

**EXHIBIT "O"**

MW/290619

LAST WILL AND TESTAMENT  
OF NITA HILL SWARK

**F I L E D**  
November 19 1989  
M. W. D. B. HATTON  
COUNTY CLERK, ORANGE COUNTY, TEXAS  
By *Brooke Hatton*

0-491

A CERTIFIED COPY JUL 13 2001  
ATTEST:

KAREN JO VANCE, County Clerk  
Orange County, Texas

By *Brooke Hatton*  
BROOKE HATTON, DEPUTY

STATE OF TEXAS, }  
COUNTY OF ORANGE. }

IN THE NAME OF GOD, AMEN:

I, Nita Hill Stark, of Orange County, State of Texas, being of sound and disposing mind and memory, and not acting under duress, menace, fraud or undue influence of any person whatsoever, calling to mind the frailty and uncertainty of human life, and being desirous of settling my worldly affairs and directing how the estate with which it has pleased God to vest me shall be disposed of after my decease, while I have strength and capacity so to do, do make, publish and declare this my last will and testament, hereby expressly and in all things revoking all other wills heretofore made by me.

FIRST.

I declare that I am married and am the wife of H. J. Lutcher Stark; that I have no natural children, but have two sons by adoption, to-wit, Homer Stark and William Stark, whom I love as my own.

SECOND.

I direct that my funeral expenses, expenses of my last illness, and all just claims against my estate, shall by my executor hereinafter named be paid out of my estate as soon after my death as he shall have sufficient funds in his hands so to do.

THIRD.

I direct that as soon after my death as possible my said executor take possession of my estate, and as soon thereafter as may be conveniently done, to deliver to the hereinafter named persons the specific articles and the respective sums of money or property in lieu thereof which I have given to them.

FOURTH.

I give and bequeath to my husband, H. J. Lutcher Stark, my wedding ring, and all of my shares of stock and interest in and

*N.H.S.*

A CERTIFIED COPY JUL 13 2001

ATTEST:

KAREN JO VANCE, County Clerk

Orange County, Texas

By *B. Brooke Hatton*

BROOKE HATTON, DEPUTY

to Montgomery Ward & Company, Inc.

FIFTH.

I give and bequeath to my son, Homer Stark, if he be living at the time of my death, the string of pearls given to me by my mother, Mrs. Miriam M. Stark, my engagement ring, my father's portrait painted by Wayman Adams, and the old portrait of my great-grandmother, to be delivered to him as soon after my death as is convenient to my said executor.

SIXTH.

I give and bequeath to my cousin, Margaret Milam, if she be living at the time of my death, all of my shares of stock and interest in and to the United Gas Improvement Company to be transferred and delivered to her by my executor as soon after my death as is convenient to my said executor.

SEVENTH.

I give and bequeath to my cousin, Helen Hughes, the wife of Tommy Hughes, if she be living at the time of my death, my opals (including necklace, ring, earrings and pin), and the sum of One Thousand (\$1,000.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

EIGHTH.

I give and bequeath to my cousin, Lynn Boyd Milam, Jr., if he be living at the time of my death, the sum of One Thousand (\$1,000.00) Dollars in cash or its equivalent in property, to be delivered to him by my executor as soon after my death as is convenient to my said executor.

NINTH.

I give and bequeath to Grace Hill Milam, the wife of Lynn B. Milam, if she be living at the time of my death, the sum of Fifteen Hundred (\$1,500.00) Dollars in cash or its equivalent in

*A. H. S.*

property, to be delivered to her as soon after my death as is convenient to my said executor.

TENTH.

I give and bequeath to my cousin, Grace Hill Wade, if she be living at the time of my death, the sum of One Thousand (\$1,000.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

ELEVENTH.

I give and bequeath to Norma Hill, the wife of Ben Hill, if she be living at the time of my death, my chinese rugs, and the sum of Fifteen Hundred (\$1,500.00) Dollars in cash or its equivalent in property, to be delivered to her as soon after my death as is convenient to my said executor.

TWELFTH.

