to her my Massey Ferguson tractor, my disc harrow, and all farm equipment and all contents in the barn which is located on Lot number 1 in Fork Township, Wayne County, and which is identified below. I also bequeath to her all of my yard tools and implements.

ITEM VII.

I will and devise to my granddaughter Erica Frances Von Miller, for the term of her natural life, the two tracts of land described immediately below, with a vested remainder in fee simple, in equal shares, to my great grandson Tyler Alexander Howell and my great granddaughter Summer Lee Cowdrey.

Until Erica Frances Von Miller is forty (40) years old, my nephew David Robert Millard shall have the legal right to possess said property, as trustee, for my granddaughter, Erica Frances Von Miller, and shall have all rights to deal with the property as set forth in Item XI of this my Last Will and Testament.

1. Lot number 1 in Fork Township Wayne County together with all improvements located thereon as shown on a Plat by Alonzo E. Little registered surveyor entitled "Survey for Elbert Millard" which said Plat is dated January 6, 2003, and which is recorded in Plat Cabinet L at Slide 99-C of the Wayne County Registry. This property has a street address of 400 Luby Smith Road, Princeton, North Carolina.

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2. A house and lot located at 2003 Rose Street in the city of Goldsboro, North Carolina, described as follows:

Lot No. 14 as shown on a plat of "A portion of Dr. A.H. Zealy Subdivision No. 3 Revised, Wayne County" prepared by A. E. Little, Registered Surveyor, on November 15, 1960, which is recorded in the office of the Register of Deeds of Wayne County in Map Book 8, at Page 26, to which reference is hereby made for full description, and being the same land conveyed to Myrtle C. Clinard by Deed recorded in Wayne County Registry in Book 510, at Page 189. And being the same property conveyed to Robert S. Clinard by Deed dated July 3, 1969 which will be found duly recorded in Book 736, Page 24 of the Wayne County Registry.

This is the same property conveyed to Elbert Millard and wife, Margaret Millard from Jack H. Clinard and Bridget C. Whitt, co-guardians of the estate of Myrtle C. Clinard, incompetent, by Deed dated June 10, 1996 and recorded in Book 1538, at Page 46, of the Wayne County Registry.

ITEM VIII.

I will and devise the following real estate in Wayne County, North Carolina, to my nephew David Robert Millard, as trustee for my great grandson, Tyler Alexander Howell, to be held, managed, and disposed of in accordance with the provisions of Item XII of this Will .

1. Lot number 2 in Fork Township Wayne County together with all improvements located thereon as shown on a Plat by Alonzo E. Little registered surveyor entitled "Survey for Elbert Millard" which said Plat is dated January 6, 2003, and which is recorded in Plat Cabinet L at Slide 99-C of the Wayne County Registry.

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2. Lot number 3 in Fork Township Wayne County together with all improvements located thereon as shown on a Plat by Alonzo E. Little registered surveyor entitled "Survey for Elbert Millard" which said Plat is dated January 6, 2003, and which is recorded in Plat Cabinet L at Slide 99-C of the Wayne County Registry.
3. Two (2) houses and the lots upon which they sit in Johnston County North Carolina, said houses and lots having the address of 452 Toler Road (N.C.S.R. No. 1230) and 470 Toler Road (N.C.S.R. No. 1230).
4. All of my farmland in Wayne and Johnston Counties (approximately 110 acres). By the term "farmland", I mean all crop land, pasture land and timber land (including all timber), and all other land which has not already been surveyed for residential use. My farmland consists of the land conveyed to W. I. Millard and wife, Lessie Millard, and Elbert Millard and wife, Margaret Millard, which is described in a Deed from Charles E. Brown and wife, Eula Mae Brown, dated November 7, 1953. This Deed has been recorded in Deed Book 451, Page 64, of the Wayne County Registry and in Deed Book 513, Page 154, of the Johnston County Registry. Excepted from this farmland is a tract of approximately five (5) acres which was conveyed to my brother-in-law Elton Millard, a tract of approximately ten (10) acres which was conveyed to my sister-in-law Pearl Millard Edwards, a tract of approximately three fourths (3/4) of an acre conveyed to my sister-in-law Ruth Godwin and a tract of approximately three (3) acres conveyed to Bobby Toler, and the four (4) lots shown on plat in Plat Cabinet L at Slide 99-C of the Wayne County Registry. I authorize my personal representative to identify my farmland using the guidelines set forth above

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and his decision as to what constitutes "farmland" shall be final and binding on all parties receiving any property under this Will. My personal representative shall have authority, if necessary, to employ a surveyor to prepare any descriptions for any Deeds which he might need to prepare to carry out the terms of this Will.

