

**LAST WILL AND TESTAMENT****OF****EMERY SLOANE**

I, EMERY SLOANE, residing in the State of North Carolina, being of sound mind, and under no constraint or undue influence, hereby make, publish and declare this to be my Last Will and Testament, in manner and form as follows, thus revoking all my prior wills and codicils.

**ARTICLE I****FAMILY****A. Family.**

1. I am not married and have no children. My mother's name is Kim Alt, and my father's name is Trent Sloane. I have two sisters, Sydney Nazelrodt, and Bailey Morris. References to "my sisters" means both Sydney Nazelrodt and Bailey Morris. I have one niece, Eva Nazelrodt, and three nephews, Ryder Nazelrodt, Jase Nazelrodt, and Maverick Morris. I have one uncle on my mother's side, Badger Alt.

**B. Lineal Descendants.**

1. Reference to "lineal descendants," means the children of my sisters, and their respective lineal descendants.

**ARTICLE II****PAYMENT OF DEBTS, EXPENSES, AND DEATH TAXES****A. Payment of Debts and Expenses.**

1. I direct that my funeral and cemetery expenses, the expenses of my last illness, all expenses of administration of my estate and all my debts (except mortgage indebtedness) that are just and not barred by time be paid by my Executor from my residuary estate.
2. If at the time of my death any of the real property herein devised is subject to any mortgage, I direct that the devisee taking such mortgaged property shall take it

subject to such mortgage and that the devisee shall not be entitled to have the obligation thereby paid out of my estate.

**B. Payment of Death Taxes.**

1. All death taxes (other than death taxes which are paid from passing outside of this Will pursuant to the terms of the governing instrument) shall be paid out of the residuary estate as an administration expense, and shall not be charged against or recovered from any recipient or beneficiary of the property taxed.

**ARTICLE III**

**DISPOSITION OF ESTATE**

**A. Gift of Tangible Personal Property.** All my tangible personal property that was not held by me solely for investment purposes, including, but not limited to, my cars, furniture, personal and household effects, and all policies of fire, burglary, property damage, and other insurance on or in connection with the use of such property, shall be disposed of as follows:

1. I give all of my jewelry to my niece Eva, if she survives me.
2. I give my Nissan Altima to my nephew Ryder, if he survives me.
3. I give my Toyota Camry to my nephew Jase, if he survives me.
4. I give all of my furniture, clothes, and appliances to the Salvation Army.
5. If any beneficiary hereunder is a minor, my Executor may distribute such minor's share to such minor or for such minor's use to any person with whom such minor is residing or who has the care or control of such minor without any further responsibility and the receipt of the person to whom it is distributed shall be a complete discharge of my Executor.
6. The costs of safeguarding, insuring, packing, storing, and delivering my tangible personal property to any beneficiary under this Article shall be paid from my estate as expenses of administration.

**B. Gift of Real Property.** I give my sisters, if my sisters survive me and, if not, to their lineal descendants, per stirpes, all of my interest in my property in Petersburg, West Virginia, titled Tenants in Common.

**C. Gift of Residuary Estate.** My residuary estate, being all of my real and personal property, wherever located, not otherwise effectively disposed of, but excluding any property over which I may have a power of appointment, shall be disposed of as follows:

1. I give my residuary estate to my mother, Kim Alt, if she survives me and, if not, to my father, Trent Sloane.
2. If I am not survived by either my mother or my father, I give my residuary estate to my sisters, per stirpes.

#### ARTICLE IV

#### **PRESUMPTION OF SURVIVORSHIP**

##### **A. Appointment of Executors.**

1. If any beneficiary under the Will and I should die under such circumstances that there is uncertainty as to which person predeceased the other, it shall be conclusively presumed for the purposes of this Will that such beneficiary predeceased me.

#### ARTICLE IV

#### **THE FIDUCIARIES**

##### **A. Appointment of Executors.**

- 1 I hereby appoint Trent Sloane, to be the Personal Representative and Executor of my estate.
2. If Trent Sloane be not living at the time of my death or for any reason refuses to act or is unable to act, or dies or resigns before my Estate is fully administered, then I direct that Badger Alt serve as my Personal Representative and Executor in place of Trent Sloane.
3. If neither of the foregoing individuals survives me or for any reason does not serve, I request the Clerk of Superior Court of Mecklenburg County to appoint my personal representative and I nominate the person so anointed.
4. If it becomes necessary for a representative of my estate to qualify in any jurisdiction other than the State of North Carolina in which my Executor shall be unable or unwilling to qualify as Executor, then my Executor shall have the right to appoint an individual or corporate representative of my estate in such jurisdiction.

