

All the rest, residue and remainder of my estate, whether real, personal or mixed, of which I may die, seized or possessed, or to which I may be entitled at the time of my death, I give, devise and bequeath to my husband, DOYLE E. JONES, provided he survives me by thirty (30) days. In the event I am not survived by my husband, I give, devise and bequeath all the rest, residue and remainder of my estate, whether real, personal or mixed, of which I may die, seized or possessed, or to which I may be entitled at the time of my death as follows:

1. I give, devise and bequeath my residence located at 805 9<sup>th</sup> Street, Berthoud, Colorado, which is legally described as Lot 1, Fickel Subdivision, Town of Berthoud, Larimer County, Colorado to DELMAR JONES, if he survives me, or if not, to his wife, JO ANN JONES. In the event neither DELMAR JONES or JO ANN JONES survive me, then to their issue by representation, and if none to the TOWN OF BERTHOUD pursuant to paragraph 3 below.

2. I give, devise and bequeath the sum of \$100,000.00 to COLLEEN RAMSEY, if she survives me, or if not, to her husband, VIRGIL RAMSEY. In the event neither COLLEEN RAMSEY or VIRGIL RAMSEY survive me, then to the TOWN OF BERTHOUD pursuant to paragraph 3 below;

3. I give, devise and bequeath the sum of \$500,000.00 to the TOWN OF BERTHOUD, contingent on its use for the construction of a recreational facility which shall be named after DOYLE E. JONES AND LUVESTA JONES. Payment from my estate shall be made at such time as the TOWN OF BERTHOUD awards the contract for construction of the facility. If this facility is not constructed within ten (10) years after the death of myself and my husband, then the money shall be transferred into a trust or foundation, at the discretion of my personal representative. The trust or foundation may only disburse principal and income to governmental entities and organizations which qualify as entities to whom, when payment is made, the estate will be entitled to a deduction of the amount paid from the value of the gross estate. The trust or foundation shall authorize the distribution of the funds, both principal and interest, to the TOWN OF BERTHOUD for the continued assistance in the construction of the recreation facility or for such other philanthropic, benevolent or religious purposes as would qualify as a deduction from the gross estate as defined for Federal and State of Colorado estate taxes. RAYMOND B. SCOTT, ROBERT LEBSACK and R. BRUCE FICKEL II shall act as the advisers to the trust or foundation, with each person to act as an adviser until their death, incapacity or resignation. In the event any provision of this devise would fail to qualify this \$500,000.00 as a deduction from the gross estate, then payment shall be made directly to the TOWN OF BERTHOUD with instructions to use the funds as set forth herein.

4. Two percent (2%) of the value of the gross taxable estate, not to exceed \$10,000.00 is devised to each of the following persons or entities. Where more than one devisee is listed in any paragraph, it is my intention that the 2% devise be divided equally between all concurrent devisees named in the paragraph unless the devise is to be distributed to successive devisees. (For definitional purposes, the "gross taxable estate" shall be defined as the value of all property to the extent of my interest therein which I may own at my death. This shall specifically include all property which would