

Last Will  
and  
Testament  
of

*Glen Theodore  
Nygreen, Jr.  
a/k/a Ted Nygreen*

Conformed Copy

Dated: January 29, 2019

Original in the Possession of

Anthony J. Pieragostini, Esq.  
126 Barker Street  
Mount Kisco, New York 10549  
(914) 666-4321

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Last Will and Testament  
of  
*Glen Theodore Nygreen, Jr.*  
*@/K/@ Ted Nygreen*

I, **GLEN THEODORE NYGREEN, JR.**, also known as **TED NYGREEN**, presently residing at 23 Meeting House Road, Bedford Corners, Town of Bedford, County of Westchester and State of New York 10549, do hereby make, publish and declare this as and for my **LAST WILL AND TESTAMENT**, hereby revoking all Wills and Codicils heretofore made by me.

**FIRST:** I am married to **NANCY MILLER NYGREEN**, and we have three (3) daughters, **KRISTIN NYGREEN BUTLER**, **KYSA NYGREEN** and **KATHRYN NYGREEN AUSTIN** and seven (7) grandchildren.

**SECOND:** I give and bequeath all my tangible personal property of whatever nature and wherever located to which I will be entitled at the time of my death to my beloved wife, **NANCY MILLER NYGREEN**, or if she shall not survive me, then to such of our children, **KRISTIN NYGREEN BUTLER**, **KYSA NYGREEN** and **KATHRYN NYGREEN AUSTIN**, as survive me, in equal or unequal shares as they shall agree, or as my Executor in his absolute discretion shall determine.

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All expenses incurred by my Executor during the settlement of my Estate in storing, packing, shipping, delivering or insuring any article of tangible personal property bequeathed by any provision of this **Will** shall be charged against the principal of my residuary estate and treated as an expense of administering my Estate.

**THIRD:** In the event that my wife, **NANCY MILLER NYGREEN**, should predecease me, and therefore cannot act as Executor herein, then I give and bequeath the sum of **One Hundred Thousand (\$100,000.00) Dollars** to my beloved daughter **KRISTIN NYGREEN BUTLER**, who resides in New York City. This sum of One Hundred Thousand (\$100,000.00) Dollars is given to **KRISTIN NYGREEN BUTLER** because she will be my Alternate Executor and will spend considerable amount of time and effort in administrating my Estate, and the provisions of this **Will** provide that there is no Executor's fees to be paid; however, I believe it fair, since my daughter is quite hard working and has her own children, that she should receive this gift from my Estate.

**FOURTH:** All the rest, residue and remainder of my estate, real, personal, or mixed, of whatever nature and wherever situated to which I shall be in any way entitled at the time of my death, I give, bequeath, and devise to my beloved wife, **NANCY MILLER NYGREEN**, or if she shall not survive me then in equal shares per stirpes among our children, **KRISTIN NYGREEN BUTLER, KYSA NYGREEN** and **KATHRYN NYGREEN AUSTIN**.

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**FIFTH:** If any property shall at any time be or become payable or distributable to a minor, such property shall vest in absolute ownership in such minor, but my Executor, in my Executor's absolute discretion and without authorization by any Court, is authorized:

A.) To defer payment or distribution of the whole or any part of such property until such minor reaches the age of majority as defined hereinbelow in subparagraph D.), and until such time to hold and invest the whole or the undistributed portion thereof as a separate and distinct share for such minor absolutely with all the powers and authority set forth in the next following Article of this **Will** and to accumulate and invest the whole or any part of any income therefrom with the same powers and authority.

B.) To pay, distribute or apply the whole or any part of any such property or any income therefrom, including accumulated income, to or for the care, comfort, maintenance, support, education, use or other benefit of such minor, either directly or by making payment or distribution thereof to the Guardian, committee or other legal representative, wherever appointed, of such minor, or to any parent of such minor or to any person with whom such minor resides or to such minor personally, and to pay or distribute any balance thereof to such minor when such minor reaches the age of majority, as defined hereinbelow in subparagraph D.) or in case such minor dies before distribution of all the property held under this Article to the Executor, Administrator or other legal representative of the estate of such minor, the receipt of the person or persons to whom any such payment or distribution is so made being a sufficient discharge therefore, even though my Executor or Trustee may be such person; and

C.) To permit a minor to have the use and possession of any real or tangible personal property.

D.) For the purpose of this **Will**, a minor is defined as a person of less than twenty-two (22) years of age.

**SIXTH:** I confer upon my Executor with respect to the management and administration of any property, including property held under a power to manage

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property during minority, all of the powers conferred by Section 11-1.1 of the Estate, Powers and Trusts Law of the State of New York, or corresponding statute in effect at my death, and in addition thereto, the following discretionary powers without limitation by reason of specification:

A.) To retain any such property, to acquire by purchase or otherwise any kind of property, including common stock, without being limited to investments authorized for trust funds and without diversification as to kind or amount.

B.) To sell or otherwise dispose of property at public or private sale for such consideration and upon such terms, including credit, as my Executor shall deem advisable.

C.) To manage and to lease real property for periods beginning presently or in the future without regard to statutory restrictions on leasing.

D.) To abandon in any way for any reason any property, whether or not owned by me at the time of my death, without Court Order, and I exonerate my Executor from any liability therefore.

E.) To deposit funds in the savings account of any bank without limitation as to time or amount.

F.) To borrow money from any source including my Executor and to pledge or mortgage any property for any purpose.

G.) To distribute principal in money or in kind, real or personal, or partly in each, including undivided interests, even though shares be composed differently.

H.) To delegate discretionary powers to agents, remunerate them and pay their expenses.

