

**THIS IS THE LAST WILL AND TESTAMENT** of me **JOAN THOMPSTONE** of Pinewood House 31 The Yews Oadby Leicestershire LE2 5EF which I make this day of *August* Two thousand and six 2<sup>nd</sup>

1. **I HEREBY REVOKE** all testamentary dispositions of every nature and kind heretofore made by me

2. **I APPOINT** my daughters **JULIA ANNE HAYES** of The Stone House Church Lane Bearley near Stratford-on-Avon Warwickshire CV37 0SL and **ROSEMARY JOAN GUBBINS** of The Home Farm Blackdown near Haslemere Surrey GU27 3BU and **RICHARD HENRY BLOOR** of The Springs Carlton Lane Burton Overy Leicester LE8 0DF (who and the survivors or survivor of whom and other the executor or executors and trustee or trustees hereof for the time being are hereinafter referred to as "my Trustees") to be the executors and trustees of this my Will

3. **I GIVE** (free of all duties and taxes payable in consequence of my death) the following pecuniary legacies:-

- (a) To my Goddaughter Diana Louise Jenkins the sum of Five hundred pounds absolutely
- (b) To each of my grandchildren as shall be living at my death and who shall have attained or who shall attain the age of twenty-five years the sum of Five thousand pounds absolutely
- (c) To my grandson Leo Finnian John Gubbins the sum of Fifty thousand pounds if he shall be living at my death and shall have attained or shall attain the age of twenty-one years absolutely my intention being to compensate him for the fact that he has not benefited to the same extent from the Bernard Thompstone Will Trust as his brothers sisters and cousins and this gift is to be in addition to the gift given to him under sub-clause 3(b) of this my Will
- (d) To the said Richard Henry Bloor the sum of Two hundred pounds for his trouble in acting as such executor and trustee
- (e) To the Salvation Army of 101 Newington Causeway London SE1 6BN (RCN: 214779) the sum of Two hundred pounds for its general charitable purposes
- (f) To the Alzheimer's Society of Gordon House 10 Greencoat Place London SW1P 1PH (RCN: 296645) the sum of Two hundred pounds for its general charitable

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purposes

- (g) To my help Mary Cox the sum of Three hundred pounds if she is still in my employ at the date of my death
- (h) To my gardener Peter Cherry the sum of Three hundred pounds if he is still in my employ at the date of my death

PROVIDED that I direct that if before my death (or after my death but before my Trustees have given effect to the gift in question) any charitable or other body to which a gift is made in this clause has changed its name or has amalgamated with or transferred all its assets to any other body then my Trustees shall give effect to the gift as if it had been made (in the first case) to the body in its changed name or (in the second case) to the body which results from such amalgamation or to which the transfer has been made and I DECLARE that the receipt of the person who purports to be the Treasurer or other proper officer for the time being of each of the said charities shall be an effectual discharge to my Trustees who shall not be concerned as to the application thereof

4. **I GIVE** all my real and personal property of every kind whatsoever and wheresoever not otherwise specifically disposed of unto my Trustees upon trust to sell call in and convert into money such part thereof as shall not consist of money with power in their absolute discretion to postpone such sale calling in and conversion for such time and to such extent as they shall think fit

5. **OUT** of the clear moneys to arise from such sale calling in and conversion as aforesaid and out of my ready money my Trustees shall pay or provide for my debts funeral and testamentary expenses and any legacies hereby or by any codicil hereto bequeathed and shall hold the residue thereof and all parts of my estate for the time being unsold (hereinafter called "the Trust Fund") upon trust for such of my said daughters Julia Anne Hayes and Rosemary Joan Gubbins as shall be living at my death and if both in equal shares absolutely Provided that if either or both of my said daughters shall die in my lifetime leaving a child or children who shall survive me and who shall have attained or who shall attain the age of twenty-five years then but not otherwise such last-mentioned child or children shall stand in the place of his her or their mother and shall take and if more than one in equal shares between them such share of the Trust Fund as such deceased mother would have taken if she had survived me

6. **I HEREBY DECLARE** that whenever my Trustees have an obligation or discretion



under the provisions of this Will or any codicil hereto or under the general law to pay or apply income or capital to an infant or for his or her benefit my Trustees may discharge that obligation or exercise that discretion by paying the same to any parent or guardian of the infant or to the infant himself or herself (if aged sixteen years or more) and his her or their respective receipt or receipts shall be a complete discharge to my Trustees who shall not be obliged to see how it is used **AND I DIRECT** that if when any legacy hereby given becomes payable the relevant legatee has not attained the age of eighteen years my Trustees may pay or transfer that legacy to his or her parent or guardian whose receipt shall be a full discharge of my Trustees

**7. I DIRECT that:-**

(a) The income of my estate until sale shall as from my death be applied as if it were income from investments made under the powers herein contained and that no reversionary or other property not actually producing income shall be treated as producing income

(b) All my funeral and testamentary expenses and debts shall be paid out of the capital of my estate no part of such payments being apportioned to income

(c) All dividends and other moneys of the nature of income shall for the purposes of this my Will be payable to the person or persons entitled at the date of receipt thereof by my Trustees to the income of the property from which the same arise and accordingly no apportionment thereof shall be made on my death as between the capital and income of my estate and no apportionment thereof shall be made on the termination of any life or less interest as between the estate of the holder of such interest and the person or persons succeeding him or her under the provisions of this my Will

