

SURROGATE'S COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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PROBATE PROCEEDING, \_\_\_\_\_  
WILL OF ABE J. RIEDER

a/k/a ABE RIEDER

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Deceased.

----- X

STATE OF NEW YORK \_\_\_\_\_ )  
COUNTY OF KINGS \_\_\_\_\_ )

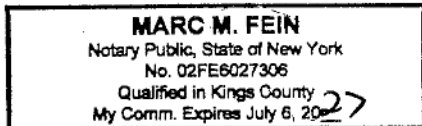
ss.:

I/We SUSAN SILBERMINTZ (and) \_\_\_\_\_

being duly sworn, say(s), that (he/she has) (we have) carefully compared the copy of decedent's Will/Codicil propounded herein to which this affidavit is annexed with the original Will dated the 31st day of JANUARY, 2005 (and the original Codicil dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_), about to be filed for probate, and that the same is in all respects a true and correct copy of said original Will/Codicil and of the whole thereof.

Sworn to before me this

17th day of January, 2025 \_\_\_\_\_



Notary Public: \_\_\_\_\_

Commission Expires: July 6, 2027

(Affix Notary Stamp or Seal)

Name of Attorney: Marc M. Fein

Address of Attorney: 1426 East 15th Street, Brooklyn, New York 11230

P-13 (10/96)

(Note: Attach a copy of the Will/Codicil to this Affidavit of Comparison executed by any two persons; if a photocopy of the Will is used, only one person need make the affidavit.)

AFFIDAVIT OF COMPARISON

File No. 2025-267

Signature

SUSAN SILBERMINTZ

Print Name

Tel No.: 718-339-2260

**LAST WILL AND TESTAMENT  
OF  
ABE J. RIEDER**

I, **ABE J. RIEDER**, now residing at 289 School Street, West Hempstead, County of Nassau, State of New York, being of sound and disposing mind, memory and understanding do hereby make, publish and declare this instrument to be my Last Will and Testament. I declare the State of New York to be my domicile, and I hereby revoke any and all Wills and Codicils at any time heretofore made by me.

**ARTICLE ONE:**

A. I hereby declare that I am presently not married. I further declare that I was formerly married to YVONNE DENA RIEDER, and that this marriage was terminated by her death. I further declare that my now living children are MIRIAM SIMON, BENJAMIN RIEDER, MALKE RIEDER and MOSHE RIEDER. I further declare that as of the execution date of this Will, I have no other children and no deceased children or deceased issue.

B. I hereby direct that this Will shall not be revoked by the birth to me, or the adoption by me, of a child or children subsequent to the making of this Will, as I have made such provision herein as I desire for any such child or children.

**ARTICLE TWO:**

I direct that my Executor pay, as soon as practicable after my death, my funeral expenses, expenses of my last illnesses, the costs of administration of my estate, and all

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of my just debts, except such as are secured by mortgage and except such as are barred by the Statutes of Limitations, or otherwise outlawed.

**ARTICLE THREE:**

A. I give and bequeath all of my tangible personal property, excluding money and securities, which I may own or be entitled to at the time of my death, together with any fire, casualty, and/or liability insurance thereon, in equal shares, per capita, to my children who shall survive me. If none of my children shall survive me, then I give such tangible personal property of mine, in equal shares, per capita, to my issue who survive me.

B. If such tangible personal property of mine shall be distributable to more than one beneficiary, then such property shall be divided among such beneficiaries in substantially equal shares as they may agree among themselves. In the absence of such agreement, then my Executor, in her absolute discretion, may sell any such items of tangible personal property and determine the division of such tangible personal property, including the proceeds of any such sale.

C. At the time of such distribution, if any grandchild of mine is then under the age of majority, then any tangible personal property which such grandchild is entitled to receive, but which my Executor determines to be unsuitable for my minor's use, may, in my Executor's sole discretion, be sold by my Executor and the proceeds thereof delivered to my Trustee, hereinafter named, IN TRUST, to be added to and held and distributed for the benefit of my said grandchild as part of the trust estate for my said grandchild hereunder. Any such tangible personal property which is not sold may be retained by my Executor for the benefit of my grandchild or may be delivered to my said grandchild's Guardians or any suitable person with whom my said grandchild

resides or who has care or custody of his or her person or property to be held for the benefit of my said grandchild until he or she reaches a suitable age.

