

# **LAST WILL AND TESTAMENT OF JONATHAN ROBERT POOL**

I, Jonathan Robert Pool, residing at 100 Riverside Drive, Apartment 6T, New York, New York 10069-0408, hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all prior wills, testaments, and codicils at any time made by me.

I am married to Susan Marie Colowick. I have no children.

FIRST: I direct that all my just debts and funeral and administration expenses be paid as soon after my death as may be practicable.

SECOND:

(a) I give all tangible personal property owned by me at the time of my death, including without limitation personal effects, clothing, jewelry, furniture, furnishings, household goods, automobiles, and other vehicles, and all rights that I have under any related insurance policies, to my wife, Susan Marie Colowick.

(b) In the event that Susan Marie Colowick does not survive me or Susan Marie Colowick and I die together, my Executor shall sell such items and distribute the proceeds of the sale to the beneficiaries and in the proportions set forth in Appendix A.

THIRD: I give and bequeath to the beneficiaries and in the proportions set forth in Appendix A all of my right, title and interest in:

(a) any and all real property which I may own at the time of my death, together with all buildings and improvements thereon, and all insurance policies relating thereto;

(b) all the rest, residue and remainder of my estate, real, personal, or otherwise and wheresoever situated, of which I may die seized or possessed, or to which I may be or become entitled at the time of my death, or to which I may have the power to appoint or dispose of by Will, including any lapsed bequests (hereinafter called my "residuary estate").

FOURTH:

(a) I nominate and appoint Susan Marie Colowick as Executor hereof. If she shall fail to qualify or, having qualified, shall die, resign, or cease to act for any reason as my Executor, then I appoint Adam MacKenzie de Sola Pool as my substitute or successor Executor in her place and stead.

(b) I authorize and empower a sole surviving Personal Representative, Executor, or Trustee at any time qualified hereunder to designate a Co-Personal Representative, successor Personal Representative, successor Executor, or successor Trustee, to serve with or to succeed him or her.

(c) I direct that no bond or other surety shall be required for any reason whatsoever of any Personal Representative, Executor, or Trustee named herein or designated as herein provided. I further direct that the Personal Representative, Executor, or Trustee named herein or designated as herein provided is to receive the fee or commission prescribed by Section 2307 of Article 23

of the Surrogate's Court Procedure of the Court Acts of the Laws of New York, or any successor thereto.

FIFTH: If any beneficiary interested hereunder and I shall die in the course of or as a direct result of a common accident, disaster, or calamity as shall cause my death or under circumstances in which it is difficult or impractical to determine whether I or said person died first, or in the event said person shall die within thirty (30) days of my death, then, for the purposes of this Will, said person shall be deemed to have predeceased me and my estate shall pass in such manner as would occur hereunder if said person had predeceased me. The terms "child" and "children" as used herein include only the child and children of the person designated, but not any stepchild of such person.

SIXTH:

(a) I grant to my Executor all powers conferred on executors under the New York Estates, Powers and Trusts Law, as amended, or any successor thereto, and all powers conferred upon executors wherever my Executor may act. I also grant to my Executor power to retain, sell at public or private sale, exchange, grant options on, invest and reinvest, and otherwise deal with any kind of property, real or personal, for cash or on credit; to borrow money and encumber or pledge any property to secure loans; to hold property in bearer form or in the name of a nominee; to pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any parts, funds, or shares; to determine the fair valuation of property, with or without regard to tax basis; to exercise all powers of an absolute owner of property; to incorporate any business and form limited liability companies and hold any interests in corporations and limited liability companies; to vote stock or securities, in person or by proxy; to exercise subscription and conversion rights, and to participate or refuse to participate in any reorganization, recapitalization, merger, consolidation, liquidation, dissolution, or other action with respect to any corporation; to transfer any business or property to a partnership and to be a general or limited partner; to compromise and release claims with or without consideration; to execute and deliver instruments, including releases; and to employ attorneys, accountants, and other persons for services or advice. I recommend that all of my charitable gifts, bequests and devises, if any, be made, to the extent possible, from "income in respect of a decedent" as that term is defined under United States income tax law.

