UNOFFICIAL COPY AFFIDAVIT OF NO ESTATE TAX DUE 4

The Affiant, regarding the possible liability for State Inheritance Tax for the Estate of decedent herein, being first duly sworn upon oath, deposes and states as follows: (1) N. Hamode I am personally acquainted with the affairs of the Estate of (2) Shirley G. Byrop , who died on February 5, 1984 That as a consquence, I represent to the Registrar of Titles (3) that regarding Federal Estate Tax or State Inheritance Tax; (elect one - initial choice) that no Tax is fully or 1) that if any Tax due, there are sufficient other 2) assets to pay such Tax; or that any Tax due has been paid. 3) and I make this affidavit for the purpose of inducing the Registrar of Titles of Cook County, Illinois, to issue a Cortificate of Title without additional evidence of non-liability, relying on this statement as true, and in consideration thereof affiant guarantees the truth of the statements herein contained. The estate has been closed and the executor discharged on July 17, 1989. Subscribed and sworn to before me this Sita day of. OFFICIAL

PATRICE MARCELL ANDERSON NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 5/29/90

*Pursant to H. B. 93, P. A. \$2-1021

isy C. Byrob, execusor* of cetate of shirley C. Byron

Property of Cook County Clerk's Office

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WILL

I, <u>SHIRLEY G. BYRON</u>, residing and domiciled in Evanston, Illinois, declare this to be my will and I revoke all my prior wills and codicils.

ARTICLE FIRST

I designate as Executor of this will my spouse,

JAY C. BYRON (called "my spouse"). If my spouse shall be unable
to act, I designate my sons, ROBERT G. BYRON and SCOTT G. BYRON,
and HARRIS TRUST AND SAVINGS BANK, an Illinois corporation having
its principal place of business in Chicago, Illinois, as Executors.
If either of my sons shall be unable to act, the other shall act
with the corporate Executor. If all three of said individuals
shall be unable to act, the corporate Executor shall act as sole
Executor. Notwithstanding the foregoing provisions of this
paragraph, my spouse while acting as an Executor may designate
the bank or trust company which has been designated as a successor
Executor to act as co-Executor with my spouse.

ARTICLE SECOND

- 1. The Executors shall pay the expenses of my funeral (including the cost of providing a burial place, a marker thereon and, in the discretion of the Executors, perpetual care thereof), the expenses of administration of my estate (including expenses of any ancillary administration and of delivering any property specifically bequeathed) and, except to the extent, if any, inconsistent with other provisions of this will, any other proper charges against my estate.
- 2. The Executors shall charge to and pay from the principal of my residuary estate all estate, inheritance, transfer and succession taxes, including interest and penalties thereon, which may be imposed by reason of my death (other than any tax on a generation skipping transfer imposed by Section 2601 of the Internal Revenue Code of 1954, as amended, and corresponding provisions of subsequent federal tax laws), or make deposits therefrom on account thereof, in any manner permitted by law, including in installments. Except with respect to any property over which I may have a power of appointment, the Executors shall not be entitled to reimbursement for such taxes from any persons against whom such taxes may be levied or assessed or who may have received any property so taxed, including the proceeds of any insurance policy.

ARTICLE THIRD

l. I bequeath all my clothing, household furnishings and equipment, automobiles, collections, books, works of art, jewelry, furs, linens, silverware, china, glassware and all my other items of household or personal use or ornament (including any insurance thereon, if feasible) to my spouse if my spouse survives me for more than ten days; and if my spouse shall not so survive me, as follows:

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- (a) my solitaire ring with pear shaped diamond, my diamond brooch and my Chinese wood carving to my son, SCOTT &.

 BYRON (called "Scott"), if he shall survive me for more than then days;
- (b) my sapphire ring, my blue diamond pin and my marble sculpture of a Greek head to my son, ROBERT G. BYRON (called "Robert"), if he shall survive me for more than ten days; and
- (c) the balance thereof to Scott if he shall survive me for more than ten days, and if Scott shall not so survive me, to Robert if he shall survive me for more than ten days.
- I devise and bequeath to my spouse, if my spouse survives me for more than ten days, any interest I may have in my principal residence at my death, including any insurance and subject to any encumbrances thereon (other than liens for taxes not yet due). If the Executors pay any amount on such encumbrances, the Executors shall have a lien on such residence for such payment (by subrogation or otherwise), and may seek reimbursement for such payment; from my spouse or may reduce any devise or bequest to my spouse by the amount of such payment.