I give and bequeath to Dorothy Hill Thrasher, the wife of Robert B. Thrasher, if she be living at the time of my death, all of the flat silver which I inherited from my mother, Ella Rankin Hill, and the sum of One Thousand (\$1,000.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

THIRTEENTH.

I give and bequeath to my aunt, Lucy Hill Jones, if she be living at the time of my death, the sum of Fifty (\$50.00) Dollars per month, until her death, and direct that my executor pay said sum of money to her regularly each month during her lifetime.

FOURTEENTH.

I give and bequeath to my friend, Mary Drake, if she be living at the time of my death, the sum of Fifteen Hundred

*J. H. S.*

(\$1,500.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

FIFTEENTH.

I give and bequeath to my friend, John Drake, if he be living at the time of my death, the sum of Fifteen Hundred (\$1,500.00) Dollars in cash or its equivalent in property, to be delivered to him by my executor as soon after my death as is convenient to my said executor.

SIXTEENTH.

I give and bequeath to my chauffeur, I. B. Murry, if he be living at the time of my death and then in my employ, the sum of Twenty-Five Hundred (\$2,500.00) Dollars in cash or its equivalent in property, to be delivered to him by my executor as soon after my death as is convenient to my said executor.

SEVENTEENTH.

I give and bequeath to Mademoiselle R. Burki, if she be living and in my employ at the time of my death, the sum of Seven Hundred Fifty (\$750.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

EIGHTEENTH.

I give and bequeath to each of my house servants, other than my washer woman, who may be in my employ at the time of my death, and have been in my employ regularly for a period of five (5) years prior thereto, the sum of Five Hundred (\$500.00) Dollars in cash or its equivalent in property, to be delivered to them by my executor as soon after my death as is convenient to my said executor.

NINETEENTH.

I give and bequeath to Nita Stark Smith, of Williamsport, Pennsylvania, if she be living at the time of my death, the

*A. H. S.*

sum of Five Hundred (\$500.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

TWENTIETH.

I give and bequeath to Betty Hill, the daughter of James E. Hill, if she be living at the time of my death, the sum of Five Hundred (\$500.00) Dollars in cash or its equivalent in property, to be delivered to her by my executor as soon after my death as is convenient to my said executor.

TWENTY-FIRST.

I give, bequeath and devise to my sons, Homer Stark and William Stark, share and share alike, all of the rest, residue and remainder of my estate which may be left after the payment of the bequests and delivery of the gifts hereinbefore enumerated, wherever such property may be situated and whatever the character thereof may be, real, personal, or mixed, it being intended to include herein everything of every character of which I may die seized and possessed, whether the same be real, personal or mixed, or wherever the same may be situated or whatever its value or nature may be, not intending to exclude anything of any character by reason of anything said herein, but intending to pass to them, the said William Stark and Homer Stark, the entire residue of my estate which may be left after the payment of the special bequests hereinbefore mentioned and made, to be paid and delivered to each of them by my executor on their respective twenty-first birthdays, or as soon thereafter as same can be conveniently done by my said executor, the same to be theirs fully, finally, and in fee simple. In order that there may be no dispute among my sons as to which of them should have any particular piece of personal property, such as jewelry, pictures, rugs, articles of furniture, mementoes or other articles of personal or sentimental value, I have made up a list designating which of such articles I want each of my sons to

*K. H. S.*

have and have delivered said list into the keeping of Mr. W. B. Simons for the guidance of my executor in distributing them to my sons. However, in the event there should be a dispute among my sons, as to any of such articles not included in said list, which they cannot settle between themselves, then and in that event my executor shall settle said dispute as he believes may be just and right.

If at the time of my death, there be living only one of my said sons, and there be not living at said time a surviving wife or child, either natural or adopted, of my other son, then and in that event I give, bequeath and devise all the said rest, residue and remainder of my estate to my remaining son, to be paid to him by my executor on his twenty-first birthday, or as soon thereafter as same can be conveniently done by my said executor. However, should one of my said sons be dead at the time of my death, leaving a surviving wife or child, either natural or adopted, then I give and devise to his surviving wife and/or child or children, such share as he would have received upon attaining his twenty-first birthday, same to be paid and delivered by my executor at such time as my said deceased son would have attained his twenty-first birthday had he remained alive, or as soon thereafter as same can be conveniently done by my said executor.

