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create any trust or equity in favor of any other person, that they, or the survivor of them, shall distribute them in accordance with my oral suggestions or any memorandum which I shall leave for that purpose, and which memorandum I expressly declare not to be testamentary.

"Fourth: I hereby give, devise and bequeath all of the residue and remainder of my property of which I shall die possessed, real, personal and mixed, of whatsoever kind and wheresoever situated, to my nephew, Glen Martin Eastman, my nephew, John A. Martin, and my niece, Jane Martin Hill, equally, share and share alike.

However, if said Glen Martin Eastman, John A. Martin or Jane Martin Hill shall predecease me, leaving a child or children surviving him or her and living at the time of my death, such surviving child or children, equally between them if more than one, but specifically excluding adopted children, shall take the full share which his, her or their parent would have received under the terms and provisions of this Will, including the specific devise provided for in Paragraph SECOND but excluding the specific bequest provided for in Paragraph THIRD hereof, had such parent survived me. If said Glen Martin Eastman, John A. Martin or Jane Martin Hill shall predecease me and not leave any child or children other than an adopted child or children, surviving him or her and living at the time of my death, then and in such case all bequests and devises made to him or her hereunder shall immediately lapse and become a part of the residue for distribution to the remaining residuary legatees and devisees.

It is my intention that the terms "child or children" as used herein, shall not include an adopted child or adopted children.

"Fifth: I do hereby name, constitute and appoint my nephew, Glen Martin Eastman, as the executor of this my Last Will and Testament, and do especially request and direct that he act as such executor without bond. However, if said Glen Martin Eastman shall predecease me or if he fails to qualify as executor, or, having qualified, shall die, resign or become incapacitated, then and in such case I hereby name, constitute and appoint his wife, Jeanine Eastman, as the executrix of this my Last Will and Testament, and do especially request and direct that she act as such executrix without bond."

And it further appearing that Glen Martin Eastman, and his wife, Jeanine Eastman, who are named as specific legatees and devisees under the terms and provisions of the Last Will and Testament of said Isabelle Crippa, survived the said Isabelle, and are now living.

And it further appearing that Glen Martin Eastman, nephew, John A. Martin, nephew, and Jane Martin Hill, niece, who are named as residuary legatees and devisees according to the terms and provisions of the Last Will and Testament of Isabelle Crippa, survived said Isabelle Crippa, are now living.

And it further appearing that L. A. Fanelli, surviving spouse elected to take his statutory interest, however, he thereafter agreed to take the sum of \$20,000.00 cash in full payment for his statutory interest, and on the 20 day of September, 1967, said L. A. Fanelli, made, executed, and delivered an Assignment and Quitclaim Deed to Glen Martin Eastman, John A. Martin, and Jane Martin Hill, conveying any and all right, title, and interest which he had or may have in and to the estate of decedent, as the husband, and heir at