

LAST WILL AND TESTAMENT OF NELLIE BISESI.

I, the undersigned, Nellie Bisesi, of the City and County of Muscatine, State of Iowa, being of full age and disposing mind and memory, do hereby make, publish and declare this my last Will and Testament, in the manner and form following:

FIRST: I hereby revoke all former and other wills and codicils thereto by me at any time heretofore made.

SECOND: I direct that the expenses of my last sickness and burial and the costs of administering my estate be paid as soon after my decease as conveniently can be done.

THIRD: I direct that my remains be interred in my family burial plot in St. Mary's Cemetery, Muscatine, Iowa, and that my Executrix or Executor shall pay out of my estate and to the person, firm, corporation, organization or association duly authorized to receive the same, such sum or sums of money, if any be required, as she or he shall determine to be reasonable for the purpose of providing perpetual care for the chapel building located upon said burial plot.

FOURTH: I hereby grant to Augustina Lazio, my daughter, if she survives me, the option to purchase the following described real estate, lying and being situated in the County of Muscatine, State of Iowa, to-wit:

The real estate and building thereon  
commonly known and referred to as  
413-415 East Second Street, Muscatine,  
Iowa;

upon the following terms and conditions:

A. Said option shall be exercised or rejected within a period of one year from the date of my death. Failure to exercise said option within said period shall be deemed a formal rejection. The option shall be exercised by notice in writing delivered to the Executrix or Executor of my estate.

B. The purchase price shall be the fair market value of the property subject to the option at the date of the exercise of the option; but if said fair market value of the property is in excess of the valuation set upon said real estate by the inheritance tax appraisers for the State of Iowa, then the purchase price of said property shall be the valuation set by said inheritance tax appraisers adjusted upward to reflect four (4) per cent interest per annum from the date of my death to the date of the exercise of said option.

C. If the option is exercised my said daughter shall be entitled to an agreement relating to such purchase price prior to the exercise of said option.

D. The optionee shall be entitled to the possession of the property subject to the option until the date of the formal exercise or rejection of the option or until the date of the expiration of the option, whichever event shall first occur. The optionee's possession shall be regarded as that

of a tenant and said optionee shall pay for the use of said premises a cash rental to be determined by mutual agreement between said optionee and Anthony Joseph Bisesi, my son, if living, otherwise as may be approved by the court having jurisdiction of the administration of my estate. Any rentals paid by said optionee under the provisions hereof shall become a part of the assets of my estate.

E. If the option herein granted is exercised then the exercise of said option shall be reported to the court and if approved by the court, the Executrix or Executor of my estate is hereby authorized to execute a contract to convey said real estate to said optionee and upon the performance of said contract by said optionee said real estate shall be conveyed to said optionee by the Executrix or Executor of my estate.

F. The right herein given to the Executrix of this my estate to contract for the sale of said real estate above referred to and to convey said real estate to Augustina Lazio, my daughter, is hereby granted with full knowledge of the fact that the Executrix of my estate may well be Augustina Lazio, my daughter, and I hereby provide that if Augustina Lazio, my daughter, is such Executrix she shall nevertheless have full power and authority to contract to sell and to convey said real estate to herself as an individual.

G. Subject to the foregoing provisions of this my last Will and Testament, and in the event Augustina Lazio, my daughter, fails to survive me, or in the event she fails, neglects or refuses to exercise the option hereinabove granted to her, then it is my will and I hereby grant to Anthony Joseph Bisesi, my son, an option to purchase said real estate upon the same terms and conditions as hereinabove set forth, except

1. Said option shall be exercised or rejected within a period of eighteen (18) months after the date of my death.

2. Anthony Joseph Bisesi, my son, shall not be entitled to the possession of said real estate until after the option herein granted to him shall have been exercised and then only under such terms and conditions as may be mutually agreed upon between said optionee and the Executrix or Executor of my estate and as may be set forth in the contract to convey said real estate to said optionee entered into by and between said optionee and said Executrix or Executor.