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**SEVENTH:** I direct that all estate, transfer, succession, legacy, inheritance or other death taxes or duties, and any interest and penalties thereon, which may be payable upon or with respect to any property in my gross estate or taxable to any beneficiary receiving the same under the provisions of any tax law of the United States or any state thereof or any foreign country or subdivision thereof, regardless of whether such property passes under this **Will** or outside of this **Will**, shall be paid and treated as an expense of administering my estate and shall not be apportioned.

**EIGHTH:** A. In the event that any beneficiary named in this **Will** and I shall die in a common accident or disaster or under circumstances that it is difficult or impracticable to determine who survived the other, then I hereby direct that the said named beneficiary shall be deemed to have predeceased me.

B. If any beneficiary or beneficiaries under this, my **Will**, shall die prior to the expiration of thirty (30) days from the date of my death, then such beneficiary or beneficiaries shall be deemed to have predeceased me.

**NINTH:** A. Executor: I appoint my beloved wife, **NANCY MILLER NYGREEN**, as Executor hereunder. If my wife, **NANCY MILLER NYGREEN** shall fail for any reason to qualify as Executor, or is unable or unwilling to serve as Executor, or having qualified, shall cease to act for any reason, then I appoint my beloved daughter, **KRISTIN NYGREEN BUTLER**, as Executor in her place. If my daughter, **KRISTIN**

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**NYGREEN BUTLER** shall fail for any reason to qualify as Executor, or is unable or unwilling to serve as Executor, or having qualified, shall cease to act for any reason, then I appoint my beloved daughter, **KATHRYN NYGREEN AUSTIN**, as Second Alternate Executor in her place. If my daughter, **KATHRYN NYGREEN AUSTIN** shall fail for any reason to qualify as Executor, or is unable or unwilling to serve as Executor, or having qualified, shall cease to act for any reason, then I appoint my beloved daughter, **KYSA NYGREEN**, as Third Alternate Executor in her place.

B. For simplicity, I use the singular word "Executor" and, except where different meanings are required by the context, the word "Executor" shall mean the individual at the time in office as Executor, Executrix or Administrator-with-the-Will Annexed and each of them shall have the same rights, powers, duties, authority, privileges and immunities, whether or not discretionary, as if originally appointed hereunder, except where any right, power or authority has been expressly withheld by some other provision of this **Will**.

C. No bond, surety or other security shall be required of any Executor acting hereunder, any law of any state or jurisdiction to the contrary notwithstanding. Any Executor appointed hereunder shall serve without compensation and hereby waives any and all commissions or compensation as permitted by law.

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D. The Executor, acting hereunder may resign at any time without Court application or consent, by an instrument in writing executed by such Executor and filed in the Court in which this **Will** shall be admitted to probate and delivered in counterpart to the successor Executor, if any.

**IN WITNESS HEREOF**, I, **GLEN THEODORE NYGREEN, JR.**, also known as **TED NYGREEN**, have signed my initials on each of the six (6) preceding pages and have hereunto set my hand and seal, all this 29<sup>th</sup> day of January in the year Two Thousand and Nineteen.

/S/ Glen Theodore Nygreen, Jr. (L.S.)  
**Glen Theodore Nygreen, Jr.**  
**A/K/A Ted Nygreen**

The foregoing instrument was signed, sealed, and published and declared by **GLEN THEODORE NYGREEN, JR.**, also known as **TEN NYGREEN**, the above-named Testator, as and for his **LAST WILL AND TESTAMENT** in our presence, all being present at the same time and thereupon we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as Witnesses, all this 29<sup>th</sup> day of January 2019.

/S/ Anthony J. Pieragostini residing at 126 Barker Street  
Mount Kisco, New York

/S/ Phyllis Ann Huff residing at 71 Tighe Road  
Shenorock, New York



STATE OF NEW YORK )  
COUNTY OF WESTCHESTER) ss.: MOUNT KISCO

AFFIDAVIT

We, the undersigned, each being duly sworn, depose and say:

That we witnessed the execution of the **Will** of **GLEN THEODORE NYGREEN, JR.**, also known as **TED NYGREEN**, dated January 29, 2019, consisting of seven (7) pages, with this page attached as page eight (8).

That the **Will** was executed at 126 Barker Street, Mount Kisco, New York, under the supervision of **ANTHONY J. PIERAGOSTINI, ESQ.**, an Attorney at Law with offices at 126 Barker Street, Mount Kisco. That this Affidavit is made at the request of the Testator.

That the Testator, in our presence, initialed all but the last page of the **Will**, subscribed his name to the **Will** at the end thereof, and at the time of making such subscription, published and declared the same to be his **LAST WILL AND TESTAMENT**; thereupon we, at his request and in his presence and in the presence of each other, signed our names thereto as subscribing witnesses.

That the said Testator at the time of such execution, was more than eighteen (18) years of age and, in our opinion, in sound mind, memory and understanding, not under any restraint or in any respect incompetent to make a **Will**.

That the Testator indicated to us that he had read the **Will**, knew the contents thereof, and that the provisions therein contained expressed the manner in which he desired his Estate to be administered and distributed.

That the Testator could read, write, and converse in the English language, and was suffering from no defect of sight, hearing, or speech, or from any physical or mental impairment which would affect his capacity to make a valid **Will**.

That the **Will** was executed as a single, original instrument and was not executed in counterparts.

That the within **Will** was shown to the undersigned at the time this Affidavit was made, and was examined by each of them as to the signatures of said Testator and of the undersigned.

/S/ Anthony J. Pieragostini

/S/ Phyllis Ann Huff

Sworn to before me this  
29<sup>th</sup> day of January 2019.

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Notary