ALTICLE FOURTH

- l. I devise and requeath my residuary estate remaining after carrying out the foregoing provisions to my spouse, if my spouse survives me for more than rixty days.
- 2. If my spouse shall not survive me for more than sixty days, I devise and bequeath my residuary estate remaining after carrying out the foregoing provisions to the Trustees under the trust agreement dated Atr 2, 1977 (executed before the execution of this will), between my spouse, as Donor, and HARRIS TRUST AND SAVINGS BANK and me, as Trustees, including any amendments or modifications thereto made in writing at any time after the execution of said trust agreement and before my death (called the "Revocable Trust"), to be held, managed and distributed as a part of the trusts created by, for the uses and ourposes and with the powers set forth in the Revocable Trust. It the extent that the devise and bequest to the Trustees of the Revocable Trust shall be ineffective for any reason (including the trumination of the Revocable Trust before my death), I incorporate helein by reference all the terms and provisions of the Revocable Trust as it existed immediately before the execution of this will (including any amendments or modifications to the Revocable Trust and designation of Trustees and successor Trustees made in writing at any time before the execution of this will) and direct that my residuary estate be held, managed and distributed in accordance therewith. This will is intended to devise and bequeath my entire estate, even though a child may be born to or adopted by me after the execution of this will, since my spouse, if my spouse survives me, will provide for any such child, and if my
- If under the terms of this will, a devise and bequest to the Trustees of the Revocable Trust or any portion

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PAGE 2. SONNENSCHEIN GARLIN NATH & ROBENTHAL

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thereof would on receipt by the Trustees be distributable immediately to a beneficiary, it need not, in the discretion of the Executors, be distributed to the Trustees, but may instead be distributed directly to the beneficiary.

ARTICLE FIFTH

- l. "Property," "assets" and "estate," unless the context indicates otherwise, shall include real and personal property, cash, insurance and annuity policies, and legal and equitable titles and interests therein, wherever situated.
- 2. "My residuary estate" shall include all property in which I may have an interest at my death not otherwise effectively disposed of (including (a) any property devised or bequeathed to a person who did not survive me or did not survive me for the period specified in the devise or bequest, where there is no other provision in this will for that contingency or (b) any property in a devise or bequest which otherwise lapsed) but shall not include any property over which I may have any power of appointment, it being my intention not to exercise any power of appointment.
- 3. "Child" and "children" (except as to any mentioned by name) shall always be considered modified by the terms "born in wedlock or legally adopted." A child shall be considered living at any relevant time if the mother of such child is then pregnant with such child and such child is subsequently born and survives for more than ten days.
- 4. "Beneficiary," unless the context indicates otherwise, shall include not only a heleficiary of a trust, but also a legatee or devisee.
- 5. "Unable to act" shall include inability to act because of incapacity, failing to qualify or act, refusing to act, death, resignation, removal or any cithem. A person shall be considered unable to act as a fiduciary by reason of incapacity (called the "alleged incapacitated fiduciary" or "AIF") if AIF is legally declared incompetent or if a unanimous determination is made by the other then acting fiduciaries of that type (e.g., executors), or if there be no such fiduciary, by the next successor fiduciaries of that type then able to act, that AIF is unable to give prompt and intelligent consideration to business matters because of a physical or mental impairment whether of a temporary or a permanent nature, and such determination is confirmed by the written opinion of a physician then treating AIF (and if there be no such physician, of a physician selected by such fiduciaries). If AIF shall thereafter determine that AIF is able to give prompt and intelligent consideration to business matters, and such determination is confirmed by the written opinion of a physician selected by AIF, AIF shall be restored (without any court or other proceedings) as such fiduciary.
- 6. "Powers" shall include rights, titles, privileges, discretions, limitations, immunities, duties, liabilities and obligations.

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- 7. "Fiduciary" and "fiduciaries" shall mean any executor, administrator and legal representative of my estate.
- 8. "Executors," "Trustees" and "fiduciaries" shall include the singular when only one Executor, Trustee or fiduciary shall be acting.
- 9. Any power which is granted or authorized or which may be exercised, as distinguished from an action which "shall" be taken, shall be considered a discretionary power which may but need not be exercised, in the sole discretion of the possessor.
- 10. An enumeration following the terms "include" or "including" shall not limit the generality of the language preceding that term.

ARTICLE SIXTH

- l. If a corporation designated as a fiduciary shall at any time or times become consolidated or merged with any other corporation or chall reorganize or reincorporate or shall sell, transfer or assign all or substantially all its assets and business to any other corporation, I designate as such fiduciary, in lieu of the corporation or jinally designated, the corporation so formed or continued by such consolidation or merger or the corporation that shall so acquire its assets and succeed to its business.
- 2. No individual or corporation acting from time to time as an Executor or other fiduciary designated in or in accordance with the provisions of this will shall be required to give bond for the faithful performance of the duties of such inclinidual or corporation, and if such bond is required, no security need be furnished on such bond.
- 3. A fiduciary shall be entitled to reasonable compensation and shall be reimbursed for all reasonable expenses. The fiduciaries may employ as the attorney for such fiduciaries and as attorney for my estate the firm of which any fiduciary may be a member, associate or employee and may compensate such firm without diminishing the compensation otherwise payable to the fiduciaries.
- 4. A fiduciary shall not be liable for any act or omission of any predecessor or co-fiduciary. Each successor fiduciary shall have the same powers as the predecessor of such fiduciary.
- 5. Until a successor fiduciary commences to act or if a successor fiduciary is not designated, the other fiduciaries then acting, if any, shall be the fiduciaries hereunder.
- 6. A corporate fiduciary when acting with one or more individual fiduciaries shall have sole custody of the assets which would otherwise be in the joint custody of such fiduciaries.
- 7. Any fiduciary may from time to time by an instrument in writing renounce, disclaim, release, surrender or limit, in whole or in part, permanently or for any period, any power granted to such fiduciary.

