

LAST WILL AND TESTAMENT
OF
JACK L. IRWIN

2010 MAY 16 PM 2:49

I, Jack L. Irwin, of Lancaster County, Nebraska, declare this to be my Last Will, hereby revoking all my former wills and codicils.

I.

For all purposes of my Will, including the determination of all beneficial interests hereunder, all words in my Will have the definitions in sections 30-2209 and 30-2306 of the Nebraska Probate Code and shall be so defined, and (3) each beneficiary hereunder shall be deemed to have predeceased me in the event such beneficiary shall not survive me by one hundred twenty (120) hours, and all references in this instrument pertaining to persons surviving or predeceasing me shall mean one hundred twenty (120) hours after my death.

II.

I direct that all my debts and expenses be paid as soon as practicable out of the principal of any residuary estate of mine, except for those described below, in paragraph IV.

I further direct that all taxes, including interest and penalties thereon, payable by reason of my death (other than any such taxes attributable to any property over which I may have a power of appointment at the time of my death) shall be paid out of the principal of any residuary estate without reimbursement or contribution from any person.

III.

I devise all my personal and household effects (including by way of illustration and not of limitation such items as clothing, jewelry, silverware, household furnishings, furniture, and automobiles, but excluding any such property used in any business in which I may have any interest) together with any insurance policies and claims under such policies on such property in accordance with a written statement or list which I intend to leave at my death. If for any reason no such written statement or list is in existence at my death or if any such written statement or list fails to dispose of all of such property effectively, then such property shall be added to, and distributed in accordance with the residue of my estate.



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IV.

I devise:

A. To Judy DeFusco, all of my interest in Irwin Investments #1, LLC, a Nebraska limited liability company;

B. To Beth Kenkel, all of my interest, if any is then remaining, in the real estate properties situated in the State of New York, and commonly known as 145 Columbia Street, Brooklyn, New York, and 18 Horseshoe Lake Road, Kenoenga Lake, New York;

C. To Earl Peters, all of my interest in the real estate property situated in the State of Illinois, and commonly known as 11810 Main, Roscoe, Illinois, and all of my interest in Northwood Shores Campground, LLC, a Wisconsin limited liability company;

D. To Kevin Throckmorton, a ten (10%) percent interest in Maple Mini Storage, LLC, a Nebraska limited liability company; and,

E. To Jeff Willms, a ten (10%) percent interest in Fredericksburg Apartments Joint Venture, a Nebraska general partnership, if it is still in existence at the time of my death, and if it is not, then a ten (10%) percent interest in the real estate property situated in Omaha, and commonly known as 10052 Wirt Plaza, Omaha, Nebraska.

Each of the above gifts are made with the understanding that they are made subject to any specific indebtedness which may exist as a lien on such interests or properties, and with the further understanding that if any of the persons named are unable to assume responsibility for any such indebtedness, then I direct that financing for them be provided from the residue of my estate.

V.

All the residue of my estate, including all lapsed gifts hereunder (but excluding any property over which I may have any power of appointment) I devise, in equal shares, to my nieces and nephews, Andrew A. Nelson, Joel D. Nelson, Susan L. (Noel) Braun, Scott M. Noel, John J. Noel, Jill C. (Noel) Korta, Christopher J. Noel, and Stephen M. Noel, each by representation.

VI.

As personal representative of my estate I nominate Joel Nelson, my nephew, or in the event of the resignation, refusal or inability of Joel so to act, then Scott Noel or Steve Noel, as they may decide. If my personal representative shall be unable or unwilling at any time to act as such with respect

to any property requiring administration in any jurisdiction other than the State of Nebraska, then such person or corporation as may be nominated by my personal representative shall act as the personal representative or other appropriate fiduciary in such other jurisdiction. My personal representative and any other fiduciary appointed pursuant to this Will, subject to administration by each such fiduciary respectively, shall have all those powers conferred to a personal representative in part 7 of Article 24 of the Nebraska Probate Code as of the date of execution of my Will, and in addition, shall have the power to sell real estate, and to provide for appropriate funeral and burial arrangements. My personal representative and any other fiduciary appointed pursuant to this Article may exercise such powers without giving bond or security and without court order in such manner as such fiduciary shall determine. My personal representative shall have sole and absolute discretion to distribute my estate either in cash or in kind.

VII.

Nebraska law shall govern the validity and construction of this Will with respect to all property, wherever situated, passing hereunder.

IN WITNESS WHEREOF, I have signed this, my Last Will, on
Dec 3, 2017.


Testator

We, whose names are signed below, do hereby certify that Jack L. Irwin, the testator, signed his name to this instrument, in our presence and in the presence of each of us and that at the same time in our presence and hearing he declared this instrument to be his Will, and we at his request, signed our names hereto, in his presence, and in the presence of each other as attesting witnesses. We further certify that the testator was not under restraint at the time of the execution of this Will, and was of sound and disposing mind and memory to the best of our knowledge and discernment.


Witness


Witness

7052 LaSalle St Lincoln NE
Address

7052 LaSalle St. Lincoln, NE
Address

STATE OF NEBRASKA

LANCASTER COUNTY ss.

We, Jack L. Irwin, JACE HARTL and SYDNEE WENZL, the testator and the witnesses respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his Last Will and that he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator signed the Will as witness and to the best of his knowledge the testator was at the time not a minor, and was of sound mind and under no constraint or undue influence.

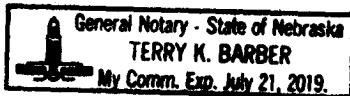
Jack L. Irwin
Testator

Jace Hartl
Witness

Sydney Wenzl
Witness

Subscribed, sworn to, and acknowledged before me by Jack L. Irwin, testator, and Jace Hartl and SYDNEE WENZL, as witnesses, on this 3 day of DECEMBER, 2017.

Terry K. Barber
Notary Public



IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE

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Case No. PR 18-428

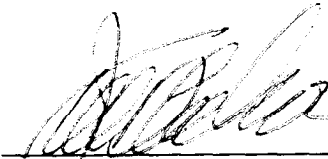
of

ACCEPTANCE OF APPOINTMENT

JACK L. IRWIN, DECEASED.

Joel D. Nelson, hereby accepts appointment as Personal Representative of this estate, accepts the duties of the office, and submits personally to the jurisdiction of this Court in any proceeding relating to the estate that may be instituted by any interested person, as defined by the Nebraska Probate Code.

Dated this 16th day of May, 2018.



Joel D. Nelson

Naomi Thies
Witness

CLERK OF
LANCASTER COUNTY
2018 MAY 15 PM 2:49



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IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF THE ESTATE

of

JACK L. IRWIN, DECEASED.

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Case No. PR18- 428

LETTERS OF APPOINTMENT

THE STATE OF NEBRASKA

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 17 day of May, 2018, Joel D. Nelson, Lincoln, Nebraska, was appointed and qualified as personal representative of the above-named Decedent by this Court or its Registrar, with all the authority granted to the personal representative by law.

NOW, THEREFORE, these Letters are issued as evidence of such appointment and qualifications and authority of Joel D. Nelson, Lincoln, Nebraska as Personal Representative of the estate of Jack L. Irwin to do and perform all acts which may be authorized by law.

WITNESS the signature of a Judge or Registrar of this Court, and the seal of this Court, on the 17 day of May, 2018.

Victor J. [Signature]
Signature of Registrar
(Informal Proceedings Only)

CLERK OF
LANCASTER COUNTY
COURT
2018 MAY 17 PM 12:15



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