D. Any determination, division, distribution or sale of property made or other action taken by my Executor pursuant to the provisions of this ARTICLE shall be binding and conclusive upon all persons interested in my estate.

E. I direct that all expenses of insuring, storing, transporting, distributing and otherwise caring for any property bequeathed in this ARTICLE shall be paid by my Executor as an expense of administration out of my general estate until actual delivery of each article of property to the legatee at the place designated by him or her, as the case may be. My Executor shall have absolute discretion to determine what articles of property fall within the categories covered by this ARTICLE.

#### **ARTICLE FOUR:**

All the rest, residue and remainder of my estate, both real and personal property (tangible, intangible and mixed) of whatever kind and nature and wherever the same may be situated and whenever acquired, in which I may have any interest at the time of my death not otherwise effectively disposed of herein, or to which I may be or become in any way entitled, or have any interest in, but not including any property over which I shall have a power of appointment (it being my intention not to exercise any such power), all of which is herein called my "Residuary Estate", I give, devise and bequeath as follows:

A. I direct my Executor my Executor to divide my Residuary Estate into as many equal shares as there are children of mine then living, and deceased children of mine who leave surviving issue. Each share set aside for the benefit of a surviving child of mine, shall be distributed outright, free of trust, to such child. Each share set

aside for the surviving issue of a deceased child of mine shall be divided into partial shares, per stirpes, and shall be distributed to my Trustees, hereinafter named, to be held in a separate trust or share for such beneficiary's benefit under the terms of the Contingent Trust Section below.

B. If my Residuary Estate includes my residence located at 289 School Street, West Hempstead, New York, and if at the time of my death my daughter, MALKE RIEDER, and/or my son, MOSHE RIEDER, are residing in said premises, then either or both of them may continue to reside in said premises for up to three (3) years after the date of my death, provided whomever resides there pays (in equal shares) all taxes, insurance and maintenance expenses for my said residence, and maintains said property, at his, her or their sole expense, in good condition and repair. I further request that my children use the proceeds of any life insurance payable to them on my death to discharge any mortgage indebtedness remaining on my said residence at the time of my death.

AL C. If ~~both~~ all of my children and issue fail to survive me, then my Executor shall distribute such property to such persons as would take and in the proportions they would take of my estate if I then were to have died intestate under the laws of the State of New York regarding descent and distribution in effect at such time.

#### **ARTICLE FIVE:**

In the event that any property disposed of under Section F of this ARTICLE or under ARTICLE FOUR hereof shall become distributable to any grandchild or more remote lineal descendant of mine (hereinafter referred to as a "beneficiary") and who at the time of such distribution is under the age of thirty (30) years, then my Trustee shall hold and administer such beneficiary's property in a separate share as follows:

A. My Trustee, at any time and from time to time, may pay to or apply for the benefit of said beneficiary so much of the income and principal, up to the whole thereof, from said beneficiary's share as my Trustee, in his or her sole and absolute discretion, deem necessary or proper for said beneficiary's health, care, maintenance, support, education, comfort and general welfare, adding to principal any income not so paid or expended. An invasion may be authorized even though it may have the effect of greatly reducing or exhausting the principal of said beneficiary's share.

B. Once said beneficiary attains the age of twenty-one (21) years, my Trustee shall pay over to said beneficiary one-third ( $\frac{1}{3}$ ) of the principal then remaining of said beneficiary's share, outright and free of trust.

C. Once said beneficiary attains the age of twenty-five (25) years, my Trustee shall pay over to said beneficiary one-half ( $\frac{1}{2}$ ) of the principal then remaining of said beneficiary's share, outright and free of trust.

D. Once said beneficiary attains the age of thirty (30) years, my Trustee shall pay over to said beneficiary all the principal then remaining of said beneficiary's share, outright and free of trust.

E. In the event that the share for such beneficiary shall be established after he or she shall have attained the age of twenty-one (21) or twenty-five (25) years, the payment of principal hereinabove provided at age twenty-one (21) or twenty-five (25) (as the case may be) shall be made immediately or as soon as practicable.