ITEM IX.

I will and devise the following residential real estate in Wayne County, North Carolina to my nephew David Robert Millard, as trustee, for my great granddaughter, Summer Lee Cowdrey, to be held, managed, and disposed of in accordance with the provisions of Item XIII of this Will.

1. A house and lot located at 3978 US Highway 70 West (of Goldsboro) Princeton, North Carolina. This property is more particularly described as follows:

BEGINNING at a stake on the new Northern right of way of U.S. Highway No. 70, said stake being at the intersection of said highway right of way line and the most Western line of the Sasser property; thence leaving the most Southwestern corner of the Sasser property with the new Northern right of way of U.S. Highway No. 70, N. $58^{\circ}45'$ W. 100.89 feet to a stake; thence with Harold r. (sic) Turpin's line, N. $28^{\circ}45'$ E. 196.58 feet to stake; thence with Turpin's line, S. $61^{\circ}15'$ E. 104.29 feet to a stake in the most Western line of the Sasser property; thence with said line S. $29^{\circ}45'$ W. 200 feet to a stake at Sasser's most Southwestern property corner in the new most Northern right of way of U.S. Highway No. 70, the point of beginning, and being a portion of the land described in a deed recorded in Book 600, at Page 679, in the Wayne County Registry. This is the same property conveyed to Elbert Millard and wife, Margaret G. Millard by Deed dated June 10, 1987 and recorded in Deed Book

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1168, Page 615, of the Wayne County Registry.

2. Lot number 4 in Fork Township Wayne County together with all improvements located thereon as shown on a Plat by Alonzo E. Little registered surveyor entitled "Survey for Elbert Millard" which said Plat is dated January 6, 2003, and which is recorded in Plat Cabinet L at Slide 99-C of the Wayne County Registry.

ITEM X.

I will, devise, and bequeath, absolutely and in fee simple, all the rest, residue, and remainder of my property of every sort, kind, and description, whether real, personal, or mixed, and wheresoever located, as follows:

To David Robert Millard, as trustee for Erica Frances Von Miller Fifty percent (50%)
To David Robert Millard, as trustee for Tyler Alexander Howell Twenty-five percent (25%)
To David Robert Millard, as trustee for Summer Lee Cowdrey Twenty-five percent (25%)

ITEM XI.

Any property identified in Item VII and Item X of this will for the benefit of my granddaughter, Erica Frances Von Miller, should be held, managed, and disposed of in a manner and for the uses and purposes following:

1. The trustee shall have the power to lease the property upon such terms and conditions that he feels are in best interest of my granddaughter, Erica Frances Von Miller, and to receive the rent on said property.
2. My trustee shall pay the taxes and insurance on all trust property and keep it maintained as he, in his sole discretion, deems to be in the best interest of the property.

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3. The trustee is to pay the net proceeds from the rents to my granddaughter, Erica Frances Von Miller.
4. My trustee shall allow my granddaughter, Erica Frances Von Miller, to reside in my home, which is located at 400 Luby Smith Road, Princeton, NC 27569, rent free.
5. To sell, abandon, and/or dispose of any of Erica Frances Von Miller's trust property (including real estate) in any way my trustee feels is in the best interest of Erica Frances Von Miller, and to invest any monies in Erica Frances Von Miller's trust in such account or accounts as he deems proper and suitable for the best administration of the trust.
6. The trustee shall hold the trust property in trust until my granddaughter, Erica Frances Von Miller, reaches the age of forty (40) years.
7. Upon the termination of the trust term, the trustee shall transfer all property, which is then in the trust, to my granddaughter, Erica Frances Von Miller. The real estate described in Item VII will be a life interest only.

ITEM XII.

Any property identified in Item VIII and Item X of this Will to be held in trust for the benefit of my great grandson, Tyler Alexander Howell, shall be held, managed, and disposed of in a manner and for the uses and purposes following:

1. The trustee shall not have the power to sell any of the trust real estate except upon the express Order of the Clerk of the Wayne County Superior Court and/or the Clerk of the Johnston County Superior Court and the approval of a Superior Court Judge following the same procedures that are applicable to the sale of a minor's property.

