

# LAST WILL OF PATRICK MERRICK

I, Patrick Merrick, a resident of Santa Clara, California, Santa Clara County also known as Pat Merrick, revoke all former Wills and Codicils and make this document my Last Will. My social security number is 559-40-3595.

## ARTICLE I IDENTIFICATION OF FAMILY

### A. Marital Status

All references in this Will to "my spouse" refer to Chris Merrick, my wife. We were married on April 15, 1985. This is my only marriage.

### B. Descendants

All references in this Will to "my children" refer only to my daughter Pamela Merrick and any children lawfully born to me or adopted by me after the signing of this Will.

### C. Parents

My parents are Frank and Ruth Merrick.

### D. Siblings

I have a brother, Ken Merrick, and a sister, Alvera Merrick.

## ARTICLE II GENERAL PROVISIONS

### A. Paragraph Titles and Gender

The titles given to the paragraphs of this Will are inserted for reference purposes only and are not to be considered as forming a part of this Will in interpreting its provisions. All words used in this Will in any gender shall extend to and include all genders, and any singular words shall include the plural expression, and vice versa, specifically including "child" and "children", when the context or facts so require, and any pronouns shall be

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Initials:

\_\_\_\_\_  
Patrick Merrick

\_\_\_\_\_  
Lucy Van Pelt

\_\_\_\_\_  
Charles Brown

taken to refer to the person or persons intended regardless of gender or number.

**B. Survival**

If any beneficiary dies within sixty days of my death, such person shall be deemed to have predeceased me. The phrase "survives me" and similar expressions used in this will refer to this sixty-day survival requirement.

**C. Express Disinheritance**

I expressly intend that my sister, Alvera, take no property from my estate either under this will or by intestacy.

**D. Divorce or Legal Separation**

All provisions in this will in favor of my spouse are to be given no effect if, at the time of my death, I am legally separated or divorced from my spouse or if either of us have filed a divorce petition and divorce proceedings are pending or in progress. For purposes of this will, my spouse will then be treated as if she predeceased me.

**E. In Terrorem Provision**

If any beneficiary under this will opposes any of the provisions made under this will, or objects to the appointment of the executor or other fiduciary named in this will, or institutes or causes to be commenced any legal action, suit, or proceeding of any kind to set aside my will, or cooperates or aids in any of the above actions, then all provisions in favor of that beneficiary are revoked and those benefits pass as if the contesting beneficiary predeceased me without descendants.

**F. Satisfaction**

No gift of any kind that I make under this will shall be considered either fully or partially satisfied by any inter vivos gift that I hereafter make.

**G. Anatomical Gifts**

I hereby confirm my intent to make anatomical gifts, to be made in a separately executed Organ Donation Form, and not to donate my entire body.

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**H. Body Disposition Instructions**

I request that my remains be cremated in an economical manner.

**ARTICLE III  
PAYMENT OF DEBTS AND EXPENSES**

**A. Exoneration**

If any specific gift made in this will is subject to a mortgage, security interest, or other lien, I direct that my executor pay the debt from other property of my estate which is not specifically given.

**B. Abatement**

Gifts made in this will shall abate according to the California statutory abatement order.

**ARTICLE IV  
DISPOSITION OF PROPERTY**

**A. Specific Gifts**

Collection of old pictures and postcards: I leave my collection of old collectible pictures and postcards, including those purchased as community property, to my good friend Mary Williams, who currently resides in Santa Clara, California. The pieces in this collection have been labeled as such and currently are located in different areas of my residence, located at 356 Oak Street, Santa Clara, California. If she does not survive me, I leave this gift to my good friend from college Fox Mulder, who currently resides in Washington, D.C. If, by permission of my spouse, either Mary Williams or Fox Mulder receives both separate and community property portions of this gift, I leave my spouse a sum of money equal to 1.5 times the appraised value of those community property pictures and postcards so distributed. If this gift no longer exists in my estate, I do not provide a replacement gift.

Antique table: I leave my antique table, given to me by my great-grandmother and currently located in the living room of my residence, to the trustee of my HW Charitable Trust agreement, which I signed with its trustee, in trust to be retained, managed, and distributed in accordance with the terms of that agreement. If the HW Charitable Trust no longer exists, I leave this gift to my daughter Pamela Merrick. If she does not survive me

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and she has surviving issue, I leave this gift to the oldest among them. If she does not leave surviving issue and I have other surviving children, I leave this gift to the oldest child or the estate of the oldest child with surviving issue. If this gift no longer exists in my estate, I do not provide a replacement gift.

