

**LAST WILL AND TESTAMENT  
OF  
PAUL G. MARLIN**

I, Paul G. Marlin, residing in Quincy, Illinois, being of sound and disposing mind and memory and mindful of the uncertainties of human life, do make, publish and declare this as and for my Last Will and Testament, hereby revoking all other wills by me made.

**Background**

I am married to Jeanine M. Marlin

I am the father of the following children, whose names and dates of birth are:

Kevin D. Marlin	May 15, 1969
Yvonne M. Marlin	June 23, 1971
Diann N. Marlin	February 13, 1981

**Burial**

I direct that my executor expend such funds as she or he shall deem proper for my burial, subject to my express wish that it be kept as simple as possible.

**Beneficiaries**

I give, devise and bequeath to my beloved wife, Jeanine M. Marlin, all my property, whether real, personal or mixed, and wheresoever situated, of which I may die seized and possessed or to which I may be entitled at the time of my death, provided she survives me.

In the event my said wife, Jeanine M. Marlin, predeceases me, then I hereby give, devise and bequeath all my property, whether real, personal or mixed, and wheresoever situated, of which I may die seized and possessed or to which I may be entitled at the time of my death, to the following contingent beneficiaries:

- One-third (1/3) share to my son, Kevin D. Marlin;
- One-third (1/3) share to my daughter, Yvonne M. Marlin;
- One-third (1/3) share to my daughter, Diann N. Marlin.

If any contingent beneficiary named in Paragraph III(B) does not survive me, his or her share shall be distributed to the remaining beneficiary equally.

## Executors

I hereby nominate and appoint my beloved wife, Jeanine M. Marlin, as Executor of this my Last Will and Testament.

In the event of her death, refusal or inability for any reason to act as such Executor, I hereby nominate and appoint Terry E. Marlin Successor Executor of this my Last Will and Testament.

In the event of Terry's refusal or inability for any reason to act as such Successor Executor, I direct him to nominate and appoint another Successor Executor.

As used in this will, the term "executor" shall include any successor executor.

I direct that my Executor shall not be required to give or provide any surety on their bonds for the discharge of his or her duties, surety being expressly waived.

I give my Executor the following powers and discretions in each case to be exercisable without Court Order:

To retain property without liability for loss or depreciation resulting from such retention;

To sell at public or private sale, to retain, to lease, to borrow money and for that purpose to mortgage or to pledge, all or part of the real or personal property of my estate;

To exercise all rights and privileges with regard to the assets belonging to my estate as if they were owned by a person;

To abandon, adjust, arbitrate, compromise, sue on or defend and otherwise deal with and settle claims in favor of or against my estate;

To pay all my debts, and all taxes that may by reason of my death, be assessed against my estate or any portion of it, whether passing by probate or not. Such payments are to be made equally from each beneficiary's share;

To execute and deliver any deeds, contracts, mortgages, bills of sale, or other instruments necessary or desirable for the exercise of her powers and discretions as Executor;

To do all other acts, which in his or her judgment may be necessary or appropriate for the proper and advantageous management, investment and distribution of my estate;

To hire and pay from estate assets the reasonable fees for services required to manage the estate;

To receive reasonable compensation out of estate assets for ordinary and extraordinary services performed in behalf of the estate;

The foregoing powers, authority and discretion granted to my executor are intended to be in addition to the powers, authority, and discretion invested in him or her by operation of law by virtue of his or her office, and may be exercised as often as is deemed necessary or advisable, without application to or approval by any court in any jurisdiction.

**Guardian for Diann N. Marlin**

If my wife does not survive me and if at the time of my death, Diann N. Marlin is a minor, I nominate and appoint Yvonne M. Marlin as Personal and Property Guardian of Diann N. Marlin.

Any reasonable expenses incurred by Yvonne in her capacity as guardian shall come out of Diann's one-third share of my estate.

I direct that no security on the Guardian's bond shall be required.