F. In the event that such beneficiary shall die before attaining the age of thirty (30) years (hereinafter sometimes referred to as a "deceased beneficiary"), then my Trustee, upon said deceased beneficiary's death, shall distribute the then remaining principal and undistributed income of the deceased beneficiary's share to his or her issue then surviving, per stirpes, or if the deceased beneficiary shall leave no issue then

surviving, then to the issue then surviving, per stirpes, of whichever of my children is the Next Lineal Ancestor of such deceased beneficiary, or if such Next Lineal Ancestor shall leave no issue then surviving, then to such person or persons and in such proportions or shares as provided in Section C of ARTICLE FOUR above, as if my death had then occurred. If any beneficiary taking under this Section F is then under the age of thirty (30) years or is already a beneficiary of this Trust, then my Trustee shall continue to hold such beneficiary's share in further trust for that beneficiary's benefit under the terms herein provided, except that additions to a partially distributed Trust or share of the Trust shall augment proportionally the distributed and undistributed portions thereof.

G. Notwithstanding anything herein to the contrary, no court shall have the power to order the distribution of any amount of the principal of such beneficiary's share or trust under this ARTICLE, as this provision is specifically intended to negate and eliminate any discretion granted to any court under New York EPTL Section 7-1.6, as it may be amended from time to time, or any comparable provision under State law.

#### **ARTICLE SIX:**

My Executor or Trustee, as the case may be, in his or her absolute discretion, may make any income or principal payments distributable to a legatee or beneficiary under the age of twenty-one (21) years in the following manner:

A. Take any action, if necessary, to have a legal guardian appointed for such individual, if none has already been appointed, and make the payment to his or her legal guardian, without having to see to the proper application of such payment.

B. Spend such amount for such individual's benefit.

C. Name a custodian (who may be a Trustee) for such individual under the applicable Uniform Transfers to Minors Act or any other comparable act, and make such payment to a custodian, without having to see to the proper application of such payment.

#### **ARTICLE SEVEN:**

If any legatee or beneficiary ("beneficiary"), who in order to take under this Will must survive me or any other designated person or persons, fails to survive me or such other person by at least thirty (30) days, then such beneficiary shall be deemed to have predeceased me or such other person for the purposes of determining survivorship under this Will.

#### **ARTICLE EIGHT:**

If it is determined that any provision of any trust created under this Will violates any applicable rule against perpetuities or remoteness of vesting, my Trustee will administer the affected portion for the maximum period allowed by law, and then pay that portion of the trust funds outright and free of trust to the then beneficiaries of the trust's income (including beneficiaries eligible for trust payments for support).

#### **ARTICLE NINE:**

Notwithstanding any provision herein as to the terms or manner of payment of income or principal to any trust beneficiary, no interest shall vest in such beneficiary until actually delivered to him or her by my Trustee; nor shall such interest be liable for the debts of any beneficiary, be subject to process or seizure by any court, or be an asset in the bankruptcy or insolvency of such beneficiary. No beneficiary hereunder



shall have the power to anticipate, alienate or encumber his or her interest in any trust or the income therefrom. Notwithstanding any other provisions of this Will, if by reason of bankruptcy, judgment or other cause, any income or principal of any trust would, except for this provision, vest in or be enjoyed by some person other than the beneficiary intended by the terms of this Will to have or enjoy the same, then the income and principal so affected may be withheld by my Trustee during the life of such beneficiary or any shorter period, in his or her absolute discretion. My Trustee at any time during any such period may nevertheless pay to, or expend for the care, support or education of, such beneficiary discretionary amounts of income or principal from such beneficiary's share, and may likewise pay to, or expend for the benefit of, the spouse or children of such beneficiary discretionary amounts of such income or principal. My Trustee may likewise distribute any part of such income or principal in the proportions and to the person or persons, other than the executor of such beneficiary's estate, who, at the time of any such distribution, would be entitled to such share under the terms of such trust, if the beneficiary whose interest is so affected were to die. Every payment or distribution made by my Trustee under this provision shall be conclusive upon all parties claiming an interest in any trust established herein.

#### **ARTICLE TEN:**

A. I nominate and appoint my son, BENJAMIN RIEDER, to serve as sole Executor of this Will. If my said son shall resign, fail to qualify or cease to serve as Executrix, for any reason, then I nominate and appoint my friend, JOSEPH ~~F~~ARBOWITZ, to fill such vacancy as Successor Executor, hereunder.

