

18-2634

FIRST CODICIL TO FILED
THE LAST WILL AND TESTAMENT 43
OF
TOM BENSON

2015 MAR 18 PM 4:43
CIVIL
DISTRICT COURT

I, Tom Benson, do make and declare this to be the first codicil to my last will and testament dated July 27, 2015.

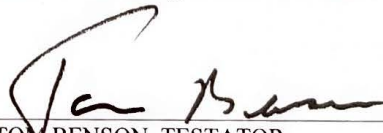
I make the following amendment to my last will and testament, dated July 27, 2015, to clarify Section 1.01 of my said last will and testament:

I. I hereby amend Section 1.01 of my will, to read as follows:

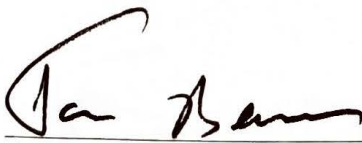
1.01. I leave all of the property of which I die possessed to the Trustee(s) of the Tom Benson July 2015 Revocable Trust established by me by an act before Paul D. Cordes, Jr., Notary Public, on July 27 2015, as I may amend or otherwise modify it from time to time prior to my death ("Revocable Trust"), to be administered and distributed according to its terms in effect at the time of my death. Contemporaneously with the execution of this Codicil, I am executing the First Amendment to my said Revocable Trust.

I make no other changes to my last will and testament executed on July 27, 2015, which in all other respects I hereby ratify and affirm.

IN WITNESS WHEREOF, I have signed at the end and on each other separate page and declared this to be my first codicil to my last will and testament dated July 27, 2015, in the presence of the Notary Public and the witnesses hereinafter undersigned on this 22nd day of March, 2017.



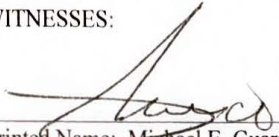
TOM BENSON, TESTATOR

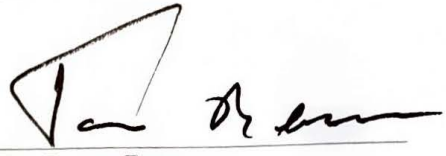


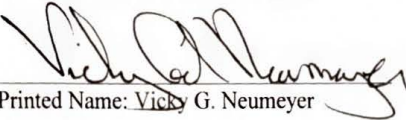
Tom Benson, Testator
22nd day of March, 2017
Page 1 of 2.

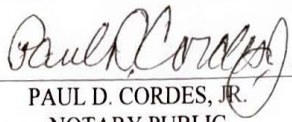
In our presence, the Testator has declared or signified that this instrument is his first codicil to his last will and testament dated July 27, 2015 and has signed it at the end and on each other separate page, and in the presence of the Testator and each other we have hereunto subscribed our names on this 22nd day of March, 2017.

WITNESSES:

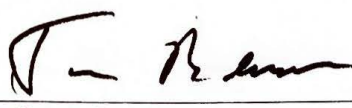

Printed Name: Michael E. Guarisco

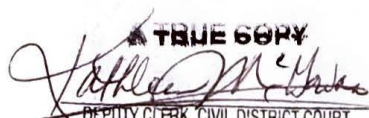

Tom Benson, Testator


Printed Name: Vicky G. Neumeyer



PAUL D. CORDES, JR.
NOTARY PUBLIC
LA BAR NO. 04397


Tom Benson, Testator
22nd day of March, 2017
Page 2 of 2.


DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 18-2634

DIVISION "A-15"

FILED
2018 MAR 16 P 4:44

CIVIL DISTRICT COURT
DOCKET NO. _

SUCCESSION

OF

THOMAS MILTON BENSON, JR.

