



TIM WEAVER
CIRCUIT JUDGE

COUNTIES:
CLEBURNE
FULTON
INDEPENDENCE
IZARD
STONE

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February 15, 2007

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RE: Estate of Opal Gefon
Cleburne County, PR-2005-26-4

Dear Attorneys:

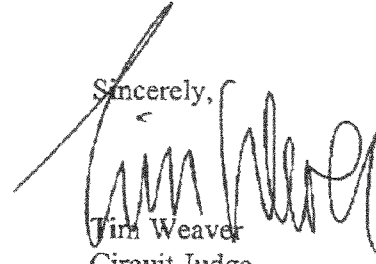
I have had the opportunity to consider the testimony and evidence submitted to this Court and all arguments presented by the parties at the hearing in the matter, as well as the briefs submitted by you all interested parties. Based upon all relevant matters in this case and before this Court, I do hereby find and order as follows:

1. This Court has jurisdiction over the parties and the subject matter involved herein and venue is proper in this Court.
2. I have had the opportunity to read, more than once, all briefs submitted in this case. There are two issues in this case: (1) First, does the reference to "Native American Indians" on the last page of the will admitted to probate refer to "Lost Cherokee of Arkansas and Missouri, Inc." and (2) Second, do the references to "savings and checking account" and "remainder of my savings and checking" include the \$226,000 cash located in the decedent's safety deposit box at the time of her death.
3. I am aware of the rules of will construction as cited in the briefs submitted in this case. With respect to the first issue, I have read the admitted will several times. The only references to any "Native American Indians" are three bequests the decedent makes to the "Lost Cherokee of Arkansas and Missouri, Inc." I am convinced, then, that the term "Native American Indians" in the last page of the decedent's will refers back to the earlier-used term "Lost Cherokee of Arkansas and Missouri, Inc." Nowhere in decedent's will is there any mention of any other American Indians. Accordingly, I find that the Lost Cherokee of Arkansas and Missouri, Inc. is the intended beneficiary of the remainders of the decedent's saving and checking. Additionally, I find that the Lost Cherokee of Arkansas and Missouri, Inc. is the intended beneficiary of the property the decedent described as the "1.62 acres in Sec 32 Twp 10 N Range 9 W".
4. With respect to the \$226,000 cash located in the decedent's, I am convinced by reading the will the decedent intended that to be a part of her "savings". There is nothing before this Court that would support the contention that decedent only meant to refer to savings "accounts" when she used the term "savings" in her will. Therefore, I find the references to "savings and checking account" and "remainder of my savings and checking" to include the \$226,000 cash located in the decedent's safety deposit box at the time of her death.
5. Further, I find that the phrase "remainders of my savings and checking" is a residual clause with respect to those funds. Accordingly, after any specific bequests are made, the amounts remaining shall go to the Lost Cherokee of Arkansas and Missouri, Inc.

I believe this addresses the issues currently before this Court. If I have omitted anything and any party requests clarification or should there be any questions or comments, please notify

me in writing, with a fax copy to my office, within the next five (5) days. Ms. Heimbaugh, prepare an order consistent with this letter. Should anyone have any questions or comments about this matter, please contact me as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Weaver". The signature is written in a cursive, somewhat stylized font. A long, thin diagonal line is drawn across the top left of the signature area, extending from the top left towards the center.

Tim Weaver
Circuit Judge

TW

Log for
Melanie L. Grayson
501-206-0147
2/16/2007 1:45PM

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
02/16	01:44p	Fax Sent	187093545217	0:00	0	No answer

Log for
Melanie L. Grayson
501-206-0147
2/16/2007 1:12PM

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
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hp officejet 5500 series 5510v

Personal Printer/Fax/Copier/Scanner

Log for
Melanie L. Grayson
501-206-0147
2/16/2007 12:55PM

Last Transaction

Date	Time	Type	Identification	Duration	Pages	Result
02/16	12:54p	Fax Sent	18709354217	0:00	0	No answer
