

Last Will  
and  
Testament  
of  
Alan Jeremy Braverman

The Rosenthal Law Firm, PC  
Attorneys at Law

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## **Last Will and Testament of Alan Jeremy Braverman**

I, Alan Jeremy Braverman, residing at 11 Charlotte Drive, Spring Valley, New York 10977 in the County of Rockland, State of New York, having two children:

Carly Erin Braverman:

residing at: 11 Charlotte Drive, Spring Valley, New York 10977;  
Date of Birth: March 6, 1996

Andrew Steven Braverman:

residing at: 11 Charlotte Drive, Spring Valley, New York 10977;  
Date of Birth: December 1, 1998.

do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all other wills and codicils at any time heretofore made by me.

### **1. Payment of Debts and Expenses**

1.1. I direct that all of my just debts (including unpaid charitable pledges whether or not enforceable), my funeral expenses, and the cost of the administration of my estate be paid out of my residuary estate as soon as practicable after my death.

### **2. Distribution of My Estate**

2.1. I leave all my tangible personal property to my wife, Tammy Suzanne Braverman, provided only that she survive me by 30 days. If she does not survive me by 30 days, I leave the same to my children in as nearly equal shares as is practicable.

2.2. Notwithstanding the provisions of paragraph 2.1, I may leave a memorandum with this will setting forth my wishes with respect to the disposition of certain items of my tangible personal property upon my death, but such memorandum will be simply an expression of my wishes and shall not create any trust or obligation, nor shall it be offered for probate as part of this will.

2.3. I give all the rest and remainder of my estate, whether real or personal and wherever situated, including any property over which I may have a power of appointment, to my wife if she survives me by at least 30 days. If she does not survive me by 30 days, then I give, devise, and bequeath all my remaining estate, real, personal, and mixed and wherever situated, not including, however, any property over which I may have a power of appointment by will, in equal shares to my children surviving me, and to the issue surviving any predeceased children, said issue taking by right of representation.

### **3. Appointment of Fiduciaries**

3.1. I appoint my wife, Tammy Suzanne Braverman, to be executrix, and temporary executrix, under this will. If she shall fail to qualify or cease to serve for any reason, then I name Sandra Ungar (social security number - 050-64-1652; date of birth - April 25, 1974) residing at 1

Tabor Court, Livingston, NJ 07039, as successor executor. I appoint Tammy Suzanne Braverman as trustee of any trusts under this will, with the authority to name her successor. Except where it would conflict with any one of the foregoing, any executor or trustee serving hereunder (hereinafter sometimes referred to as my fiduciary or fiduciaries) may designate his or her successor and if no successor is designated, the surviving fiduciary shall designate who shall fill the vacancy. The designation by a fiduciary of his or her successor shall be made by an instrument in writing, executed and acknowledged in the manner required for recording a deed, and such designation may be changed from time to time by the person making such designation and may provide for alternates. I direct that no executor, temporary executor, trustee, or any other person administering my estate under this will shall be required to furnish surety or sureties on his or her bond or to give any bond except as required by law; and such person shall not be liable for errors of judgment in good faith or for the acts or neglect of preceding fiduciaries. It is my desire and request that, in connection with the allowance of the accounts of any fiduciary under this will, the representation by a guardian ad litem of the interests of persons unborn or unascertained or the interests of any other person be dispensed with, insofar as permitted under the laws of the jurisdiction governing such accounts.

#### **4. Powers of Fiduciaries**

4.1. During the administration of my estate, my temporary executor and my executor in his or her discretion may make distributions of income and principal directly to or for the benefit of the beneficiaries entitled thereto. Any such distribution may be made in such amounts, and at such times, and whether proportionate or disproportionate, as the executor shall deem to be in the best interests of all my beneficiaries. My executor shall be fully indemnified with respect to any determination, action, or nonaction with respect to the provisions of this paragraph, and all determinations made shall be binding upon all persons for all purposes. Any successor executor or trustee is authorized and directed to accept from any prior executor or trustee the assets delivered by such prior executor or trustee on the basis of the accounting therefor as submitted by such prior executor or trustee, without requiring an audit or other independent accounting of the acts of such prior executor or trustee; and any successor executor or trustee shall not have duty, responsibility, obligation, or liability whatsoever for the acts or omissions of any prior executor or trustee.