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SONNENSCHEIN CARLIN NATH & ROSENTHAL

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- 8. Fiduciaries may from time to time by an instrument in writing provide that any one or more of them may perform, in whole or in part, permanently or for any period, any ministerial function, including the signing of checks, and any other power delegable by law, statute or rule of court.
- 9. Except to the extent, if any, inconsistent with other provisions of this will, in the event of a controversy with respect to a matter on which more than two fiduciaries shall be entitled to act, the decision of a majority of them shall control, and any dissenting fiduciary is released from all duties, liabilities and obligations in connection with any act done or omitted pursuant to the decision of such majority.

ARTICLE SEVENTH

- Except to the extent, if any, inconsistent with other provisions of this will or the Revocable Trust, the Executors
- (a) shall have the power to sell (at public or private sale), mortgage or pledge any property constituting a part of my estate:
- (b) May from time to time make distribution in whole or in part to any beneficiary and may at a different time make distribution to another beneficiary; and
- (c) in addition to the powers herein granted, shall have with respect to my estate and the estate assets the same powers of management and investment and immunities which the Trustees of the Revocable Trust have with respect to the Revocable Trust and its assets, and shall also have all powers which are now or may hereafter be granted to executors by law, statute or rule of court.
- 2. If administration of my estate is required in any jurisdiction in which the then acting Executors designated in this will shall be unable to act, I designate as legal representative with the will annexed of my estate in that jurisdiction such individual, bank or trust company as may from time to time be designated by the then acting Executors designated in this will. With respect to the assets under the control of such legal representative, such legal representative shall have the same powers as the Executors designated in this will except as such powers may be limited by the Executors designated in this will.
- 3. Legal title to any real property which I may own at my death, not otherwise specifically devised, shall be vested in the Executors until such property is sold, exchanged transferred, conveyed or distributed pursuant to this will, and for this purpose I devise such property to the Executors.
- 4. I direct the Executors to make such elections and determinations under the tax laws applicable to my estate as in the judgment of the Executors will achieve an overall reduction in income taxes and in the estate, inheritance, transfer and succession taxes which may be imposed, including elections and determinations with respect to (a) deductions available to me or to my estate on either estate or income tax returns (or partly on

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Sonnenschein Carlin nath & Rosenthal

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each), (b) carryover basis and (c) the date on which to value my estate for tax purposes. No adjustments shall be made between principal and income or in the amount of or interest in any devise, bequest or trust to compensate for the effects of any such election or determination. Each such election or determination shall be conclusive and binding on all persons.

- 5. I authorize the Executors to file joint income tax returns with my spouse and to consent for gift tax purposes to the splitting of gifts between my spouse and me.
- 6. The Executors may act in accordance with this will without order of any court.
- 7. The validity and construction of this will and of any trusts created under this will shall be determined by the law of the State of Illinois.

IN WITNESS WHEREOF, I have signed this will, consisting of six pages, //or. 2 , 1977.

Shuley G. Byron Shirley G. Byron

The foregoing instrument was on the date thereof declared and signed by the Testator, SHIRLEY G. BYRON, as the Testator's will in the presence of us, who, at the request and in the presence of the Testator and in the presence of each other have signed this will as witnesses thereto; each of us believing the Testator to be of sound and disposing mind and memory at the time of signing.

Residing at 25 King Arthur (7. 4/3)

North Vals, W. 60164

Marylor A. Swash

Residing at 7908 S. and South Gours

Burland, St. 60459

Heraldine M. Herker

Residing at 5640 94. 105th Street

Oak Sawan, Sec. 60453

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PAGE 6. SONNENSCHEIN CARLIN NATH & ROSENTHAL

STATE OF ILLINOIS SS. COUNTY OF COOK

We, the attesting witnesses to the will of the Testator, SHIRLEY G. BYRON, to which this affidavit is attached, and each of us, on oath state that the will was on the date thereof declared and signed by the Testator as the Testator's will, in the presence of us, who, at the request and in the presence of the Testator and in the presence of each other, have signed the will as witnesses thereto; each of us believing the Testator to be of sound and disposing mind and memory at the time of signing.

Subscribed and

My commission expires: _

Viarek 18, 1981 Olympia Cloration Office

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SONNENSCHEIN CARLIN NATH & ROSENTHAL

CODICIL

I, <u>SHIRLEY G. BYRON</u>, residing and domiciled in Evanston, Illinois, having made a will dated November 2, 1977 (called "my will") and desiring to make certain changes in my will, declare this to be a codicil to my will.