(b) If and to the extent permitted by applicable law in effect at the time of my death, my Executor shall have the authority to determine what property shall receive basis increases pursuant to the Internal Revenue Code and the amount of such increases and to make such determinations without regard to any duty of impartiality as between different beneficiaries.

(c) The term "Executor" wherever used herein shall mean the executors, executor, executrix, administrator, trustees, or trustee in office from time to time. Each Executor shall have the same rights, powers, duties, authority, and privileges, whether or not discretionary, as if originally appointed hereunder.

SEVENTH: If in the opinion of my Executor any beneficiary under this Will has caused fees or expenses to be incurred, my Executor may allocate all or any part of such fees or expenses to the interest of said beneficiary hereunder.

EIGHTH: Notwithstanding anything herein to the contrary, if any beneficiary under this will shall contest, obstruct, oppose, or otherwise resist the probate or validity of this will or any trust at any time created by me, or shall start or join in any proceeding tending to avoid or set aside any provision of this will or any trust, such beneficiary thereby shall forfeit all bequests and rights conferred upon such beneficiary under this will and any trust, and this will and any trust shall be given effect in all respects as if such beneficiary had predeceased me without issue. If in the opinion of my Executor or Trustee any beneficiary under this will has caused fees or expenses to be incurred, my Executor or Trustee may allocate all or any part of such fees or expenses to the interest of said beneficiary hereunder. The term "issue" includes only the children and other issue of the person designated, but not any stepchild of such person or issue.

#### APPENDIX A

(a) I name the following beneficiaries and the following proportions in which property subject to this Appendix shall be distributed:

1. Center for Justice and Accountability of San Francisco, California: 20%.
2. Center for Responsive Politics of Washington, District of Columbia: 15%.
3. Freedom of the Press Foundation of San Francisco, California: 15%.
4. Knowbility of Austin, Texas: 15%.
5. International Service for Human Rights of New York, New York: 15%.
6. National Center for Access to Justice of New York, New York: 10%.
7. Vegan Outreach of Sacramento, California: 10%.

(b) In the event that any one or more of the foregoing entities do not exist at the time of my death, the property that would have been distributed to said entities shall be distributed in equal shares to the foregoing entities then in existence.

IN WITNESS WHEREOF, I, Jonathan Robert Pool, sign, seal, publish, and declare this instrument as my Last Will and Testament this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jonathan Robert Pool

The foregoing instrument was at the date thereof subscribed, sealed, published, and declared by the above-named Testator, Jonathan Robert Pool, as his Last Will and Testament. In his presence and in the presence of each other, we have subscribed our names as witnesses on the date above written.

\_\_\_\_\_, residing at \_\_\_\_\_

Printed name:

\_\_\_\_\_, residing at \_\_\_\_\_

Printed name:

AFFIDAVIT OF WITNESSES

STATE OF NEW YORK, COUNTY OF NEW YORK, ss.

Each of the undersigned, \_\_\_\_\_, residing at \_\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_, residing at \_\_\_\_\_,  
\_\_\_\_\_, respectively,  
being individually and severally duly sworn, did depose and say that: The foregoing Last Will and Testament was subscribed in our presence and sight by Jonathan Robert Pool, the Testator named therein. The undersigned witnessed the execution of said Will of the Testator on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

At the time the instrument was so subscribed, the Testator declared said instrument to be his Last Will and Testament. The undersigned thereupon signed their names as witnesses at the end of said will at the request of the Testator, in the presence of the Testator and each other. At the time of so executing said will, in our respective opinions, the Testator was at least eighteen years of age, and was of sound mind, memory, and understanding, under no constraint, duress, fraud or undue influence, and in no respect incompetent to make a valid will. In our respective opinions, the Testator was able to read, write, and converse in the English language, and was not suffering from any defect of sight, hearing, or speech, or from any other physical or mental impairment which would affect his capacity to make a valid will. Each of us was acquainted with the Testator, and we make this affidavit at his request. Said Will was executed as a single, original instrument.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2022 before me, the undersigned, personally appeared \_\_\_\_\_ and \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that, by their signatures on the instrument, the individuals, or the persons on behalf of whom the individuals acted, executed the instrument.

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