4.2. If a share of my estate would otherwise be distributable to a person who is under the age of twenty-five years or to a person whom the executor adjudges to be incapable of either self-support or of managing his or her personal or financial affairs by reason of a physical or mental impairment, then my executor or trustee is authorized in his or her sole discretion to hold or distribute the said share in any one or more of the following ways to or for the benefit of such person:

(a) Hold and administer the property or portion of it in trust and make such payments to or on behalf of the beneficiary as the trustee deems appropriate. My executor or trustee shall exercise his or her discretion in a liberal manner, but other financial resources or entitlements available to the beneficiary shall be taken into account in the making of discretionary payments, the purpose of the trust being to supplement, and not to supplant, what benefits and services the beneficiary may from time to time be eligible to receive by

reason of age, disability, or other factors, from federal, state, and local governmental, and charitable, sources;

(b) Pay the share or any portion of it directly to the person or to a parent or guardian of the person responsible for the care or custody of the person's estate; or

(c) Apply the share or any portion of it directly to the use or benefit of such person;

provided, however, that any amount held under this paragraph shall be turned over to the beneficiary when his or her incapacity has ended, or when he or she has attained the age of twenty-five years, whichever occurs later; or shall have died prior to full distribution, in which case the amount remaining shall be paid over to his or her estate.

4.3. My executor, temporary executor, trustee, and any other person administering my estate, herein named, and their successors, shall have, in addition to and not in limitation of all common law and statutory powers and powers otherwise conferred by this instrument, the following powers without approval of any court or consent of the beneficiaries. Such powers, except as expressly limited in this instrument, may be exercised by the person or persons for the time being collectively serving as such executor, temporary executor, or trustee, whether or not named therein.

(a) To administer, invest, and re-invest in any property, including real and personal property, stocks, bonds, and other securities, investment companies and common trust funds (without the necessity of notice to beneficiaries), in any state or jurisdiction, and whether or not of a kind or in a proportion ordinarily considered suitable for fiduciary investments.

(b) To make secured or unsecured loans and with respect to mortgages and other security held by the estate, whether or not the terms thereof extend beyond the period of time necessary to distribute the estate; to modify the terms thereof, to release partially, to foreclose, and to purchase at foreclosure sales.

(c) To participate in any reorganization, recapitalization, merger, or similar transaction; to give proxies or powers of attorney with or without power of substitution for voting upon any share or certificates of interest belonging to the estate.

(d) To manage real property in such manner as he or she shall deem best, including authority to erect, alter, or demolish buildings, to improve, repair, insure, subdivide, and vacate any of said property; to adjust boundaries; to dedicate streets or other ways for public use without compensation; to impose such easements, restrictions, conditions, stipulations, and covenants as he or she may deem fit; to lease for such times and on such terms as he or she may deem advisable (with or without privilege of purchase) and whether or not the lease may extend beyond the time necessary to distribute the estate.

(e) To sell at public or private sale and to exchange or partition all or any part of the

property held by him or her as fiduciary, without order or license from any court, and to execute any and all deeds and other instruments necessary or appropriate therefor, with or without covenants, warranties, and representations.

(f) To borrow money from himself or herself individually or from others upon such terms and conditions as he or she may deem advisable and to mortgage and pledge trust assets as security for the repayment thereof.

(g) To carry stock certificates and other property held by them in the form of street certificates or in the name of a nominee or any person, including the fiduciary, or in any other form, without disclosing the existence of any fiduciary relationship.

(h) To make any distribution or division required under this will, including the satisfaction of any pecuniary bequest (or charitable pledge if otherwise payable) in cash or in kind or partly in each, at such valuation as he or she may deem just and proper, and pro rata or otherwise as to any particular asset. The decision and valuation if made upon consultation with the beneficiaries and in good faith shall be final and conclusive upon all persons interested.

