

**LAST WILL AND TESTAMENT
OF
MAURICE M. WHITTEN**

I, **MAURICE M. WHITTEN**, a resident of and domiciled in Gorham, County of Cumberland and State of Maine, declare this to be my Last Will and Testament. I hereby revoke all other wills and codicils I have previously made.

I. INTRODUCTION

A. I am married to: **DORIS R. WHITTEN**

B. I have no children.

C. The term "survive me" shall mean that the person referred to must survive me by thirty (30) days. If the person referred to dies within thirty days of my death, the reference to him/her shall be construed as if he/she failed to survive me. If any beneficiary or devisee, who is a natural person, named in this will fails to survive me, as defined in this Paragraph C, I give devise and bequeath his or her bequest or devise to his or her surviving issue, in equal shares, except as is otherwise provided herein.

D. Transfers of real or personal property during my lifetime are not made to satisfy legacies, and no adjustment of my estate is to be made because of them.

II. PAYMENT OF DEBTS AND TAXES

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I direct that when convenient and proper, in my Personal Representative's sole discretion, my estate shall pay the expenses of my last illness, my funeral charges, and the expenses of administration of my estate. I also direct my Personal Representative to pay out of my estate all estate, inheritance and succession taxes, state and federal, levied or assessed against my estate, and my Personal Representative or any beneficiary, which may be occasioned by death. My Personal Representative shall not require any beneficiary to reimburse my estate for taxes paid under this paragraph.

III. PERSONAL PROPERTY

I bequeath specific items of my tangible personal property in the manner described on the list I may make in my own handwriting or sign. In the event that no memorandum or list is left or found, and in regard to such items of tangible personal property as may not be accepted by the designated recipients or such items designated for individuals who predecease me, I give and bequeath such items as part of my Residuary Estate.

IV. DELIVERY OF PROPERTY OF MINOR OR DISABLED PERSON

Whenever under the terms of this Will property vests in or is payable to a person who has not attained the age of majority, or who, in the sole discretion of the Personal Representative obligated to deliver the property to the devisees, is under any other disability (whether or not the disability has been adjudicated), the Personal Representative may, notwithstanding any other provision of this Will, make delivery of the property to which the person is entitled in any of the following ways:

A. By delivering the property to the person's guardian, the conservator of the person's estate or to any other person having the care and custody of the person's property.

B. By paying directly to the person such sums as the Personal Representative considers advisable in light of all the circumstances. However, the Personal Representative is forbidden to pay such funds directly to the person if doing so will cause the person to be disqualified from receiving or to qualify for benefits from any program, agency, or institution. In this event the funds are to be held in a supplemental needs trust with the trust form and the trustee as selected by Personal Representative.

C. If the person has not attained the age of 21 years, by delivering the property to a custodian for the person under the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act which applies in the state in which my Will is probated. I authorize the Personal Representative obligated to deliver property to any person who has not attained the age of 21 years at the time of the delivery to select any individual or institution to serve as custodian for the person under the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act of the jurisdiction, whether or not any other custodian is then serving. I also authorize the Personal Representative to elect that the custodian so selected retain the funds due any person until that person attains the of 21 years.

D. By applying all or any of the property held by a Personal Representative for the person's benefit in manner permitted under this Article shall discharge the Personal Representative of any liability for the value of the property delivered or applied whether or not the Personal Representative obtains a receipt.

V. SPECIFIC DEVISE

I give all of my materials, and the rights to use the materials, pertaining to my research on gunpowder mills in the State of Maine to the Maine Historical Society, located in Portland, Maine.

VI. PARTIAL SATISFACTION

On October 31, 2011, my wife, DORIS R. WHITTEN and I advanced \$16,000.00 to her daughter, MARGERY J. HULSEY, in partial satisfaction of any devise that she may receive from the estate of the survivor of us. Accordingly, if I survive my wife, I direct that MARGERY J. HULSEY'S share of my estate be reduced by \$16,000.00. See the document captioned Acknowledgment of Partial Satisfaction of a Devise accompanying this Will.

However, if I survive my wife, and if MARGERY J. HULSEY does not survive me, MARGERY J. HULSEY'S share of my estate is not to be reduced by \$16,000.00.

VII. SPECIFIC DEVISE

Lawrence Stuart and his wife Jeri of Gorham, Maine, have been very kind to us over the years and we wish to show our appreciation by making the following gift to them: In the event that I survive my wife, and only in that event, I give, devise and bequeath One Thousand Dollars (\$1,000.00) to Lawrence Stuart and Five Hundred Dollars (\$500.00) to Jeri Stuart. If neither survive me, I give this money to those of their children who survive me.

VIII. RESIDUARY ESTATE

I define my Residuary Estate as all of my property after the payment of debts and taxes, including real and personal property whenever acquired by me as to which effective disposition is not otherwise made in my Will, property as to which I have an option to purchase, or a reversionary interest, gifts or devises which for whatever reason lapse.