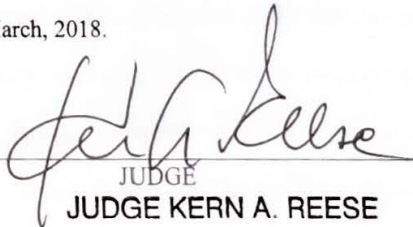
FILED: _____

DEPUTY CLERK: _____

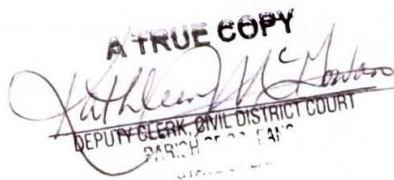
LETTERS OF INDEPENDENT EXECUTORSHIP

THIS IS TO CERTIFY THAT Dennis P. Lauscha has been appointed independent testamentary executor of the Succession of Thomas Milton Benson, Jr. by the Civil District Court for the Parish of Orleans, State of Louisiana, and that he has qualified for the office by complying with all of the requirements of law relating thereto.

IN WITNESS WHEREOF, these Letters of Independent Executorship are issued in the name, and under the seal of the Civil District Court for the Parish of Orleans, State of Louisiana, at New Orleans, Louisiana, this 16th day of March, 2018.


JUDGE
JUDGE KERN A. REESE

Deputy Clerk

A TRUE COPY

DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS, LOUISIANA

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 18-2634

DIVISION "A"

FILED
2018 MAR 16 P 4:43
DOCKET NO. —
CIVIL
DISTRICT COURT

SUCCESSION

OF

THOMAS MILTON BENSON, JR.

AFFIDAVIT OF DEATH, DOMICILE AND HEIRSHIP

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

GAYLE M. BENSON and DENNIS P. LAUSCHA

Who are each persons of the age of majority and who, after being by me first duly sworn, each did depose and say that:

Each was well acquainted with Thomas Milton Benson, Jr., decedent herein, who died testate on March 15, 2018, in the Parish of Jefferson, State of Louisiana. The decedent was domiciled in Orleans Parish at the time of his death.

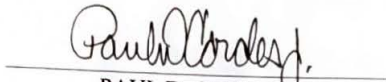
Decedent was married three times, first to Shirley Landry Benson, who predeceased decedent, second to Grace Trudeau Benson, who predeceased decedent, and third to Gayle Marie LaJaunie Benson, who survives the decedent and to whom he was married at the time of his death. Of his marriage to Shirley Benson, three children were adopted, namely Renée Benson, Jeanne Marie Benson, and Robert Carter Benson. Jeanne Marie Benson and Robert Carter Benson both predeceased the decedent. Jeanne Marie Benson died without issue. Robert Carter Benson had one child, namely Dawn Benson Jones. Jeanne Marie Benson and Robert Carter Benson were each over the age of twenty-three when they died. Dawn Benson Jones is not, because of mental incapacity or physical infirmity, permanently incapable of caring for her person or administering her estate. Renée Benson survives the decedent, is over the age of twenty-three, and is capable of caring for herself and administering her estate and has not asserted a claim as forced heir based upon a condition that may cause her to become permanently unable to care for her person or administer her estate.

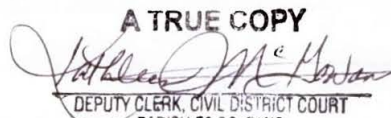
Decedent had no children born to him, did not adopt any other person, nor was he ever adopted by anyone.


GAYLE M. BENSON


DENNIS P. LAUSCHA

Sworn to and subscribed before me this 16th day of March, 2018.


PAUL D. CORDES, JR.
NOTARY PUBLIC
LA. BAR NO. 04397

A TRUE COPY

DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA

FILED

2018 MAR 16 P 4:43

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 18-2634

DIVISION " A

DOCKET NO. _

SUCCESSION

OF

THOMAS MILTON BENSON, JR.

FILED: _____

DEPUTY CLERK: _____

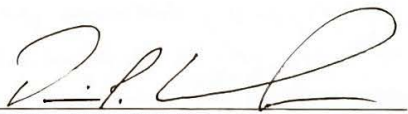
OATH OF INDEPENDENT TESTAMENTARY EXECUTOR

BEFORE ME, Paul D. Cordes, Jr., Notary Public for the Parish of Orleans, personally came and appeared:

DENNIS P. LAUSCHA

who being duly sworn, declared that he will well and truly discharge and perform, all and singular, the duties incumbent upon him as independent testamentary executor of the above-numbered and entitled succession, to the best of his ability.