A: I amend Article FIRST of my will to read as follows:

ARTICLE FIRST

- 1. I designate my spouse, <u>JAY C. BYRON</u> (called "my spouse"), as Executor of this will. If my spouse shall be unable to act, I designate my sons, <u>ROBERT G. BYRON</u> and <u>SCOTT L. BYRON</u>, as Executors. If either of my sons shall be unable to act, the other shall act as Executor. If all of said individuals shall be unable to act, I designate as Executor <u>HARRIS TRUST AND SAVINGS PAIN</u>, an Illinois corporation having its principal place of business in Chicago, Illinois.
- 2. Notwithstanding the foregoing provisions of this Article, any individual while acting as an Executor may designate any bank or trust company designated as a successor Executor, to act as a Co-Executor with the individuals then and thereafter acting as Executors. Such designation shall be effective (a) only if made in writing and delivered in person or sent by registered or certified mail to the other Executors, if any, then acting and if there be note, so delivered or sent to the bank or trust company so designated or to a custodian of any of the estate assets or deposited in a safe deposit box containing any of the estate assets; (b) upon the acceptance of the designation by the bank or trust company so designated; and (c) if required by law, upon the appointment by, or approval of, an appropriate court.

B: I ratify and confirm my will except as changed by this codicil; I declare my will together with this codicil, to be my will; and I direct that my will shall be construed as though it had been drawn originally as amended by this codicil.

IN WITNESS WHEREOF, I have signed this todicil consisting of two pages, this gam day of ________ 1982.

Shirley G. Byron

The foregoing instrument was on the date thereof declared and signed by the Testator, SHIRLEY G. BYRON, as a codicil to the Testator's will, in the presence and hearing of us, who, at the request and in the presence and hearing of the Testator and in the presence and hearing of each other, have signed this codicil as witnesses thereto; the Testator having

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)
We, SHIRLEY G. BYRON, the Testator, and
and
, the witnesses whose names are signed to
the foregoing instrument, on oath state that the Testator on
the date thereof declared and signed the instrument as a codicil
to the Testator's will, in the presence and hearing of the wit- nesses; that each of the witnesses, at the request of and in
the presence and hearing of the Testator and in the presence
and hearing of each other, have signed the codicil as witnesses
there() and that the Testator states and each of the witnesses
believes the Testator at the time of signing to be of sound and
disposing mind and memory, to have willingly signed and to be
under no constraint or undue influence.
of her len A Bern
Shirley G. Byron
Ox F B
La Comment Anna
Subscribed, sworr, to and acknowledged before me by
SHIRLEY G. BYRON, the Testator, and by Richard Wold
, Rose Bramsen and Richard Sears, the attesting witnesses, this #54 day of June
, 1982.
C _A
Notary Public
Notary Fublic
My commission expires:
September =5, 1982
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The Affiant, regarding the possible liability for State Inheritance
Tax for the Estate of decedent herein, being first duly sworn upon
oath, deposes and states as follows:

, and the second of the second
(1) I am Jay C. Byron, executor* of estate of Shirley G. Byron
(name and capacity)
and reside at 9411 North Central Park, Evanston, Illinois
(2) I am personally acquainted with the affairs of the Estate of
Shirley G. Byron , who died on February 5, 1984
(3) That as a consquence, I represent to the Registrar of Titles
that regarding Federal Estate Tax or State Inheritance Tax;
(elect one - initial choics)
1) that no Tax is due; or
2) that if any Tax due, there are sufficient other assets to pay such T(x; or
3) that any Tax due has been paid.
and I make this affidavit for the purpose of inducing the Registrar
of Titles of Cook County, Illinois, to issue a Certificate of Title
without additional evidence of non-liability, relying on this state
ment as true, and in consideration thereof affiant guarantees the
truth of the statements herein contained. * The estate has been closed and the executor discharged on July 17, 1985.
Ou Byrn
•
Subscribed and sworn to before
ne this 24th day of Apt;
19 <u>68</u> .
Victoria X. Caputo
Notary Public