I give my residuary estate as follows:

- a. I give, devise and bequeath Ten (10%) percent of my residuary estate to the Preachers Aid Society of New England, in memory of my parents, Reverend and Mrs. Albert E. Whitten. The money is to be invested and the interest is to be used at the discretion of the Society. The Society's current address is P.O. Box 3386, Plymouth, MA 02361-3386;
- b. I give, devise and bequeath Five (5%) percent of my residuary estate to the Chesley Road Methodist Church, located in Gorham, Maine, to be called the Maurice W. and Doris R. Whitten Fund, to be used as directed by the Trustees of the church.

- c. I give, devise and bequeath Fifteen (15%) percent of my residuary estate to the University of Southern Maine, Gorham/Portland, Maine, to create the Maurice M. and Doris R. Whitten Scholarship Fund. The money is to be invested and the interest is to be used for scholarships for students who are citizens of the United States, with preference to be given to Maine residents.
 - d. If my wife survives me by Forty-Five (45) days, I give her the balance of my residuary estate. If my wife does not survive me by Forty-Five (45) days, I give the balance of my residuary estate to the children of my wife to be divided equally among them. If any such child does not survive me, I give, devise and bequeath his or her share to his or her children.
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- e. If any of the residuary devisees under Article VIII, Paragraph (d), owes money to me or to my wife's estate, or to both of us, at the time that this devise takes effect, I direct that any such amount owed be charged against his or her share of this residuary devise. A record made at the time the loan or advancement is made will be maintained in a spiral notebook kept along with the original or a desk copy of this Will with the words "Money Owed" on the front. If the devisee who borrowed the money does not survive to take, this deduction is not to apply to his or her children.

IX. POWERS OF THE PERSONAL REPRESENTATIVE

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I give my Personal Representative power without license of Court and without giving notice to any interested parties hereunder as provided in 18-A MRSA §3-711 to sell, mortgage, pledge, invest and reinvest the assets of my estate, including real estate, upon such terms and for such sums as he/she deems wise; and to execute acknowledge and deliver such deeds or instruments as he/she deems necessary or proper.

I authorize my Personal Representative to retain any property which is part of my estate, including securities, bonds and other property without obligation to dispose of it, and to distribute it in cash or in kind or partly in each and not necessarily on a pro rata basis if he/she deems a different allocation advisable for any reason, including value or income tax bases of the distributed assets. My Personal Representative shall not be liable on any account of a distribution in kind, provided he/she shall have made a good faith effort to be fair to all beneficiaries, and his/her decision shall be binding upon all persons interested in said distributions.

X. EXCLUSION OF ALL OTHER PERSONS

I have intentionally omitted all my heirs who are not specifically mentioned herein, and I hereby generally and specifically disinherit each, any and all persons whomsoever claiming to be or who may be lawfully determined to be my heirs at law, except as otherwise mentioned in this Will.

XI. SELECTION OF PERSONAL REPRESENTATIVE

I nominate my spouse, **DORIS R. WHITTEN**, as Personal Representative of my estate. If my spouse, **DORIS R. WHITTEN**, is unable or unwilling to serve, I nominate my wife's daughter, **MARGERY JO HULSEY**, to serve in her place. If **MARGERY JO HULSEY** is unable or unwilling to serve, I nominate **MARGERY JO HULSEY'S** son, **MICHAEL**

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I direct that no person nominated as Personal Representative in this Will, shall be required to give any bond or security for the faithful performance of his or her duties.

IN WITNESS WHEREOF, I have signed and published this Will on this, the 6th day of November, 2018, being first duly sworn, hereby declaring to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, and that I sign it willingly, as my free and voluntary act, that I am 18 years of age or older, of sound mind and under no constraint or undue influence.

Maurice M. Whitten
MAURICE M. WHITTEN, Testator

We, Alice Ann Harvey and Donald C. Wescott, the witnesses, being first duly sworn, do hereby declare to the undersigned authority that Maurice M. Whitten has signed and executed this instrument as his Last Will and Testament and that he signed it willingly, and that each of us, in the presence and hearing of the other, signs this Will as witness to his signing, and that to the best of our knowledge that he is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Donald C. Wescott
Witness

Alice Ann Harvey
Witness

Barham, ME
Address

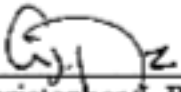
Barham, ME
Address

STATE OF MAINE

NOT A LEGAL DOCUMENT

STATE OF MAINE
Cumberland, ss.

Subscribed, sworn to and acknowledged before me by Maurice M. Whitten and
subscribed and sworn to before me by both Alice Ann Harvey and
Donald C. Wescott, the witnesses, on this 6th day of November, 2018.



Christopher J. Ryer - Attorney at Law

DOCUMENT

