

L A S T W I L L A N D T E S T A M E N T

OF

AUGUST L. HORMAY

KNOW ALL MEN BY THESE PRESENTS:

That I, AUGUST L. HORMAY, of adult age, presently residing in the City and County of San Francisco, State of California, being of sound and disposing mind and memory, and not acting under duress, menace, fraud or the undue influence of any person or persons whomsoever, do hereby make, publish and declare this my Last Will and Testament in the manner following, that is to say:

FIRST: I hereby unconditionally and absolutely revoke, cancel and annul any and all former wills and codicils by me at any time heretofore made, without any exception whatsoever.

SECOND: I hereby declare that I am single, never having married; that my mother, ANNA D. HORMAY, is living and I have one sister, namely, ANNA BUSH.

THIRD: I hereby direct my Executrix to pay all of my just debts and expenses of my last illness and funeral as soon after my death as can lawfully and conveniently be done.

FOURTH: I hereby give, devise and bequeath my home, commonly known and designated as 101 Acadia Street, San Francisco, California, unto my mother, ANNA D. HORMAY, for her natural lifetime, together with use, occupancy and enjoyment thereof, and the rents, issues and profits therefrom, during her lifetime, with the remainder over at the time of my death unto my sister, ANNA BUSH, subject, however, to her use, occupancy and

enjoyment of the same, and the rents, issues and profits therefrom, being deferred during my said mother's lifetime. My said home consists of two lots with a two floor structure thereon, all of which is included in the foregoing gift, devise and bequest; I further give and bequeath to my said mother, if she survives me, all tangible personal property of mine then situated therein; should my said mother fail to survive to take under the foregoing provisions said home and contents shall go outright to my said sister.

FIFTH: I hereby give, devise and bequeath all of the rest, residue and remainder of my estate and property, real, personal or mixed, of whatsoever kind the same may be or where-soever situated, of which I may die seized or possessed, or in which I may have any interest or right of testamentary disposition or power of appointment at the time of my death, unto my said mother, providing she survives me by ninety (90) days; should she not survive me by ninety (90) days, said rest, residue and remainder shall instead go to my sister, if she survives me by ninety (90) days; should my said sister also fail to survive me by ninety (90) days, said rest, residue and remainder shall instead go to my then living heirs at law, in accordance with the laws of intestate succession of the State of California in effect at the time of my death, governing the descent of separate property of a decedent.

SIXTH: I disinherit each, any and all persons whomsoever, other than the persons provided for in this instrument, who may claim to be or who may lawfully be determined to be my heirs at law. If any such persons, or their successors in interest, or any other person who, if I died intestate, would be entitled or shall lawfully become entitled to any part of my estate, shall

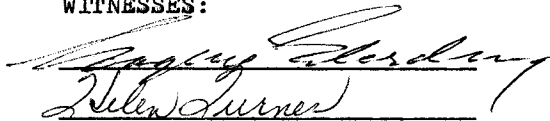
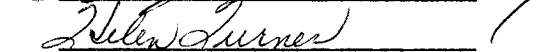
seek to establish any claim to my estate, or to impair any of the provisions of this instrument, or to defeat or change any part of the testamentary plan of this will, then, in any or all of the above-mentioned events, I hereby give and bequeath to such person or persons the sum of Ten Dollars (\$10.00), and no more, in lieu of any other share or interest in my estate.

SEVENTH: I hereby nominate and appoint my mother, ANNA D. HORMAY, Executrix of this my Last Will and Testament and direct that she may serve as such without bond. In the event she is unable or unwilling to serve as such, then I nominate and appoint my sister, ANNA BUSH, Executrix hereof, likewise to serve without bond. In the further event she is unable or unwilling for any reason to serve as such, then I nominate and appoint EUGENE ELERDING, Executor hereof, likewise to serve as such without bond. I hereby expressly authorize and empower my said Executrix or Executor, as the case may be, to sell, lease or mortgage the whole or any portion of my estate, at either public or private sale, with or without notice, without securing any previous order of court therefor, and upon such terms and conditions as to my said Executrix or Executor may seem best, but subject, however, to confirmation by court as provided by law.

IN WITNESS WHEREOF, I have hereunto subscribed my name in the City of Berkeley, County of Alameda, State of California, this 25th day of June, 1970.


AUGUST L. HORMAY

WITNESSES:

The foregoing instrument, consisting of four (4) typewritten

pages including this last page, was signed and subscribed by AUGUST L. HORMAY, the testator named therein, at the City of Berkeley, County of Alameda, State of California, on the 25th day of June, 1970, in the presence of us, both being present at the same time, and at the time of his subscribing the same was acknowledged and declared by him to us to be his Last Will and Testament, and thereupon we, at his request and in his presence and in the presence of each other subscribed our names as witnesses thereto.

August Hormay Residing at 14 Eucalyptus Road

Berkeley, Calif.

Helen Lerner Residing at 2510 Tassajara

El Cerrito, Calif.