B. I nominate and appoint my son, BENJAMIN RIEDER, as the initial Trustee of the Contingent Trust and any other Trust established herein. If my said son shall

die, become incapacitated, resign, fail to qualify or cease to serve as a Trustee hereunder, for any reason, then I nominate and appoint my friend, JOSEPH ~~F~~ARBOWITZ, to fill such vacancy as Successor Trustee, hereunder.

C. In the event that there is a vacancy with respect to my Executor or Trustee which is not filled as hereinabove provided, then the last serving Executor or Trustee, as the case may be, may appoint a Successor to serve in his or her place and stead by a duly acknowledged instrument in writing, or in default thereof, any beneficiary who may then or thereafter be entitled to a share of my estate or any trust created hereunder may make application to a court of competent jurisdiction for the appointment of such Successor.

D. An individual fiduciary hereunder shall become disqualified to serve in such capacity if, by reason of old age, disease, weakness of mind or any other cause, he or she is unable to properly discharge his or her fiduciary responsibilities, and the resulting vacancy shall be filled as provided herein.

E. If any Trustee herein is prohibited from exercising any powers on behalf of himself or herself as a beneficiary of any trust created hereunder and if there is no Co-Trustee then acting hereunder to exercise such powers, then any such power may be exercised by the person or persons named as the Successor Trustee(s) in this Will who shall be designated as a "Special Trustee" or by any person or persons appointed as a "Special Trustee" by my Trustee or Successor Trustee; provided however, that the Special Trustee so named cannot be related or subordinate to the remaining, ineligible Trustee within the meaning of Section 672(c) of the Code. My Trustee, or in his or her absence, my Successor Trustee(s), shall have the power to appoint one or more Special Trustees, whose powers shall be limited to the exercise of the foregoing powers.

F. Whenever there are Co-Trustees acting hereunder, only one (1) Trustee shall be required to sign any Trust document, including applications to open any bank, brokerage and similar accounts as well as checks against any such bank accounts, brokerage accounts and other such types of accounts. All other actions of the Trustees hereunder, except as provided in Section C of ARTICLE ELEVEN below or as otherwise provided herein, shall be valid if authorized or approved by a majority of Trustees unless only one (1) Trustee shall then be acting hereunder.

#### **ARTICLE ELEVEN:**

A. My Executor and Trustee, including any Successors to my Executor and Trustee (who are sometimes individually referred to herein as "my fiduciary" and are sometimes collectively referred to herein as "my fiduciaries") shall be vested with the following rights, discretions, exemptions and immunities:

(1) My fiduciaries shall not be required to furnish any bond or other security, whatsoever, for the faithful performance of their respective duties, or for the retention or payment of interim commissions, any provision of law to the contrary notwithstanding.

(2) To the extent permitted by law, my fiduciaries shall not be liable for any loss resulting to my estate or to any beneficiary by reason of any act or omission in the administration of my estate other than acts or omissions constituting gross negligence, willful misconduct or fraud.

(3) Any Successor Executor or Trustee shall be clothed and vested with the same duties, rights, titles and powers, whether discretionary or otherwise, as if originally named as Executor or Trustee hereunder. Upon the consent of any remaining fiduciaries, any Successor may accept the accounts rendered and the assets and property delivered to him or her by the predecessor fiduciary as a full and complete discharge to the predecessor fiduciary, and shall incur no liability or responsibility to any beneficiary of my estate or any trust created hereunder by reason of so doing, even if any such account is later proven to be incomplete, inaccurate or untrue.

(4) I recognize that in the exercise of their powers my fiduciaries and/or their attorneys may be placed in a position of self-dealing or of having or representing potential or actual conflicting interests, and I direct that such self-dealing or conflicting interests shall not be a basis for any Executor or Trustee, or any attorney selected by them, being disqualified or limited, or not participating, in the exercise of powers or

representation with respect to the administration of my estate or any trust created hereunder, nor with respect to any closely-held business interest, nor shall any Executor or Trustee exercising such powers be surcharged or held to a higher degree of fiduciary duty by reason of such self-dealing or conflicting interests than would be otherwise applicable.