So help him God.


DENNIS P. LAUSCHA

Sworn to and subscribed before me this
16th day of March, 2018


PAUL D. CORDES, JR.
NOTARY PUBLIC
LA. BAR NO. 04397

A TRUE COPY

DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS

18- 2634

FILED

LAST WILL AND TESTAMENT

2018 MAR 16 P 4:43

OF

CIVIL
DISTRICT COURT

TOM BENSON

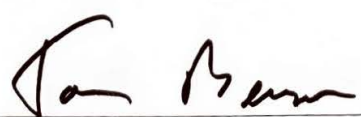
#9

I, Tom Benson (also known as Thomas M. Benson and Thomas Milton Benson, Jr.), hereby make and declare this to be my last will and testament, and I revoke all prior wills and codicils made by me. I am domiciled in the Parish of Orleans, State of Louisiana. I have been married three times, first to Shirley Benson, who predeceased me, second to Grace Benson, who predeceased me, and then to Gayle M. Benson, with whom I am currently residing. My spouse and I are both citizens of the United States. During my marriage to Shirley Benson, we adopted three (3) children, namely, Renee Benson, Jeanne Marie Benson and Robert Carter Benson. Jeanne Marie Benson predeceased me without issue. Robert Carter Benson predeceased me with one child, namely Dawn Benson Jones. I have never had nor adopted any other children.

ARTICLE I – LEGACY OF ESTATE

1.01. I leave all of the property of which I die possessed to the Trustee(s) of the Tom Benson July 2015 Revocable Trust established by me by an act before Paul D. Cordes, Jr., Notary Public, on July 27, 2015, to be administered and distributed according to its terms.

1.02. If the Tom Benson July 2015 Revocable Trust is, for any reason, not in existence as of the date of my death, I leave my estate to the Trustees of the Gayle Benson Marital Trust, which shall be governed by the following provisions: The trust 1) shall have my spouse as income beneficiary for her life; 2) shall be construed so that it shall qualify for the marital deduction under Internal Revenue Code section 2056; 3) shall be governed by the provisions of the Louisiana Trust Code, Louisiana Revised Statutes 9:1721 et seq. to the extent not otherwise set forth herein and not inconsistent with my intent that the trust qualify for the marital deduction; 4) shall have as co-trustees my spouse and Dennis Lauscha, except that Gayle Benson will have the sole right to exercise all voting power over Benson Football, LLC and Benson Basketball, LLC; 5) Dennis Lauscha shall have the power to appoint successor trustees; 6) the trustee shall distribute all of the income each year to my spouse, at least quarterly, and shall distribute any income in the year of my spouse's death to her estate; 7) the trustee shall invade and distribute principal of the trust to or for the benefit of my spouse for her health, education, maintenance or support to enable her to maintain her accustomed



Tom Benson, Testator
27th day of July, 2015
Page 1 of 4.

standard of living, without taking into consideration her ability to provide for her own support or any other sources of income and assets available to her; 8) shall terminate upon the death of my spouse; and 9) all principal shall be distributed upon the death of my spouse in the following proportions: (i) fifty percent (50%) to the estate of my spouse; and (ii) the remainder to the Gayle and Tom Benson Charitable Foundation.

1.03. If Gayle Benson predeceases me or dies within six months of my death, I leave all of my estate to the Gayle and Tom Benson Charitable Foundation, in outright ownership.

1.04. I specifically provide that Renee Benson, Rita LeBlanc, Ryan LeBlanc, and all of their descendants shall have no interest in my succession whatsoever, and no legacy or other inheritance or benefit of any kind shall be paid to any of them under this will or otherwise.

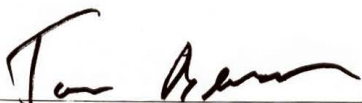
ARTICLE II - MISCELLANEOUS

2.01. All debts owed by me that are due immediately prior to my death (whether secured or unsecured and whether payable prior to, upon, or after my death), and all debts arising due to my death, including funeral and burial expenses, shall be paid out of the remainder of my estate, except that all debts secured by property constituting any legacy (including immovable and movable property and insurance) shall be assumed by whomever receives such property to the extent that any such debt is not due immediately prior to my death.