**B. General Gifts**

I leave any property given to me or my estate as a result of the deaths of my parents (i.e. via will or intestacy) that I have not yet disposed of at the time of my death to the trustee of my Ken Merrick Trust agreement, which I signed with its trustee, in trust to be retained, managed, and distributed in accordance with the terms of that agreement. If the Ken Merrick Trust no longer exists, this gift passes to my residuary estate. If no such property exists in my estate, I do not provide a replacement gift.

**C. Residuary Estate.**

I leave my residuary estate to the trustee of my CPM Family Support Trust agreement, which I signed with its trustee, to be retained, managed, and distributed in accordance with the terms of that agreement. If, for some reason, my CPM Family Support Trust no longer exists, I leave my residuary estate to my spouse Chris. If my spouse does not survive me, I leave my residuary estate to my children in equal shares. If my daughter does not survive me, I leave my residuary estate to the Santa Clara Symphony, currently located in Santa Clara, California.

**ARTICLE V  
ESTATE ADMINISTRATION**

**A. Appointment of Executor**

I appoint my spouse Chris Merrick as Executor of this will. If my spouse does not serve for any reason, I appoint my daughter Pamela Merrick, if she has reached the age of 25, as Executor. If my daughter has not reached the age of 25 at the time of my death, then I instead appoint the Santa Clara National Bank as executor.

**B. Authorization of Independent Administration**

I authorize any Executor named in this will to petition for independent administration of my estate.

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Lucy Van Pelt

\_\_\_\_\_   
Charles Brown

**C. Bond**

No bond shall be required of any Executor named in this will.

**D. Executor Compensation**

Neither my spouse Chris Merrick or my daughter Pamela Merrick serving as Executor shall be entitled to compensation for serving as the executor of my estate. Anyone else serving as Executor of my estate shall be entitled to reasonable compensation.

**E. Executor Powers**

The Executor shall have all powers conferred by California law. In addition to these powers, if any gift requires that the gift be distributed between or among two or more beneficiaries, the Executor shall have the authority to determine which specific items of property comprise the respective shares if the beneficiaries cannot agree on a distribution.

**F. Exculpatory Clause**

If either my spouse Chris Merrick, my daughter Pamela Merrick, or any other family member referred to in this instrument serve as Executor, the Executor shall not be liable for any loss, cost, damage, or expense sustained through any error of judgment or in any other manner except for and as a result of the Executor’s own bad faith or gross negligence. Any other person or entity serving as Executor shall not be so exculpated.

**ARTICLE VI  
NOMINATION OF GUARDIAN**

**A. Guardian of Person**

If the appointment of a guardian of the person becomes necessary for my daughter Pamela Merrick or any other minor children that I may have at the time of my death, I appoint my good friend Mary Williams to serve as their Guardian. If she is unable or unwilling to serve as Guardian, I appoint my good friend from college Fox Mulder to serve as the Guardian.

**B. Conservator of Estate**

I request that the Guardian appointed in subsection A above also seek appointment as

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Conservator of the estate of those of my children in the Guardian's custody.

**C. Waiver of Bond**

No bond or other security shall be required of any Guardian named in subsection A above.

**TESTIMONIUM**

I hereby sign my name in purple ink to this instrument, my last will, consisting of this page and the five preceding pages (each of which I am initialing for the purpose of identification), all in the presence of the two persons who have at my request and in my presence acted as witnesses on April \_\_\_\_, 2000, at Santa Clara, California.

\_\_\_\_\_  
Patrick Merrick

**ATTESTATION**

We, the undersigned, hereby certify that the above instrument, which consists of this page and the five preceding pages, was signed, published, and declared by Patrick Merrick to be his Last Will and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names as witnesses on April \_\_\_\_, 2000. For identification, we have each initialed the five preceding pages of this will.

\_\_\_\_\_  
Lucy Van Pelt  
64 Schroeder Drive  
San Jose, CA 95125  
Social Security Number: 317-12-3294

\_\_\_\_\_  
Charles Brown  
9 Winner Circle  
Santa Clara, CA 95050  
Social Security Number: 542-24-8146

Initials: \_\_\_\_\_  
Patrick Merrick

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Lucy Van Pelt

\_\_\_\_\_  
Charles Brown