FIFTH: Subject only to the options hereinabove granted to Augustina Lazio, my daughter, and to Anthony Joseph Bisesi, my son, I hereby authorize and direct the Executrix or Executor of my estate, or any administrator with will annexed appointed by the court to administer this my last Will and Testament, to sell the real estate above referred to and any and all other real estate or interest in real estate owned by me at the time of my death, at public or private sale, for cash or on terms, or partly for cash and partly on credit, for the best price obtainable, without the approval of any court. Provided, however, if Anthony Joseph Bisesi, my son, is alive and competent at the time of any such sale, then the selling price of any of said real estate or any interest in real estate shall be approved by Anthony Joseph Bisesi in writing filed in the office of the Clerk of the Court having

jurisdiction of the administration of my estate, and if he neglects or refuses to approve the selling price of said real estate or interest in real estate, then any such sale shall be subject to the approval of the court and such approval by the court shall be granted only after notice to the said Anthony Joseph Bisesi, my son.

SIXTH: Subject to the provisions of this my last Will and Testament, I give, devise and bequeath all the rest, residue and remainder of my estate, be the same real, personal or mixed, wheresoever situated, of which I may die seized or possessed, or to which I may be entitled at the time of my death, to Augustina Lazio, my daughter, and to Anthony Joseph Bisesi, my son, in equal shares, share and share alike; they to have and to hold the same as and for their own property absolutely and forever.

SEVENTH: I hereby nominate, constitute and appoint Augustina Lazio, my daughter, to be the Executrix of this my last Will and Testament, and I request that she be not required to give any bond, or other security, for the faithful performance of her duties as such.

In the event Augustina Lazio, my daughter, for any reason, is unable or unwilling to qualify as such Executrix, then I nominate, constitute and appoint Thomas Lazio, my son-in-law, to be the Executor of this my last Will and Testament, and I request that he be not required to give any bond, or other security, for the faithful performance of his duties as such.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at Muscatine, Iowa, this 3rd day of October A. D. 1960, in the presence of Harvey G. Allbee and Harvey G. Allbee, Jr., whom I have requested to become attesting witnesses hereto.

Mrs Nellie Bisesi (SEAL)

The foregoing instrument was subscribed, sealed, published and declared by Nellie Bisesi as and for her last Will and Testament in our presence and in the presence of each of us, and we, at the same time, at her request, in her presence and in the presence of each other, hereunto subscribe our names and residences as attesting witnesses, this 3rd day of October A. D. 1960.

Harvey G. Allbee of Muscatine, Iowa.

Harvey G. Allbee Jr. of Muscatine, Iowa.

FIRST CODICIL TO THE LAST WILL AND TESTAMENT

OF

NELLIE BISESI.

I, the undersigned, Nellie Bisesi, of the City of Muscatine, County of Muscatine, State of Iowa, being of full age and disposing mind and memory, do hereby make, publish and declare this to be the First Codicil to my Last Will and Testament heretofore executed by me on the 3rd day of October, A. D. 1960, hereby ratifying and confirming my said Last Will and Testament and all of the provisions therein contained except as the same are modified and changed by this my First Codicil:

I hereby revoke and cancel clause or paragraph "SEVENTH" of my said Last Will and Testament and substitute in lieu thereof the following provision to be known as paragraph "SEVENTH":

"SEVENTH: I hereby nominate, constitute and appoint Augustina Lazio, my daughter, to be the Executor of this my last Will and Testament, and I request that she be not required to give any bond, or other security, for the faithful performance of her duties as such.

In the event Augustina Lazio, my daughter, shall die, resign, be disqualified or unable or unwilling to act as such Executor, then I nominate, constitute and appoint Thomas X. Lazio, my grandson, to be the Executor of this my last Will and Testament, and if he also shall die, resign, be disqualified or unable or unwilling to act as such Executor, then I nominate, constitute and appoint Antoinette N. Lazio, my granddaughter, to be the Executor of this my last Will and Testament, and I hereby request that neither of them be required to give any bond, or other security, for the faithful performance of his duties as such Executor."

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal at Muscatine, Iowa, this 16<sup>th</sup> day of December, A. D. 1964, in the presence of Harvey G. Allbee and Harvey G. Allbee, Jr., whom I have requested to become attesting witnesses hereto.

Nellie Bisesi (SEAL)  
Nellie Bisesi

The foregoing instrument was subscribed, sealed, published and declared by Nellie Bisesi as and for the First Codicil to her Last Will and Testament dated the 3rd day of October, A. D. 1960, in our presence and in the presence of each of us, and we, at the same time, at her request, in her presence and in the presence of each other have hereunto subscribed our names and residences as attesting witnesses, this 16<sup>th</sup> day of December, A. D. 1964.

Harvey G. Allbee of Muscatine, Iowa.  
Harvey G. Allbee

Harvey G. Allbee, Jr. of Muscatine, Iowa.  
Harvey G. Allbee, Jr.