**B. Waiver of Bond and Court Supervision.**

1. No bond or other security shall be required from any Executor. Any fiduciary may act without qualifying before any court or filing with any court any inventory, accounting or other report relating to the administration of my estate or any trust unless otherwise required by law to do so.

**C. Compensation of Fiduciary.**

1. An individual fiduciary may receive that compensation for such fiduciary's services, which is allowed by law at the time the services under this Will are rendered.

**ARTICLE VI****ADMINISTRATIVE POWERS OF FIDUCIARIES****A. Administrative Powers.**

1. In addition to the powers conferred by law or elsewhere in this Will, I grant my Executor with respect to the property in my estate, regardless of whether title to any real property passing under this Will is vested in my Executor, the discretionary powers set forth below to be exercised without court order for any purpose that my Executor may deem advisable.
2. Subject to North Carolina General Statute Section 32-26, all the powers set forth in North Carolina Statutes Section 32-27 as they exist at the time that I sign this Will, and such powers are incorporated by reference with the same effect as though set forth verbatim in it.

**ARTICLE VI****SEVERABILITY****A. Administrative Powers.**

1. If any portion of my will shall be held illegal, invalid, or otherwise inoperative, it is my intention that all of the other provisions hereof shall continue to be fully effective and operative insofar as is possible and reasonable.

## ARTICLE VIII

### DEFINITIONS

- A. **“Child,” “Children,” and “Issue.”** The terms “child” and “children” mean lawful lineal blood descendants in the first degree of the parent designated, and the term “issue” means lawful lineal blood descendants in any degree of the ancestor designated. One’s children and other descendants shall be determined according to applicable law, except to the extent modified by this Article or by other specific provisions of this Will.
1. An adopted child shall be treated under this Will as a child of his or her adopting parents and a descendant of their ancestors.
  2. A biological child shall not be treated as a child or descendant of any biological parent of the child or as a descendant of the ancestors of such biological parent if the child has been surrendered for adoption with the consent of such biological parent and the child’s adoptive parent substitutes for the consenting parent under applicable state law.
  3. A biological child born out of wedlock shall be treated as a child or descendant of his or her biological parents and as a descendant of their ancestors.
- B. **“Death Taxes.”** The term “death taxes” means inheritance, estate, additional estate tax on excess retirement accumulation, generation-skipping, transfer and succession taxes, and any interest and penalties on these taxes, imposed by reason of my death by any jurisdiction with respect to property passing under or outside of the provisions of this Will or any codicil to it which is included in my estate for the purpose of determining such tax for which my estate is liable.
- C. **Per Stirpes.** Whenever a distribution is to be made to a designated ancestor’s issue who are living at a designated time, and such distribution is to be made “per stirpes,” such distribution shall be made by first determining the generation nearest to such ancestor which has a person who represents that generation and who is living at the designated time. The property to be distributed shall be divided into as many equal shares as may be necessary to allocate one share to each then living person of that generation and one share to each deceased person of that generation who left issue who are then living. Each living person of that generation who has not effectively disclaimed his or her share for federal tax purposes shall receive one share, and the share of each deceased person of that generation and of each living person of that generation who has effectively disclaimed his or her share shall be divided among his or her then living issue in the same manner.

- D. “Executor,” and “Fiduciary.”** The term “Executor” or “Executors” includes any personal representative or representatives of my estate acting under this Will such as a successor Executor or Executors and any Administrators with the Will annexed.

I, Emery Sloane, the Testatrix, sign my name to this instrument drafted by Matthew Stiles, law student this 22nd day of April, 2016, and being first duly sworn, do hereby declare 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 years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
Emery Sloane

We, \_\_\_\_\_, \_\_\_\_\_, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare that the Testatrix signs and executes this instrument as her last Will, in our presence and that she signs it willingly, and that each of us, at the request of the Testatrix and in the presence and hearing of the Testatrix and in the presence and hearing of each other, hereby signs this last Will as witness to the Testatrix's signing, and to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

NAME

ADDRESS

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Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the Testatrix and subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_, witnesses, this 22nd day of April 2016.

Witness my hand and official seal, this 24th day of April, 2016.

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