^{*}Pursant to H. B. 93, P. A. 82-1021

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lobilshed and filed original record of this death is permanently filed clerks and local registrars are authorized to make certifications from copies of the original record. The Illinois statutes provide that the and manage of the original record. The Illinois statutes provide that the and manage of the form for the form form form for the form for the form form form for the form form for the form for the form form form for the form for the form form for the form for the form for the form form for the form for OFFICE OF VITAL RECORDS ILLINOIS DEPARTMENT OF PUBLIC HEALTH · SPRINGFIELD 62761 FUNERAL HOME #200 REV. 5/82 NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER TYPE OF PRINT CARRALD REMOVAL SPECIFY MAME AND ADDRES TO CERTIFIER TO THE BEST OF MY SHE erace characters in any erace, shall right to reset that cause (as status the imple tring chart incer. DATE OF OPERATION IF ANY MAJOR HINDINGS OF OPERATION COD 1010 NOTI ATTEND THE DECEASED PART " OTHER SIGNIFICANT INFORMANT NA SOCIAL SECURITY NUMBER ATHER-NAME RESIDENCE STATE OF BURTHUF NOT IN LEAR A WILLIAM WAY ON YOUR BUTTERY HUMBER TVV-CESTOR REGISTERED DISTRCT NO 349 18 8911 9411 NORTH CENTRAL PARK EVANSTON Illinois STREET AND NUMBER Henorah Chaper IVAR ANDERSON CENTER NO BEALS BY DEATH WAS CAUSED BY 151 16. 361.DEA7 Leo 2>55 240 CEMETERY OF CREMYLORY-WAME CATOS STATE 23 SHIRLEY CONCOLOR DESCENT CONDITIONS COMPART L Memorial Park Tring no 2 Illinois Department of Public Mealth - Office of Vital Records February 13 Housewife OCCURRED ATTAC MOLLY-MOST TYPER CITIZEN OF WHAT COUNTRY U.S.A. TOWE STREET AND NUMBER OR & meters MEDICAL 5206 IL CLLY TOWN TAWN ON YOUR DISEASE AND THE STATE OF THE STATE Gordon 10.X HESPITAL ON OTHER HISTITUTED TOWNER OF THE STATE OF THE POPORTE AND BLACE AND DUE TO THE CAUSEIS) STATED. CARDEL AND MARKENS TENTASON NOISNEYS 3450 RIDE 7 70017 EVANS TO ! May MD てない THE SERVICE [terten once ONE cause see use don tol. 1801. Aug. 40] Emboli - multiple Broadway Ave. i THE A STATE OF THE SET STATE OF THE STATE OF Harney The Dis tai lure CERTIFICATE KIND OF THE MESS OF HOUSTRY WIDOW'D DIVORCED (SPECIAVI 246 NOUTYDON STATE OF ILLINOIS NORVE Own Home Skokie MOTHER MADEN NAME EXPECTED ASSOCIATION NO MAILING ADDRESS Safe and C174 C# 10mm 2650 RIDGE EVANSTON IL.60201 Charles 100 C-FF OR FORE Chicago Illinois 60640 NOTE IF AN INJURY WAS INVOLVED IN THIS DEATH THE CORONER OR MEDICAL EXAMINER MUST BE MOTIFIED. 4 MALE 0 DATE REC'D BY LOCAL REGISTRAR (HONTH, DAY, YEAR) AMASE POR SEED AVER IN U.S. MAR OR DATES OF SERVICE NAME OF SURVEYING SPOUSE GMALDEN MAME (IF MIFE) DEATH (BASED ON 1978 U.S. STANDARD CERTIFICATE) Illinois 8 Fannie (STACET AND MG. OF R. P. G., CITY OR TOWN, STATE, EAST YAY February 6, HOUR OF DEATH F-6665 HAYER AD BUYE AUTO TO

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WILL

I, SHIRLEY G. BYRON, residing and domiciled in Evanston, Illinois, declare this to be my will and I revoke all my prior wills and codicils.

ARTICLE FIRST

I designate as Executor of this will my spouse,

JAY C. BYRON (called "my spouse"). If my spouse shall be unable
to ac', I designate my sons, ROBERT G. BYRON and SCOTT . BYRON,
and HARRIS TRUST AND SAVINGS BANK, an Illinois corporation having
its principal place of business in Chicago, Illinois, as Executors.
If either of my sons shall be unable to act, the other shall act
with the torporate Executor. If all three of said individuals
shall be unuse to act, the corporate Executor shall act as sole
Executor. Notwithstanding the foregoing provisions of this
paragraph, my spouse while acting as an Executor may designate
the bank or trust company which has been designated as a successor
Executor to act an ill co-Executor with my spouse.

ARTICLE SECOND

- 1. The Executors shall pay the expenses of my funeral (including the cost of providing a burial place, a marker thereon and, in the discretion of the Executors, perpetual care thereof), the expenses of administration of my estate (including expenses of any ancillary administration and of delivering any property specifically bequeathed) and, except to the extent, if any, inconsistent with other provisions of this will, any other proper charges against my estate.
- 2. The Executors shall charge to and pay from the principal of my residuary estate all estate, inheritance, transfer and succession taxes, including interest and penalties thereon, which may be imposed by reason of my death other than any tax on a generation skipping transfer imposed by Section 2601 of the Internal Revenue Code of 1954, as amended, and corresponding provisions of subsequent federal tax laws), or make deposits therefrom on account thereof, in any manner permitted by law, including in installments. Except with respect to any property over which I may have a power of appointment, the Executors shall not be entitled to reimbursement for such taxes from any persons against whom such taxes may be levied or assessed or who may have received any property so taxed, including the proceeds of any insurance policy.

ARTICLE THIRD

1. I bequeath all my clothing, household furnishings and equipment, automobiles, collections, books, works of art, jewelry, furs, linens, silverware, china, glassware and all my other items of household or personal use or ornament (including any insurance thereon, if feasible) to my spouse if my spouse survives me for more than ten days; and if my spouse shall not so survive me, as follows:

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- (a) my solitaire ring with pear shaped diamond, my diamond brooch and my Chinese wood carving to my son, SCOTT &.

 BYRON (called "Scott"), if he shall survive me for more than then days;
- (b) my sapphire ring, my blue diamond pin and my marble sculpture of a Greek head to my son, ROBERT G. BYRON (called "Robert"), if he shall survive me for more than ten days; and
- (c) the balance thereof to Scott if he shall survive me for more than ten days, and if Scott shall not so survive me, to Robert if he shall survive me for more than ten days.
- 2. I devise and bequeath to my spouse, if my spouse survives me for more than ten days, any interest I may have in my principal residence at my death, including any insurance and subject to enveronment thereon (other than liens for taxes not yet due). If the Executors pay any amount on such encumbrances, the Executors shall have a lien on such residence for such payment (by subrogation or otherwise), and may seek reimbursement for such payment from my spouse or may reduce any devise or bequest to my spouse by the amount of such payment.