(i) To determine, in accordance with reasonable accounting practice, what shall belong and be chargeable to principal and what shall belong and be chargeable to income, and in making that determination, may employ an accountant or attorney-at-law and rely upon his or her opinion; provided, however, that all capital gains distributions from investment companies shall be treated as principal.

(j) To amortize or to refrain from amortizing premiums on securities purchased at more than par.

(k) To retain such reserves out of income as he or she may deem proper for expenses, taxes, depreciation, and other liabilities of the estate.

(l) To compromise or adjust by arbitration any claim in favor of or against my estate, any tax payable by my estate, and any controversy as to the interpretation of this will or the administration of my estate, including the determination as to which articles of tangible personal property are included under any specific bequest made in this will.

(m) To pay any expenses involved in the delivery of any article of tangible personal property and to charge the same as an expense of administration.

(n) To expend funds in connection with my burial, including provision for the perpetual care of my cemetery lot and for an appropriate memorial stone or monument.

(o) To retain until distribution without liability for loss or depreciation resulting from

such retention any property owned by me at the time of my death; and until such distribution, the income of the estate may be paid in whole or in part to the beneficiaries entitled to the same.

(p) To maintain insurance on the property in my estate, whether or not specifically devised or bequeathed, against such perils and liabilities and for such periods and amounts as he or she may deem advisable; and to transfer to the beneficiary to whom the property is devised or bequeathed such insurance on said property, whether purchased by me or by the fiduciaries, and with or without receiving compensation therefor.

(q) To join with my spouse in the filing of any joint income tax or gift tax returns without duty to give or receive consideration therefor or to make compensating adjustments.

(r) To consent that half of any gifts made by my spouse shall be considered for the purpose of the federal gift tax law as made by me though it may result in additional liabilities to my estate.

(s) To make any election available to my estate, whenever in his or her sole discretion it determines that it is advisable to do so, including without limitation the election of an alternate valuation date, the election of the special use method of valuation, the election to treat as Qualified Terminable Interest Property for estate or gift tax purposes any or all property that qualifies for such treatment; the deduction for income tax purposes of any expense of my estate and the election of the method of payment under any plan, policy, or contract; and the allocation of any Generation Skipping Tax exemption available to me at my death with respect to property passing under this will or otherwise. Any decision regarding any such election or allocation, if made in good faith, shall be binding and conclusive irrespective of the effect on the amount or allocation of the burden of any tax. Compensating adjustments as between income and principal or as between beneficiaries may be made in the discretion of the fiduciary but shall not be required.

(t) To abandon, in any way, property which the fiduciary determines not to be worth retaining.

(u) To lend, borrow, buy, or sell on commercially reasonable terms to or from any fiduciary acting under another instrument made by me or on my behalf.

(v) To combine all or part of the property for investment with property held by a fiduciary acting under another instrument upon substantially similar terms made by me or for my benefit, except that property qualifying for a marital deduction for federal tax purposes may not be so combined.

(w) To employ accountants, attorneys and other persons for services or advice.

4.4. Notwithstanding any other provisions of this will hereinbefore set forth, in the event any

trust held hereunder shall, in the opinion of my trustee, become uneconomic or otherwise inadvisable to administer as a trust, my trustee, if he or she deems it in the best interests of the beneficiaries, is authorized to terminate such trust and distribute the principal to or for the benefit of the beneficiaries then entitled to receive the income and in the same proportions. If none of the beneficiaries is entitled to receive the income, my trustee may distribute the principal in such amounts and shares as my trustee may, in his or her absolute discretion, determine.