B. Except as otherwise required by law, my fiduciaries shall not be required to render periodic accounts in any court, but upon written request of any current beneficiary or as otherwise required by law, they shall submit quarterly or annual transaction statements to all beneficiaries of my estate or any trust created herein, or a copy of my estate's or any such trust's Federal income tax return, if one is required, and a balance sheet in lieu of rendering annual accounts, provided that any such transaction statements itemize all transactions, charges, and opening and closing account values.

C. Except as otherwise provided herein, any Executor or Trustee is authorized at any time, to the extent permitted by law, to delegate to his or her Co-Executor or Co-Trustee any duty or power conferred upon him or her hereunder, whether any such delegation relates to a discretionary or to a ministerial power. A person who has received notice of a delegation shall be entitled to rely upon its continuing effectiveness until receipt of actual notice of revocation.

D. Any fiduciary shall be entitled to reasonable reimbursement out of the assets of my estate or any trust created herein for ordinary and extraordinary costs and expenses incurred in the administration of my estate or any trust hereunder.

#### **ARTICLE TWELVE:**

A. Subject to any limitations specified elsewhere in this Will, I give to my fiduciaries, including my Executor, Trustee, and any Successors thereto, the following powers, in addition to those generally conferred by New York EPTL Section 11-1.1, or

any successor statute thereto or any comparable provision of law in any other applicable jurisdiction:

(1) To retain any property, including cash and unproductive property, any securities in any closely held corporation, and any ownership or beneficial interest in any business entity or enterprise, for any length of time, without regard to the proportion such property may bear to the entire amount of my estate or the principal of any trust created hereunder, and without regard to the fact that any such property may not be a kind or character permissible for investment by my fiduciaries.

(2) To sell, transfer, convey, lease, exchange, pledge, mortgage, hypothecate and grant options with respect to, or otherwise dispose of or deal with all or any part of the property forming part of my estate, including to lease or grant options on any such property upon such terms and conditions as they deem appropriate and for such periods that may extend beyond any time limitations provided by law.

(3) To designate one or more persons and/or a bank or trust company to be ancillary Executor and/or Trustee, in jurisdictions, domestic or foreign, in which ancillary administration may be necessary, and any such ancillary fiduciary shall have all of the rights, powers and discretion conferred upon my fiduciaries by this ARTICLE and elsewhere in this Will.

(4) To lend money or other property to any beneficiary (including a beneficiary serving as a fiduciary hereunder provided that such fiduciary shall not vote or participate in the decision to make such a loan to himself or herself), individual, partnership, estate, trust, association or corporation, even though any such loan is not of the character authorized for the investment of estate or trust funds.

(5) To prosecute, settle, adjust, compromise, forgive, contest, defend, submit to arbitration, collect, pay or discharge any claims or demands belonging to or asserted against my estate or any trust created hereunder.

(6) To abandon any property, real or personal which they deem to be worthless or not of sufficient value to warrant keeping or protecting; to abstain from the payment of taxes, water rents, assessments, repairs, maintenance and upkeep of any such property; to permit any such property to be lost by tax sale or other proceedings, or to convey any such property for a nominal consideration or without consideration so as to prevent the imposition of any liability or the incurring of additional expenses by reason of the continued ownership thereof.

(7) To borrow from others or from themselves.

(8) To exercise, sell, dispose of, acquire or otherwise deal with options of all types; to purchase, receive, trade, sell and deal with securities on margin or otherwise; and to pledge and hypothecate securities.

(9) To continue my business activities to the extent they deem advisable and take all necessary steps concerning the continuation thereof, it being my intention that my fiduciaries shall have the widest possible latitude in the handling of my business affairs.

(10) To make or decline to make any and all elections permitted by state, Federal and foreign tax laws, without regard to the effect any such elections may have upon the respective interests of the beneficiaries hereunder.

(11) To make division and distribution of my estate and to pay any gift, bequest, legacy or devise hereunder, and to make any distribution pursuant to my Will, in whole or in part, in cash, kind, securities or other property, without regard to the tax basis or character of such property or other tax consequences resulting from such distribution in kind; and to determine the equality or proportionality of any division or distribution in kind by reference to value only, and without any requirement of equitable adjustment by reason of any disproportionate allocation of potential tax burdens or benefits attributable to the basis or character of property distributed in kind.

