

I ask the proper courts to appoint a successor to said Trustee for the uses and purposes above named.

COMPARED

Third:-- I give, devise and bequeath unto W. L. Biggs of Muskogee, Oklahoma, as Trustee, and to his successors, in trust, all the rest, residue and remainder of my estate, real, personal and mixed, wheresoever situate, of which I may die seized or possessed or to which I may be entitled at the time of my decease, to have and to hold the same for and upon the following trusts, purposes, uses and conditions, to-wit:--

1. During the period of trusteeship, as hereinafter fixed, said Trustee shall possess, hold, manage, control, lease, care for and protect said trust estate and collect the income therefrom, all in accordance with his controlled judgment and discretion. Said Trustee may retain as a portion of (Signed Pearl M. Wheatley) said trust estate any investments received by him from my estate and he is also hereby further and fully authorized and empowered to invest such part or parts of said trust estate which may from time to time be converted into cash, either in bonds, stocks, real estate mortgages, real estate or in any other income-producing property or securities, real or personal, either within or without the State of Oklahoma as to said Trustee shall seem most beneficial and profitable for such trust estate. Said Trustee shall have as free and uncontrolled latitude and discretion in the selection and making of any investments as I myself would have if living. Said Trustee is hereby given full power to sell and convey any and all of said trust property and any reinvestments thereof, from time to time, for such prices and upon such terms as he shall see fit, either for the purpose of reinvestment or of carrying out any provision of this trust, and said Trustee is also fully authorized to mortgage any property forming a portion of the trust estate for the purpose of paying or renewing any existing incumbrance or other lien or for the purpose of improving, benefiting or retaining any property in the trust estate, and no purchaser or mortgagee shall be obliged to see to the application of the purchase or mortgage money. I expressly direct that the Trustee shall have power of determining how all receipts and disbursements shall be credited, charged or appropriated as between income and principal and the decision of the Trustee shall be final and not subject to question by any beneficiary of the trust.

2. The Trustee shall be paid a fair and just compensation out of the trust estate for his services hereunder and shall also be reimbursed out of the trust estate for all reasonable expenses incurred in his management, control or protection.

3. The entire net income, or so much as said Trustee (Signed Pearl M. Wheatley) shall deem necessary, commencing at the time of my death, shall be paid in convenient installments to my dearly beloved adopted son, Frederic Allen Wheatley, for his support and education and in case said income shall be insufficient for such purpose, I direct said Trustee to use such part of the principal of said trust as he shall deem necessary for said purpose. Said trust shall continue until my adopted son, Frederic Allen Wheatley, reaches the age of twenty-three (23) years, when, I direct that said trust shall be dissolved and said trust estate, with its accumulations, if any, shall be transferred, conveyed and delivered to the said Frederic Allen Wheatley, to have and to hold the same to him and his heirs absolutely and forever.

4. In case of the death of the said Frederic Allen Wheatley prior to his attaining the age of twenty-three (23) years, leaving legitimate issue him surviving, then and in that event I direct the said trust estate shall continue for the support and education of such issue, one or more, for a period of twenty-one (21) years from and after the death of the said Frederic Allen Wheatley, when said trust estate shall be divided into as many equal shares as the said Frederic Allen Wheatley shall have children living or children dead with living issue, and said Trustee shall immediately distribute, convey and deliver such shares to each of said children or their heirs entitled to such by right of representation provided, however, that in the event no such issue shall survive the said Frederic Allen Wheatley for said period of twenty-one