ARTICLE FOURTH

- 1. I devise and bequeath my residuary estate remaining after carrying out the foregoing provisions to my spouse, if my spouse survives me for more than sixty days.
- 2. If my spouse shall not survive me for more than sixty days, I devise and bequeath my residuary estate remaining after carrying out the foregoing previsions to the Trustees under the trust agreement dated Agr 2, 1977 (executed before the execution of this will), between my spouse, as Donor, and HARRIS TRUST AND SAVINGS BANK and me, as Trustees, including any amendments or modifications thereto made in writing at any time after the execution of said trust agreement and before my death (called the "Revocable Trust"), to be held, managed and distributed as a part of the trusts created by, for the uses and purposes and with the powers set forth in the Revocable Trust. To the extent that the devise and bequest to the Trustees of the Revocable Trust shall be ineffective for any reason (including the termination of the Revocable Trust before my death), I incorporate herein by reference all the terms and provisions of the Revocable Trust as it existed immediately before the execution of this will (including any amendments or modifications to the Revocable Trust and designation of Trustees and successor Trustees made in writing at any time before the execution of this will) and direct that my residuary estate be held, managed and distributed in accordance therewith. This will is intended to devise and bequeath my entire estate, even though a child may be born to or adopted by me after the execution of this will, since my spouse, if my spouse survives me, will provide for any such child, and if my
- If under the terms of this will, a devise and bequest to the Trustees of the Revocable Trust or any portion

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PAGE 2. SONNENSCHEIN CARLIN NATH & ROSENTHAL

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thereof would on receipt by the Trustees be distributable immediately to a beneficiary, it need not, in the discretion of the Executors, be distributed to the Trustees, but may instead be distributed directly to the beneficiary.

ARTICLE FIFTH

- l. "Property," "assets" and "estate," unless the context indicates otherwise, shall include real and personal property, cash, insurance and annuity policies, and legal and equitable titles and interests therein, wherever situated.
- 2. "My residuary estate" shall include all property in which I may have an interest at my death not otherwise effectively disposed of (including (a) any property devised or bequeathed to a person who did not survive me or did not survive me for the period specified in the devise or bequest, where there is no other provision in this will for that contingency or (b) any property in a devise or bequest which otherwise lapsed) but shall not include any property over which I may have any power of appointment, it being my intention not to exercise any power of appointment.
- 3. "Child" and "children" (except as to any mentioned by name) shall always be considered modified by the terms "born in wedlock or legally *dopted." A child shall be considered living at any relevant time if the mother of such child is then pregnant with such child and such child is subsequently born and survives for more than ten cays.
- 4. "Beneficiary," unless the context indicates otherwise, shall include not only a reneficiary of a trust, but also a legatee or devisee.
- 5. "Unable to act" shall include inability to act because of incapacity, failing to qualify or act, refusing to act, death, resignation, removal or any of them. A person shall be considered unable to act as a fiduciary by reason of incapacity (called the "alleged incapacitated fiduciary" or "AIF") if AIF is legally declared incompetent or if a unanimus determination is made by the other then acting fiduciaries of that type (e.g., executors), or if there be no such fiduciary, by the next successor fiduciaries of that type then able to act, that AIF is unable to give prompt and intelligent consideration to business matters because of a physical or mental impairment, whether of a temporary or a permanent nature, and such determination is confirmed by the written opinion of a physician then treating AIF (and if there be no such physician, of a physician selected by such fiduciaries). If AIF shall thereafter determine that AIF is able to give prompt and intelligent consideration to business matters, and such determination is confirmed by the written opinion of a physician selected by AIF, AIF shall be restored (without any court or other proceedings) as such fiduciary.
- 6. "Powers" shall include rights, titles, privileges, discretions, limitations, immunities, duties, liabilities and obligations.

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- 7. "Fiduciary" and "fiduciaries" shall mean any executor, administrator and legal representative of my estate.
- 8. "Executors," "Trustees" and "fiduciaries" shall include the singular when only one Executor, Trustee or fiduciary shall be acting.
- 9. Any power which is granted or authorized or which may be exercised, as distinguished from an action which "shall" be taken, shall be considered a discretionary power which may but need not be exercised, in the sole discretion of the possessor.
- 10. An enumeration following the terms "include" or "including" shall not limit the generality of the language preceding that term.

