

1

**LAST WILL AND TESTAMENT
OF
FRANKLIN FREDRICK ERNST**

I, Franklin Fredrick Ernst, of Panaca, Nevada, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

**ARTICLE I
PAYMENT OF DEBTS AND EXPENSES**

A. I direct that my just debts, funeral expenses and expenses of last illness be first paid from my estate.

**ARTICLE II
DISPOSITION OF PROPERTY**

A. Tangible Personal Property. Subject to the preceding provisions of this will, I direct that all of my jewelry, clothing, personal items, furniture, household furnishings, automobile(s), and other items of tangible personal property be distributed to the following beneficiaries in the percentages as shown:

99.00% to Franklin Alma Ernst, 546 N. 1120 E., Orem, Utah

1.00% to be divided amongst the following:
Neldon Carlyle Mathews, Myrna Sue Harbaugh,
Sarah Katherine Matkin, & Clarence Timothy Ernst.

The share of any such beneficiary who does not survive me shall be added to my residuary estate.

B. Residuary. I direct that my residuary estate be distributed to Franklin Alma Ernst, 546 N. 1120 E., Orem, Utah. If such beneficiary does not survive me, my residuary estate shall be distributed to the following beneficiary in the percentages as shown:

100.00% to Clarence Timothy Ernst, 676 W. 1550 N., Orem, Utah. If this person or organization does not survive me or is not in existence, this share shall be distributed in equal shares to the other distributee(s) listed under this provision.

2

**ARTICLE III
NOMINATION OF EXECUTOR**

A. I nominate Franklin Alma Ernst, of Orem, Utah, and Clarence Timothy Ernst, of Orem, Utah, as Co-Executors, without bond. If one of the above nominees does not serve for any reason, the remaining nominee shall serve as sole Executor without bond.

**ARTICLE IV
EXECUTOR POWERS**

A. My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to anyone.

3

**ARTICLE V
MISCELLANEOUS PROVISIONS**

A. Paragraph Titles and Gender. The titles given to the paragraphs of this Will are inserted for reference purposes only and are not to be considered as forming a part of this Will in interpreting its provisions. All words used in this Will in any gender shall extend to and include all genders and in numbers when the context or facts so require, and any pronouns shall be taken to refer to the person or persons intended regardless of gender or number.

B. Thirty Day Survival Requirement. For the purposes of determining the appropriate distributions under this Will, no person or organization shall be deemed to have survived me, unless such person or entity is also surviving on the thirtieth day after the date of my death.

C. Children. The names of my children are:

Wesley (Toby) Mathews,
Genalyn (Edna) Guymon
Janice Bentley,
Joyce Forman
Neldon Carlyle Mathews
Douglas Mathews
Myrna Sue Harbaugh
Franklin Alma Ernst
Sarah Katherine Matkin
Clarence Timothy Ernst

The failure of this Will to provide for any distribution to my children:

Wesley (Toby) Mathews
Genalyn (Edna) Guymon
Janice Bentley
Joyce Forman
Douglas Mathews

is intentional.

D. Beneficiary Disputes. If any bequest requires that the bequest be distributed between or among two or more beneficiaries, the specific items of property comprising the respective shares shall be determined by the such beneficiaries if they can agree, and if not, by my Executor.


BOOK 145 PAGE 164

4

IN WITNESS WHEREOF, I have subscribed my name below, this 22 day of November, 1997.

Franklin Fredrick Ernst
Franklin Fredrick Ernst

We, the undersigned, hereby certify that the above instrument, which consists of Seven pages, including the page(s) which contain the witness signatures, was signed in our sight and presence by Franklin Fredrick Ernst (the "Testator"), who declared this instrument to be his/her Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and addresses as witnesses on the date shown above.

Witness Signature: Barbarann R. Gussie

Witness Name: Barbarann R. Gussie

Witness Address: P.O. Box 761 / ERNST ST.
Panaca, Nv. 89042

Witness Signature: _____

Witness Name: _____

Witness Address: _____

Witness Signature: _____

Witness Name: _____

Witness Address: _____

5

AFFIDAVIT

STATE OF NEVADA
COUNTY OF LINCOLN, ss.

Before me, the undersigned, on this day personally appeared Franklin Fredrick Ernst, and BARBARANN R. GUSSIE known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Franklin Fredrick Ernst, the Testator, declared to me and to the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were sixteen years of age or older and otherwise competent to be witnesses.

Franklin Fredrick Ernst
Franklin Fredrick Ernst, Testator

Barbarann R. Gussie, Witness

_____, Witness

Subscribed, sworn to and acknowledged before me by Franklin Fredrick Ernst, the Testator; and subscribed and sworn before me by

_____, and
Barbarann R. Gussie, witnesses,

this 22nd day of November, 1999.

Larsh Katherine Hether
Notary Public, or other officer
authorized to take and certify
acknowledgements and administer oaths
JUSTICE OF THE PEACE
MEADOW VALLEY TOWNSHIP

[Signature]
300Y 145-166

This Summary is not an official part of your document. It contains highlights of the important information that has been entered into the document.

SUMMARY
of the
SIMPLE WILL

DATE WILL WAS SIGNED: 22 Nov 1999

WILLMAKER
Franklin Fredrick Ernst

WILLMAKER'S SPOUSE
Eliza Catherine Ernst

WILLMAKER'S CHILDREN
Wesley (Toby) Mathews & Genalyn (Edna) Guymon
Janice Bentley & Joyce Forman
Neldon Carlyle Mathews
Douglas Mathews
Myrna Sue Harbaugh
Franklin Alma Ernst
Sarah Katherine Matkin
Clarence Timothy Ernst

TANGIBLE PERSONAL PROPERTY section included in will.

EXECUTOR
Franklin Alma Ernst
Clarence Timothy Ernst

WITNESSES
Barbarann R. Gussie sls
Barbarann R. Gussie

7

Notes contained in Simple Will
No Notes contained in document

COPY

NO. 113677

FILED AND RECORDED AT REQUEST OF
Franklin F. Ernst
Nov. 22, 1999
AT 6 MINUTES PAST 03 O'CLOCK
PM IN BOOK 145 OF DIST. CLERK
RECORDS PAGE 162 LINCOLN
COUNTY, NEVADA

Leslie Roucher
COUNTY CLERK
By Doreen Lewis, Deputy

B.P.G.
[Signature]

[Signature]