2. The trustee shall have the power to lease the property upon such terms and conditions that he feels are in the best interest of my great grandson, Tyler Alexander Howell, and to receive the rent on said property.
3. The trustee is to pay all necessary expenses of maintaining the property.
4. My trustee shall pay the taxes and insurance on all of Tyler Alexander Howell's trust property and keep it maintained as he, in his sole discretion, deems to be in the best interest of the property.
5. The trustee is to pay for the use and benefit of my great grandson, Tyler Alexander Howell, so much of income and principal of his trust as he, in his sole discretion, deems reasonably necessary to meet his needs for food, shelter, clothing, medical, and educational expenses. Educational expenses shall be broadly defined. In deciding what amount, if any, to expend on Tyler Alexander Howell's behalf, my trustee shall take into account other resources that Tyler Alexander Howell may have or the duty of any other person(s) to support him.
6. To sell, abandon, and/or dispose of any personal property in Tyler Alexander Howell's trust in any way my trustee feels is in the best interest of Tyler Alexander Howell, and to invest any monies in his trust in such account or accounts as he deems proper and suitable for the best administration of Tyler Alexander Howell's trust.
7. I direct that my trustee not rent the property located at 392 Luby Smith Road to my granddaughter Erica Frances Von Miller and/or her husband Matthew Cowdrey, or allow either of them to occupy said property.
8. When Tyler Alexander Howell obtains the age of twenty-two (22) years, then this

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trust shall terminate and the trustee shall transfer all property (real and personal) which is then in this trust to Tyler Alexander Howell to be his absolutely and free of any trust.

ITEM XIII.

Any property identified in Item IX and Item X of this will to be held in trust for the benefit of my great granddaughter, Summer Lee Cowdrey, shall be held, managed, and disposed of in a manner and for the uses and purposes following:

1. The trustee shall not have the power to sell any of the trust real estate except upon the express Order of the Clerk of the Wayne County Superior Court and/or the Clerk of the Johnston County Superior Court and the approval of a Superior Court Judge following the same procedures that are applicable to the sale of a minor's property.
2. The trustee shall have the power to lease the property upon such terms and conditions that he feels are in the best interest of my great granddaughter, Summer Lee Cowdrey, and to receive the rent on said property.
3. The trustee is to pay all necessary expenses of maintaining the property.
4. My trustee shall pay the taxes and insurance on all trust property and keep it maintained as he, in his sole discretion, deems to be in the best interest of the property.
5. Until my granddaughter Summer Lee Cowdrey reaches the age of twenty-two (22) years, the trustee shall place the net rents that he receives from the property known as 3978 US Highway 70 West (of Goldsboro) Princeton, North Carolina, and Lot # 4 as described in Item IX, in trust, for Summer Lee Cowdrey. After Summer Lee

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Cowdrey reaches the age of twenty-two (22), then my trustee shall expend or invest the net rental proceeds for the sole benefit of Summer Lee Cowdrey.

6. The trustee is to pay for the use and benefit of my great granddaughter, Summer Lee Cowdrey, so much of income and principal of her trust as he, in his sole discretion, deems reasonably necessary to meet her needs for food, shelter, clothing, medical, and educational expenses. Educational expenses shall be broadly defined. In deciding what amount, if any, to expend on Summer Lee Cowdrey's behalf, my trustee shall take into account other resources that Summer Lee Cowdrey may have or the duty of any other person(s) to support her.
7. To sell, abandon, and/or dispose of any personal property in Summer Lee Cowdrey's trust in any way my trustee feels is in the best interest of said trust, and to invest any monies in my estate in such account or accounts as he deems proper and suitable for the best administration of Summer Lee Cowdrey's trust.
8. When Summer Lee Cowdrey obtains the age of twenty-two (22) years, then this trust shall terminate and the trustee shall transfer all property (real and personal) which is then in this trust to Summer Lee Cowdrey to be her absolutely and free of any trust.

ITEM XIV.

If my granddaughter Erica Frances Von Miller shall predecease me or die before her trust is terminated as provided herein, then the share which she would have received, if alive, shall belong equally to Tyler Alexander Howell and Summer Lee Cowdrey.

If my great grandson Tyler Alexander Howell shall predecease me or die before his trust is terminated as provided herein, then the share which he would have received, if alive, shall belong

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one-half (½) to Erica Frances Von Miller, and one-half (½) to Summer Lee Cowdrey.

If my great granddaughter Summer Lee Cowdrey shall predecease me or die before her trust is terminated as provided herein, then the share which she would have received, if alive, shall belong one-half (½) to Erica Frances Von Miller and one-half (½) to Tyler Alexander Howell.

ITEM XV.

If, after this Will is signed, there should be an additional great grandchild /children born to, or adopted by, my granddaughter, Erica Frances Von Miller, then any such great grandchild/children shall not share in the benefits of my estate.

ITEM XVI.