**Trusts for Diann N. Marlin**

If my wife does not survive me AND if at the time of my death, Diann has not reached the age of twenty-five (25) AND has not graduated from college, I direct that the executor place all intangible personal property (monetary assets) that I give to Diann either

by means of this will, or

by all other means, with the exception of a Nicholas Fund Individual Retirement Account (which names the existing Diann N. Marlin Educational Trust, dated November 16, 1993, as a contingent beneficiary),

into the existing Diann N. Marlin Trust, dated November 17, 1993.

**Simultaneous Death**

If my wife and I should die simultaneously, or under such circumstances as to render it difficult or impossible to determine by clear and convincing evidence who predeceased the other, I shall be conclusively presumed to have survived my wife for the purposes of this will.

**Appraisals**

I direct that no outside appraisal be made of my estate unless required for estate tax purposes. I direct my executor to make any necessary appraisals or, at his or her discretion, to choose appraisers.

**Granddaughter**

My granddaughter, Cali Alexis Bosse, has been remembered by means of the existing Cali Alexis Bosse Trust dated November 16, 1993.

**Lastly**

If any provision of this last will and testament is held to be invalid or unenforceable, the remaining provisions shall be nevertheless carried into effect.

The above and foregoing instrument, consisting of four pages, was signed, sealed, published and declared to us and in our presence by the Testator, on this \_\_\_\_ day of \_\_\_\_\_, 199\_\_, as and for his Last Will and Testament, and we have, at his request, and in his presence and in the presence of each other, signed our names hereto as attesting witnesses.

\_\_\_\_\_ of Quincy, IL

\_\_\_\_\_ of Quincy, IL

**WILL  
SELF-PROVING CERTIFICATE**

State of Illinois

County/City of Adams/Quincy

Before me, the undersigned authority, on this day personally appeared

Testator \_\_\_\_\_

Witness \_\_\_\_\_

Witness \_\_\_\_\_

known to me to be the Testator and Witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of the persons being by me first duly sworn, \_\_\_\_\_, the testator, declared to me and to the witnesses in my presence that said instrument is his LAST WILL AND TESTAMENT and that he had willingly signed, and executed it in the presence of said witnesses as his free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing will was executed and acknowledged by the testator as his LAST WILL AND TESTAMENT in the presence of said witnesses who, in his presence and at his request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said will, and that the testator, at the time of the execution of said will was over the age of eighteen years and of sound and disposing mind and memory.

\_\_\_\_\_  
(Testator signature)

\_\_\_\_\_  
(Witness signature)

\_\_\_\_\_  
(Witness signature)

Subscribed, sworn and acknowledged before me by

\_\_\_\_\_, the Testator, and subscribed and

sworn before me by \_\_\_\_\_

and \_\_\_\_\_, Witnesses,

this \_\_\_\_\_ day of \_\_\_\_\_, 1993 A.D

Singed: \_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

Last Will and Testament of Paul G. Marlin

**CODICIL TO LAST WILL AND TESTAMENT OF**

**Paul G. Marlin, Dated November 17, 1993**

I, Paul G. Marlin, of Quincy, IL, being of sound and disposing mind and memory do hereby make, ordain, publish and declare this codicil to my last will and testament.

My Last Will and Testament is to be amended to replace paragraphs IV.B and IV.C with the following:

**Paragraph IV.B**

In the event of Jeanine M. Marlin's death, refusal, or inability for any reason, I hereby nominate and appoint Yvonne M. Marlin as successor executor of this my Last Will and Testament. If she is unable to serve, or continue serving, as executor, the next successor executor shall be Kevin D. Marlin. If he is unable to serve, or continue serving, as executor, the next successor executor shall be Diann N. Marlin.

**Paragraph IV.C**

Any executor shall have the right to nominate and appoint in writing a successor executor to serve in the order nominated if all successor executors named in Paragraph IV.B cannot serve as executor.

Except as modified by this Codicil, I republish my Last Will and Testament.

I have signed this Codicil this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Testator

In our presence, Paul G. Marlin, Testator, declared this instrument to be the Codicil to his Last Will and Testament. At his request and in his presence and in the presence of each other subscribe our names as witnesses this \_\_\_\_day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name\_\_

Address

City, State

Signature

Printed Name

Address

City, State