(12) To employ such attorneys, clerks, agents, accountants, investment counsel and custodians in the transaction of the business of my estate and/or any trust created hereunder.

(13) To determine whether and to what extent receipts should be deemed to be income or principal, whether and to what extent expenditures, and depreciation and depletion expenses, should be charged against income or principal, and what other adjustments should be made between income and principal.

(14) To execute and deliver all contracts, deeds and other instruments of any and every character that may be deemed necessary by them.

(15) To change the situs of any trust created herein to any jurisdiction within the United States of America and have the laws of such other jurisdiction apply to the construction and administration of any such trust.

(16) To apply any sum that is payable to or for the benefit of any person who, in the judgment of my Trustee, is incapable of making proper disposition thereof, by payments in discharge of the beneficiary's bills, or to anyone with whom the beneficiary resides or who has the care or custody of the beneficiary, temporarily or permanently, all without intervention of any guardian, committee, or Trustee, and without regard to other resources that the beneficiary may have or the duty of any other person to support the beneficiary.

B. For convenience of administration or investment, the Trustees of multiple trusts hereunder having substantially similar terms and conditions may invest the assets

of such multiple trusts in a single fund, assigning them undivided interests in such common fund, dividing the income proportionately and accounting for them separately.

C. The Trustees of any trust estate created hereunder may combine such trust estate with any other trust estate (whether or not created hereunder), merging the assets of such trust estates into a single trust estate; provided that in all respects deemed material by the Trustees, the trust estates to be combined are held on substantially the same terms and conditions and for the benefit of the same beneficiaries. The Trustees may thereafter hold, administer and distribute the merged trust under the terms and conditions of any one of the instruments creating any of such trusts as the Trustees, in their sole discretion, may select.

D. The powers herein granted to my Trustee shall be subject to the following restrictions:

(1) No Trustee shall be eligible to vote or exercise discretion with respect to any matters involving invasions of principal or distributions of income in favor of himself or herself, his or her estate, his or her creditors, or the creditors of his or her estate, or in discharge or satisfaction of any of his or her legal obligations (including support obligations), but such matters shall be completely within the discretion of and determined by the vote of any other eligible Trustees, or if none, then any such matters shall be decided by the "Special Trustee."

(2) No Trustee of any trust created hereunder may exercise any discretionary authority concerning invasions of principal or distributions of income in respect of or in connection with any assets which have passed to said trust by reason of said Trustee's disclaimer of a beneficial interest therein and, where appropriate, such assets shall be segregated by the Trustee of the trust to implement this provision, and such discretionary authority shall be exercised solely by the vote of any other eligible Trustees, or if none, then any such power may be exercised by the "Special Trustee."

#### **ARTICLE THIRTEEN:**

A. All transfer, estate, inheritance, succession and other death taxes which shall become payable by reason of my death (hereinafter referred to as "Death Taxes"),

if and to the extent that such Death Taxes are imposed in respect of property owned by me and passing under this Will (hereinafter referred to as "Will-Related Death Taxes"), shall be paid on a pro rata basis out of that portion, if any, of my estate for which charitable deduction is allowed for estate tax purposes.

B. All other Death Taxes (other than Will-Related Death Taxes) in respect of any property not passing under this Will shall be apportioned against and paid by the persons in possession thereof or benefitted thereby, in the manner provided by law.

#### **ARTICLE FOURTEEN:**

A. As used in this Will, the following terms shall have the following meanings:

(1) All references herein to "my child," "my children," or similar references shall refer to my children, MIRIAM SIMON, BENJAMIN RIEDER, MALKE RIEDER and MOSHE RIEDER, or any one or more of them, as the context so requires.

(2) The words "child", "children", "issue" and "descendant" shall include any and all adopted persons and/or after-born persons, excluding, however, adopted persons who were not minors at the time of adoption.

(3) For all purposes of this Will, whenever property is to be distributed "per capita," the property shall be distributed or taken in the manner provided in EPTL 1-2.11 or any successor statute thereto.