I appoint my nephew, David Robert Millard, to be the trustee of the trust created herein for the benefit of my granddaughter, Erica Frances Von Miller, as the provisions of said trust are established in Item XI of this Will. He shall also be the trustee for my great grandson, Tyler Alexander Howell, as set up under the provisions of Item XII of this Will until Erica Frances Von Miller reaches the age of forty (40) years at which time Erica Frances Von Miller shall replace him as trustee. He shall also be the trustee for my great granddaughter, Summer Lee Cowdrey, as set up under the provisions of Item XIII of this Will until Erica Frances Von Miller reaches the age of forty (40) years at which time Erica Frances Von Miller shall replace him as trustee.

I authorize my trustee, and any successor trustee, to pay himself an annual management fee (for services performed under all trusts created in this Will and not for each separate trust) not to exceed Five Thousand Two Hundred Dollars (\$5,200.00) per year as measured in 2015 dollars. As the consumer price index goes up, then the amount he may pay himself as trustee shall increase proportionately. In addition, he may charge the trust out of pocket expenses which he incurs in his

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performing the trust business, including such things as mileage (at IRS approved rates) and supplies which he purchases on behalf of the trust. He shall have the power and authority to hire, at the expense of the trust, persons he needs to help him such as attorneys, accountants, and/or other advisors. These management fees shall also apply to the management of any trust which I have created for any grandchild or great grandchild under this will.

If David Robert Millard is not living at the time of my death, or is for any reason unable to serve as trustee, or dies before this trust is fully administered, then, and in any such event, I hereby appoint my granddaughter Erica Frances Von Miller to serve as alternate trustee in his place and stead with all of the duties, powers, and authority herein given to the original trustee, and to terminate any trusts of which she is the beneficiary by conveying to herself all properties which where before that time held in trust for her.

ITEM XVII.

I name my nephew, David Robert Millard, as my personal representative. If David Robert Millard is not living at the time of my death, or is for any reason unable to serve as my personal representative, then I appoint my granddaughter Erica Frances Von Miller as alternate personal representative. I direct that the Clerk of Superior Court allow my personal representative, or his successors, the maximum fees allowed by law for his services.

ITEM XVIII.

In the management, care and distribution of my estate, I confer upon my personal representative, and any successor personal representative, upon my trustee and any successor trustee, all of the powers and duties set forth in §28A-13-3, §32-27, and in Article 8 of Chapter §36-C, in the North Carolina General Statutes, and in addition thereto the specific powers to sell real and

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personal property upon such terms and conditions as my personal representative and/or trustee deems in his or her sole opinion to be in the best interest of my estate, and without having to secure the approval of the court, and to divide and distribute any of my property among the beneficiaries of this Will in (but in accordance with the terms thereof) such manner as my personal representative, in his or her sole opinion, deems fair and equitable. If any bequests require that property be distributed between or among two or more beneficiaries the specific items of property comprising their respective shares shall be determined by such beneficiaries if they can agree, but if not, then by my personal representative.

These powers shall be in addition to, and not in limitation of common law powers possessed by my personal representative. No personal representative nor trustee need post bond, and any alternate personal representative and/or trustee shall have the same powers and authorities as the original.

Any trustee shall be required to file in the Office of the Clerk of Court where this Will is probated inventories of the assets which come into his or her hands and annual and final accounts thereof in accordance in what is now North Carolina General Statute §36C-2-209.

IN TESTIMONY WHEREOF, I, Margaret G. Millard, sign my name to this instrument this the 8 day of September, 2015, and being first duly sworn do declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Margaret G. Millard (SEAL)
Margaret G. Millard

We, David M. Rouse and Lisa I. Grady,
as witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that Margaret G. Millard signs and executes this instrument as her Last Will and that she signs it willingly and that each of us, in the presence and hearing of Margaret G. Millard, hereby signs this Will as witnesses to Margaret G. Millard's signing and to the best of our knowledge Margaret G. Millard is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

NAME
David M. Rouse
Lisa I. Grady

ADDRESS
Goldsboro, NC
Goldsboro, NC

NORTH CAROLINA

WAYNE COUNTY

Subscribed, sworn to, and acknowledged before me by Margaret G. Millard and subscribed and sworn to before me by:

David M. Rouse and Lisa I. Grady

This the 8th day of September, 2015.



Patricia A. Jones
NOTARY PUBLIC

Patricia A. Jones
Typed or Printed Name of Notary Public

My Commission Expires July 16, 2020

The foregoing Will of Margaret G. Millard was prepared at her direction by:

David M. Rouse, Attorney at Law
312 E. Walnut Street
Goldsboro, NC 27530