ARTICLE SIXTH

- If a corporation designated as a fiduciary shall at any time or vimes become consolidated or merged with any other corporation or shall reorganize or reincorporate or shall sell, transfer or assign all or substantially all its assets and business to any other corporation, I designate as such fiduciary, in lieu of the corporation originally designated, the corporation so formed or continued by such consolidation or merger or the corporation that shall so acquire its assets and succeed to its business.
- 2. No individue. or corporation acting from time to time as an Executor or other fiduciary designated in or in accordance with the provisions of this will shall be required to give bond for the faithful performance of the duties of such individual or corporation, and if such bond is required, no security need be furnished on such bond.
- 3. A fiduciary shall be estitled to reasonable compensation and shall be reimbursed for all reasonable expenses. The fiduciaries may employ as the attorney for such fiduciaries and as attorney for my estate the firm of which any fiduciary may be a member, associate or employee and may compensate such firm without diminishing the compensation otherwise payable to the fiduciaries.
- 4. A fiduciary shall not be liable for any act or omission of any predecessor or co-fiduciary. Each successor fiduciary shall have the same powers as the predecessor of such fiduciary.
- 5. Until a successor fiduciary commences to act or if a successor fiduciary is not designated, the other fiduciaries then acting, if any, shall be the fiduciaries hereunder.
- 6. A corporate fiduciary when acting with one or more individual fiduciaries shall have sole custody of the assets which would otherwise be in the joint custody of such fiduciaries.
- 7. Any fiduciary may from time to time by an instrument in writing renounce, disclaim, release, surrender or limit, in whole or in part, permanently or for any period, any power granted to such fiduciary.

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SONNENSCHEIN CARLIN NATH & ROSENTHAL

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- 8. Fiduciaries may from time to time by an instrument in writing provide that any one or more of them may perform, in whole or in part, permanently or for any period, any ministerial function, including the signing of checks, and any other power delegable by law, statute or rule of court.
- 9. Except to the extent, if any, inconsistent with other provisions of this will, in the event of a controversy with respect to a matter on which more than two fiduciaries shall be entitled to act, the decision of a majority of them shall control, and any dissenting fiduciary is released from all duties, liabilities and obligations in connection with any act done or omitted pursuant to the decision of such majority.

ARTICLE SEVENTH

- 1. Except to the extent, if any, inconsistent with other provisions of this will or the Revocable Trust, the Executors
- (a) shall have the power to sell (at public or private sale), mortgage or pledge any property constituting a part of my estate;
- (b) nay from time to time make distribution in whole or in part to rny beneficiary and may at a different time make distribution to another beneficiary; and
- (c) in addition to the powers herein granted, shall have with respect to my estate and the estate assets the same powers of management and investment and immunities which the Trustees of the Revocable Trust have with respect to the Revocable Trust and its assets, and shall also have all powers which are now or may hereafter be granted to executors by law, statute or rule of court.
- 2. If administration of my estate is required in any jurisdiction in which the then acting Executors designated in this will shall be unable to act, I designate as legal representative with the will annexed of my estate in that jurisdiction such individual, bank or trust company as may from time to time be designated by the then acting Executors designated in this will. With respect to the assets under the control of such legal representative, such legal representative shall have the same powers as the Executors designated in this will except as such powers may be limited by the Executors designated in this will.
- 3. Legal title to any real property which I may own at my death, not otherwise specifically devised, shall be vested in the Executors until such property is sold, exchanged, transferred, conveyed or distributed pursuant to this will, and for this purpose I devise such property to the Executors.
- 4. I direct the Executors to make such elections and determinations under the tax laws applicable to my estate as in the judgment of the Executors will achieve an overall reduction in income taxes and in the estate, inheritance, transfer and succession taxes which may be imposed, including elections and determinations with respect to (a) deductions available to me or to my estate on either estate or income tax returns (or partly on

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each), (b) carryover basis and (c) the date on which to value my estate for tax purposes. No adjustments shall be made between principal and income or in the amount of or interest in any devise, bequest or trust to compensate for the effects of any such election or determination. Each such election or determination shall be conclusive and binding on all persons.

- 5. I authorize the Executors to file joint income tax returns with my spouse and to consent for gift tax purposes to the splitting of gifts between my spouse and me.
- The Executors may act in accordance with this will without order of any court.
- 7. The validity and construction of this will and of any trusts created under this will shall be determined by the law of the State of Illinois.

IN WITNESS WHEREOF, I have signed this will, consisting of six pages, __/lov. Z______, 1977.

Shuley B. Byron
Shirley G./Byron

The foregoing instrument was on the date thereof declared and signed by the Testator, SHIRLEY G. BYRON, as the Testator's will in the presence of us, who, at the request and in the presence of the Testator and in the presence of each other have signed this will as witnesses thereto; each of us believing the Testator to be of sound and disposing mind and memory at the time of signing.

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PAGE 6. SONNENBCHEIN CARLIN NATH & ROSENTHAL

STATE OF ILLINOIS) SS. COUNTY OF COOK)

We, the attesting witnesses to the will of the Testator, SHIRLEY G. BYRON, to which this affidavit is attached, and each of us, on oath state that the will was on the date thereof declared and signed by the Testator as the Testator's will, in the presence of us, who, at the request and in the presence of the Testator and in the presence of each other, have signed the will as witnesses thereto; each of us believing the Testator to be of sound and disposing mind and memory at the time of signing.

Marghi a. Dogl Hursin Mr. Harry

Subscribed and sworn to before me homewhat 2, 1977.