TWENTY-SECOND.

It is my will and desire that if at the time of my death my said sons have not yet reached twenty-one years of age and it becomes necessary to appoint a guardian of their persons or estates, that my husband, H. J. Lutoher Stark, be appointed such guardian, but in the event that he should not be living at said time then it is my will and desire that my dear friends, Dr. and Mrs. E. T. Drake or such of them who are then surviving be appointed such guardians.

TWENTY-THIRD.

It is my will and I desire and request of the guardian

*M. H. S.*



or guardians, who may be appointed for my sons, that all life insurance which is payable to my sons at the time of my death be by said guardian or guardians delivered to my said sons in cash or to their account in the First National Bank in Orange so that they may spend or use same as they see fit, even though they may then be under twenty-one years of age, having full confidence in their ability to use same wisely and well.

TWENTY-FOURTH.

I hereby nominate and appoint my husband, H. J. Lutchter Stark, as sole executor of this my last will and testament, and I direct that he serve as such without pay, and that no bond or security of any character be required of him as such executor, and I especially authorize my said executor to mortgage, sell and dispose of any portion of my estate, or all of same, as he may see proper, and in the manner and for the price and upon the terms that to him may seem just and proper, and to invest and reinvest any and all funds, and to do any and all things which to him may seem just and proper, for the purpose of carrying out the provisions of this will.

TWENTY-FIFTH.

In the event my husband, H. J. Lutchter Stark, be not living at the time of my death, or fail or refuse or in any way be incapable or prevented from acting as my executor as hereinabove provided, or if after having acted as such and before my estate has been finally distributed should die or fail or refuse or be prevented from or incapable to continue to act as such, then and in that event I nominate and appoint my friend, Fred L. Williams, of Harris County, Texas, to act in his place and stead as executor, on the same conditions and with the same authority herein given my said husband, H. J. Lutchter Stark.

TWENTY-SIXTH.

It is my will that no other action shall be had in the

*H. J. S.*

county court or any other court in the administration of my estate than to prove and record this will and to return an inventory and appraisement of my estate and list of claims.

TWENTY-SEVENTH.

If any devisee, legatee, or beneficiary under this will, or any person claiming under or through any devisee, legatee, or beneficiary, or any person who, if I died wholly or partially intestate, would be entitled to share in my estate, shall, in any manner whatsoever, directly or indirectly, contest this will or attack, oppose, or in any manner seek to impair or invalidate any provision hereof, or shall in any manner whatsoever, conspire or cooperate with any person or persons attempting to do any of the acts or things aforesaid, or shall settle or compromise, directly or indirectly, either in or out of court, with any such contestant, or shall acquiesce in or fail to oppose such proceedings, or shall endeavor to succeed to any part of my estate otherwise than through this will, then in each of the above mentioned cases I hereby bequeath to such person or persons the sum of One (\$1.00) Dollar only, and all other bequests, devises and interests in this will given to such person or persons shall be forfeited and shall be distributed pro-rata among such of my devisees, legatees and beneficiaries as shall not in any manner have participated in, and as shall have opposed such acts or proceedings. If all of my devisees, legatees and beneficiaries shall participate in or fail to oppose such proceedings, I give, devise and bequeath the whole of my estate to my heirs at law, according to the laws of descent and distribution of the State of Texas, then in force, excluding all contestants and said devisees, legatees and beneficiaries and their successors in interest.

This I make and publish as my last will, hereunto signing and subscribing my name this 21st day of June, A. D. 1939,

*J. H. S.*

the presence of W. B. Simmons and Alan B. Cameron, who attest  
same at my request.

Yeta Hill Stark

The foregoing instrument, consisting of eight (8) pages  
des this one, was and is now here on the day hereof by said  
Hill Stark, the testator, subscribed, published and declared  
e her last will and testament, in our presence, and we, each  
g over fourteen (14) years of age, at her request, and in her  
ence, and in the presence of each other, sign and subscribe  
names hereto as attesting witnesses.

  
Residing at Orange, Texas.

  
Residing at Orange, Texas.

d: 11-6-39  
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