(4) For all purposes of this Will, whenever the words "per stirpes" are used with reference to the issue of any individual, this shall mean that the stocks begin with the children of such individual and that the property shall be distributed or taken in the manner provided in EPTL 1-2.14 or any successor statute thereto.

(5) The term "tangible personal property" shall include furniture, clothing, jewelry, silver, books, pictures, works of art, china, automobiles and any



article of a personal, household or ornamental nature, but it shall not include monies, securities or the like.

(6) Whenever provisions are made herein for payment of the education of a beneficiary, the term "education" shall be construed to include yeshiva, college and post-graduate study, so long as pursued to advantage by the beneficiary at an institution of the beneficiary's choice, and in determining payments to be made for such yeshiva, college or post-graduate education, my Trustee shall take into consideration the beneficiary's living expenses to the extent they are reasonable.

(7) The term "Next Lineal Ancestor" shall refer to the person (among my blood relatives and their lawfully adopted children) who is the closest lineal ancestor (determined by age) of such deceased person.

(8) All references herein to "Trust Property," and "Trust Estate" and words of similar import shall refer to the property constituting the assets of any Trust or any Trust share or any part thereof, as the case may be, established hereunder.

(9) All references to the "Contingent Trust" shall mean the Trust and each separate Sub-Trust established under ARTICLE FIVE hereof, which provides for the retention, in trust, of property otherwise distributable to a beneficiary who is a grandchild or more lineal descendant of mine and who is under the age of thirty (30) years.

(10) All references herein to the "Internal Revenue Code" or "Code" or to provisions thereof are to the Internal Revenue Code of 1986, as amended at the time in question. References to the "Regulations" or "Regs." are to the Treasury Regulations under the Internal Revenue Code.

(11) All tax-related terms mean the same things in this Will as they mean in the Code and any Regulations thereunder.

(12) All references herein to the "EPTL" are to the New York Estates, Powers and Trusts Law as amended and as may be from time to time hereafter amended.

B. As used in this Will, the singular and plural nouns and pronouns shall be substituted for each other herein where appropriate and appropriate changes shall be made in the gender of nouns and pronouns.

**IN WITNESS WHEREOF**, I have signed this Will, consisting of nineteen (19) pages (including this page and the next page), and for the purpose of identification have placed my initials at the foot of each preceding page, this 31 day of January, 2005.

Ale J. Rieder (L.S.)  
ABE J. RIEDER

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]

We certify that the above instrument was on the date hereof signed and declared by ABE J. RIEDER as his Will in our presence, and that we, at his request and in his presence and in the presence of each other, have signed our names as witnesses thereto, believing ABE J. RIEDER to be of sound mind and memory at the time of signing.

Carol Bentel Residing at 375 Coolidge St  
W Hempstead N.Y. 11552

Dwight Stoltz Residing at 375 COOLIDGE STREET  
WEST HEMPSTEAD, NY 11552

AFFIDAVIT OR AFFIRMATION OF ATTESTING WITNESSES

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

We, the following, Carl Gerdel and IRVING GERTEL being severally sworn or affirm, depose and say that we were all present at 289 School Street, West Hempstead, New York, and saw ABE J. RIEDER ("Testator") subscribe his name at the end of the paper writing dated the 31<sup>st</sup> day of January, 2005, and published and declared by him to be his Last Will and Testament. Said instrument was executed under the supervision of Martin L. Lerner, an attorney-at-law admitted to practice before the courts of the State of New York.

After Testator published and declared said paper writing to be his Last Will and Testament, he requested us to sign our names as witnesses thereto. Thereupon we all signed our names as such witnesses in the presence of each other and in the presence of the Testator.

At the time of the subscription of said paper writing, Testator was over eighteen years of age, and in our opinion, was of sound mind, memory, and understanding, not under any restraint, and in all respects competent to make a Will. Testator could read, write and converse in the English language and was not suffering from any physical difficulties of sight, hearing, or speech.

Immediately following the subscription by Testator of the said instrument, and our witnessing of same, Testator requested us to make this affidavit or affirmation, and this affidavit or affirmation is made in accordance with such request.

Carl Gerdel  
Irving Gerdel

Severally subscribed to and sworn to or affirmed before me this 31<sup>st</sup> day of January, 2005.

Martin L. Lerner  
NOTARY PUBLIC