**8. (a)** The statutory provisions as to maintenance and accumulation of surplus income shall apply for the benefit of any beneficiary without regard to whether or not any other income is applicable for a like purpose and without any obligation to apply a proportionate part only of the income and as if for the consecutive words “as may, in all the circumstances, be reasonable” where they appear in paragraph (i) of sub-section (1) of Section 31 of the Trustee Act, 1925 there were substituted the consecutive words “as the trustees shall in their absolute discretion think fit”

(b) The statutory power of advancement shall apply for the benefit of any beneficiary but as if for the consecutive words “advancement or benefit” wherever they appear

in Section 32 of the Trustee Act, 1925 there were substituted the consecutive words "advancement education or benefit" and as if the consecutive words "one-half of" where they appear in proviso (a) to sub-section (1) of the said Section 32 of the Trustee Act, 1925 were omitted therefrom Provided that no payment or application under the power of advancement shall be made in favour of any person beneficially entitled hereunder unless that person thereby becomes entitled to or to an interest in possession in the property so paid or applied or will thereby become so entitled on or before attaining the age of twenty-five years

**9. MY TRUSTEES** shall in addition to the powers vested by law in trustees have the following powers:-

(a) Power to invest trust moneys in the purchase of or at interest upon the security of such stocks funds shares securities or other investments or property of whatsoever nature and wheresoever and whether involving liability or not and whether producing income or not including the purchase repair or improvement of a freehold or leasehold property or an interest therein for the occupation of one or more of the beneficiaries under the trusts hereof for the time being entitled to an interest in possession in the moneys applied in such purchase as my Trustees shall in the absolute discretion of my Trustees think fit to the intent that my Trustees shall have the same full and unrestricted powers of investing and transposing investments in all respects as if my Trustees were absolutely entitled thereto beneficially

(b) Power at any time or times to exercise the power of appropriation conferred upon a personal representative by Section 41 of the Administration of Estates Act 1925 without obtaining any of the consents required by that Section

(c) Power (if in their absolute discretion they shall think fit so to do) to keep any property for the time being subject to any of the trusts of this my Will insured against such risks and for such amount as they shall think fit with some Insurance Office of repute in the names of my Trustees and they may for such purpose pay all premiums and other moneys which may be required out of the income or the capital of any property held upon the same trusts as such property

(d) Power (in addition to the powers of management conferred by law upon trustees holding land upon trust for sale) to sell exchange convey lease mortgage charge agree to let license and otherwise conduct the management of any land held subject to the trusts



hereof as if my Trustees were the absolute owners of such land solely and beneficially entitled

(e) Power to invest or hold or allow to remain in the name or under the control of or delegate their powers of investment to some or one only of their number or of or to any person persons or corporation as nominee or nominees of my trustees the whole or such part of the Trust Fund as my Trustees shall in their absolute discretion think fit and my trustees shall not be liable for any loss to the Trust Fund or the income thereof occasioned by the exercise of this power

(f) Power at any time or times for the purpose of exercising any power or executing any trust herein or for making or transposing any investment or investments to raise money upon the security of the Trust Fund or any part or parts thereof by way of mortgage charge or otherwise and upon such terms and subject to such conditions as my Trustees shall consider expedient and so that any interest which may be payable as a result of the exercise of this power shall be borne by income or by capital or partly by one and partly by the other as my Trustees shall in their absolute discretion determine

**10.** ANY trustee hereof being a solicitor or accountant or other person engaged in any profession or business may be so employed or act and shall be entitled to charge and be paid all professional or other charges for any business or act done by him or her or his or her firm or any partner of his or hers in connection with the trusts hereof including acts which a trustee could have done personally which charges shall be paid in priority to all other benefits under this my Will

**11.** MY TRUSTEES may exercise or join in exercising any power vested in them (whether the power is characterised as dispositive or administrative or otherwise) notwithstanding that one or more of them has a direct or other personal interest in the mode or result of exercising the power even though at the time when the power is exercised they may be the sole executor or trustee hereof

**12.** THE provisions of the Trusts of Land and Appointment of Trustees Act 1996 sections 11 and 19 shall not apply to any trust the provisions of which appear in the Will or any codicil to it

**13.** NO trustee of this my Will shall be liable for any loss not attributable:-

(a) To his or her own dishonesty or

(b) To the wilful commission by him or her of any act known by him or her to be a breach or trust

And in particular he or she shall not be bound to take any proceedings against a co-trustee for any breach or alleged breach of trust committed by such co-trustee

14. **THE** provisions of the Trusts of Land and Appointment of Trustees Act 1996 sections 11 and 19 shall not apply to any trust the provisions for which appear in this Will or any codicil to it

15. **I DECLARE** that my Trustees shall have power to take all such actions and to execute all such documents as may be necessary to ensure that the title to all land in my estate is fully and effectively transferred to the person or persons entitled to it and that all costs of registration including Land Registry fees shall be payable by my Trustees out of the Trust Fund as if they were a proper testamentary expense

16. **I DESIRE** that after my death my funeral arrangements will be handled by A J Adkinson & Son of Oadby

**IN WITNESS** whereof I have hereunto set my hand to this my Will the day and year first before written

**SIGNED** by the said **JOAN THOMPSTONE** as and for her last Will in the presence of us both being present at the same time who at her request in her presence and in the presence of each other have hereunto subscribed our names as witnesses:-



*with witnesses*  
*Solicitor with*  
*AWT*  
ADAM GILBERT.  
TRAINEE SOLICITOR WITH.

Murray Lyon LLP  
Solicitors  
20 New Walk  
Leicester  
LE1 6TX