Notary Public

My commission expires: _

Sparch 18, 1981

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CODICIL

- I, SHIRLEY G. BYRON, residing and domiciled in Evanston, Illinois, having made a will dated November 2, 1977 (called "my will") and desiring to make certain changes in my will, declare this to be a codicil to my will.
- A: I amend Article FIRST of my will to read as follows:

ARTICLE FIRST

- 1. I designate my spouse, <u>JAY C. BYRON</u> (called "my spouse"), as Executor of this will. If my spouse shall be unable to act, I designate my sons, <u>ROBERT G. BYRON</u> and <u>SCOTT L. BYRON</u>, as Executors. If either of my sons shall be unable to act, the other shall act as Executor. If all of said individuals shall be unable to act, I designate as Executor <u>HARRIS TRUST AND SAVINGS FANK</u>, an Illinois corporation having its principal place of business in Chicago, Illinois.
- Article, any individual while acting as an Executor may designate any bank or trust company designated as a successor Executor, to act as a Co-Executor with the individuals then and thereafter acting as Executors. Such designation shall be effective (a) only if made in writing and delivered in person or sent by registered or certified mail to the other Executors, if any, then acting and if there be none, so delivered or sent to the bank or trust company so designated or to a custodian of any of the estate assets or deposited in a safe deposit box containing any of the estate assets; (b) upon the acceptance of the designation by the bank or trust company so designated; and (c) if required by law, upon the appointment by, or approval of, an appropriate court.
- \underline{B} : I ratify and confirm my will except as changed by this codicil; I declare my will together with this codicil, to be my will; and I direct that my will shall be construed as though it had been drawn originally as amended by this codicil.

IN WITNESS WHEREOF, I have signed this odicil consisting of two pages, this gam day of _______ 1982.

Shirley G. Bycon

The foregoing instrument was on the date thereof declared and signed by the Testator, SHTRLEY G. BYRON, as a codicil to the Testator's will, in the presence and hearing of us, who, at the request and in the presence and hearing of the Testator and in the presence and hearing of each other, have signed this codicil as witnesses thereto; the Testator having

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PAGE 1. SONNENSCHEIN CARLIN NATH & ROSENTHAL

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STATE OF ILLINOI				
COUNTY OF COOK) SS.)			
We, <u>SH</u>	IRLEY G. BYRO		and	
the foregoing in the date thereof to the Testator'	strument, on declared and	oath state the signed the i	names are sign hat the Testat nstrument as nd hearing of	or on a codicil
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Subscr SHIRLEY G. BYRON	ibed, sworr to	o and acknowl	edged before	me by
SHIRLEY C. BYRON Rose , the at	73 camse a testing witne	and R	chard Sears	June
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		My commission September	er 25, 1982	
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS ESTATE OF, Makey NO. 24 P 3777.
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
ESTATE OF THE PROBATE DIVISION 84 P 3776.
Byron PAGE 539
I HEREBY CERTIFY THAT THE DOCUMENT TO WHICH THIS CERTIFICATION IS AFFIXED IS A COPY OF LAST WILL AND TESTAMENT
PROVED AND AUMITTED TO RECORD HE OPEN COUPT ACCORDING TO THE LAWS AND USAGES OF THE STATE
OF ILLINOIS ON 19 BY
Set 22 1988
Man Mitalen
CLERK OF THE CIRCUIT COURT OF COOK COUNTY KLINOIS

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164 SM 5.47 (FORM 302)

Affidavit by Surviving Joint Tenant

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Subscribed and sworn to before me
Jay C. Byron
the truth of the statements herein contained.
described premises, relying on this statement as true, and in consideration thereof affiant guarantees
of Cook County, Illinois, to issue a certificate of title to the surviving Joint Tenant to said above
Further, that the assant makes this assidavit for the purpose of inducing the Registrar of Titles
-(
the issuance of Certificate of Title Number
Affignt states that the remaining joint tenant has, not changedhamarital status since
as is confirmed by a Certificate of the health department of said municipality hereto attached.
tenancy, died in the city (Village) of Skokiein the State of Illinois
Affinit states that some of the said owners in joint
The West One Hundred and Thirty One (131) feet of LOT FIVE (5) In Owner's Division of part of the Morthwest Quarter (4) and the Morth East Quarter (4) of Section 14, the mapped Morth, Range 13, East of the Third Principal Meridian, according to the Plat thereof filed in the Office of the Registrar of Titles on March 8, 1932, as document number 574969.
described as follows:
to real estate shown in Certificate of Title No 834.758situated in said Cook County, Illinois,
and thathe is one of the ravies who took title, not in tenancy in common, but in joint tenancy,
Thatlie resides at 3441. Cantral. RaxkRaxk shokie Skokie
duly sworn, upon oath day oses and says:
aring gnisd
County of the Cook
State ofLlhtmata
L. R19737 Doc. No1907376 Certificate No834758

A certified copy of the Will of Shirley G. Byron, dated Wovember 2, 1977, and Codicil, dated June 2, 1982, admitted to probate on Way II, 1984, in No. 84P3776, Docket 903, Page 534 in the Circuit Court of Cook County and a certified copy of Letters of Office are attached of Took County and a certified copy of Letters of Office are attached of Took County and a certified copy of Letters of Office are attached of Took County and a certified copy of Letters of Office are attached of Took County and a certified copy of Letters of Office are attached of Took County and a certified copy of Letters of Office are attached of Took County and a certified copy of Letters of Office are attached of Took County and Took Co

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