## 5. Additional Directives

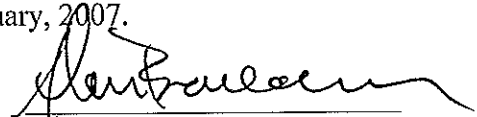
5.1 In the best interest of my children, I direct that my wife Tammy Braverman shall be entrusted with the raising of my children. In the event she does not survive me, I direct that Sandra Ungar (social security number - 050-64-1652; date of birth - April 25, 1974) residing at 1 Tabor Court, Livingston, NJ 07039, shall be entrusted with the raising of my children and become the legal guardians for my children. Sandra Ungar has demonstrated her love and affection to my children as well as interest, ability and dedication to raising children.

5.2 I direct that any expense incurred in obtaining possession, appraising, safeguarding or delivering any property under this will be paid from my estate as an administration expense.

5.3 If any provision of this will or any codicil thereto is held to be inoperative, invalid or illegal, it is my intention that all of the remaining provisions thereof shall continue to be fully operative and effective so far as is possible and reasonable.

5.4 Wherever necessary or appropriate, the use herein of any gender shall be deemed to include the other, and the use herein of either the singular or the plural shall be deemed to include the other.

**IN WITNESS WHEREOF**, I Alan Jeremy Braverman sign, seal, publish and declare this instrument to be my Last Will and Testament this 18 day of February, 2007.

  
Alan Jeremy Braverman

Witnesses:

The foregoing instrument consisting of six (6) pages was signed, published and declared by the above-named Testator, Alan Jeremy Braverman, as and for his Last Will and Testament, in our presence and hearing, and we, thereupon, at his request, in his presence and in the presence of each other, subscribed our names as witnesses thereto this 18<sup>th</sup> day of February, 2007.

Tirtza Rosenthal RESIDING AT  
Witness

19 Deerwood Road  
Wesley Hills, NY 10977

Eddie [Signature] RESIDING AT  
Witness

9 02 Court  
Wesley Hills, N.Y. 10977

[Signature] RESIDING AT  
Witness

9 02 Court  
Wesley Hills N.Y. 10977



**AFFIDAVIT OF ATTESTING WITNESSES**

STATE OF NEW YORK                    )  
COUNTY OF ROCKLAND                ) ss.:

Each of the undersigned, individually and severally being duly sworn, deposes and says:

1. That they witnessed the execution of the attached Will of Alan Jeremy Braverman, the "testator", on the 18 day of February, 2007;
2. That the Will was executed at the home of the testator at 11 Charlotte Drive, Spring Valley, New York 10977;
3. That the undersigned deponents make this affidavit at the request of the testator;
4. That the testator, in their presence, signed his name to the Will at the end thereof;
5. That, at the time of signing the Will, the testator declared the instrument so signed by him to be his last will and testament
6. That each of the deponents, at the request of the testator and in his presence and in the sight and presence of each other, thereupon witnessed the execution of such will by signing their names as witnesses thereto;
7. That the testator, at the time of the execution of the will, was at least eighteen (18) years of age;
8. That, in the opinion of each of the undersigned deponents, the testator was of sound mind, memory and understanding
9. That the testator was not under any restraint or in any respect incompetent to make a will;
10. That the testator could read, write and converse in the English language;
11. That the testator was not suffering from any defect of sight, hearing or speech or from any physical or mental impairment which would affect his capacity to make a valid will;
12. That the testator signed only one copy of the will on such occasion;
13. That each of the undersigned deponents was acquainted with the testator at the

time the will was witnessed by them.

Tirtza Rosenthal  
Witness

RESIDING AT

19 Deerwood Road  
Wesley Hills, NY 10977

Edie [Signature]  
Witness

RESIDING AT

9 Oz Court  
Wesley Hills, N.Y. 10977

[Signature]  
Witness

RESIDING AT

9 Oz Court  
Wesley Hills N.Y. 10977

Severally subscribed, sworn to,  
and acknowledged before me  
this 18<sup>th</sup> day of February 2007,

[Signature]  
Notary Public

IRVING ROSENTHAL  
Notary Public, State of New York  
No. 02RO5039670  
Qualified in New York County  
Commission Expires Feb. 21, 2011