2.02. Expenses of administration and federal and state estate taxes and state inheritance taxes shall be charged and paid from the remainder of my estate.

2.03. I authorize my Succession Representative to allocate the federal generation skipping transfer tax exemption available to my estate in the manner and to the extent he or she deems appropriate. Should my Succession Representative elect to have any property qualify for the marital deduction, I authorize such Representative to also make elections under Section 2652(a)(3) of the Internal Revenue Code to apply my unused generation skipping transfer tax exemption to such property to the extent he or she deems appropriate. If, notwithstanding any allocations of such exemption, federal generation skipping transfer tax is due, or may be due in the future, on any transfer with respect to which I am the transferor, such tax shall be paid from the assets constituting the generation skipping transfer. Notwithstanding the foregoing sentence, federal generation skipping transfer tax on any direct skip occurring at my death (other than any direct skip which occurs due to of a renunciation or disclaimer by one of my descendants of part or all of their interest in my estate), shall be paid by my estate.

2.04. The validity and construction of this will and its enforcement shall be determined under the laws of the State of Louisiana. Any reference to any provision of law shall also include any successor provisions appertaining thereto. References to state or federal taxes shall include any interest, penalties and additional amounts attributable thereto. If any provision of this will shall be



Tom Benson, Testator

27th day of July, 2015

standard of living, without taking into consideration her ability to provide for her own support or any other sources of income and assets available to her; 8) shall terminate upon the death of my spouse; and 9) all principal shall be distributed upon the death of my spouse in the following proportions: (i) fifty percent (50%) to the estate of my spouse; and (ii) the remainder to the Gayle and Tom Benson Charitable Foundation.

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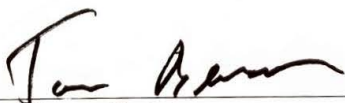
ARTICLE II - MISCELLANEOUS

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2.02. Expenses of administration and federal and state estate taxes and state inheritance taxes shall be charged and paid from the remainder of my estate.

2.03. I authorize my Succession Representative to allocate the federal generation skipping transfer tax exemption available to my estate in the manner and to the extent he or she deems appropriate. Should my Succession Representative elect to have any property qualify for the marital deduction, I authorize such Representative to also make elections under Section 2652(a)(3) of the Internal Revenue Code to apply my unused generation skipping transfer tax exemption to such property to the extent he or she deems appropriate. If, notwithstanding any allocations of such exemption, federal generation skipping transfer tax is due, or may be due in the future, on any transfer with respect to which I am the transferor, such tax shall be paid from the assets constituting the generation skipping transfer. Notwithstanding the foregoing sentence, federal generation skipping transfer tax on any direct skip occurring at my death (other than any direct skip which occurs due to of a renunciation or disclaimer by one of my descendants of part or all of their interest in my estate), shall be paid by my estate.

2.04. The validity and construction of this will and its enforcement shall be determined under the laws of the State of Louisiana. Any reference to any provision of law shall also include any successor provisions appertaining thereto. References to state or federal taxes shall include any interest, penalties and additional amounts attributable thereto. If any provision of this will shall be



Tom Benson, Testator

27th day of July, 2015

declared unconstitutional, unlawful, invalid, or incapable of execution, such fact shall in no way affect the validity of any other provision hereof which can be given reasonable effect without the provisions declared invalid or incapable of execution; nor shall such fact operate to nullify or rescind this will, but shall only serve to render ineffective the provisions declared invalid or incapable of execution without affecting the validity of the remainder, or the intent of the will as a whole.

ARTICLE III - SUCCESSION REPRESENTATIVE

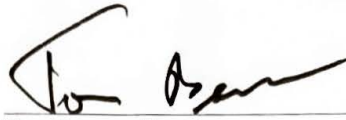
3.01. I appoint Dennis Lauscha as executor of my succession with full seizin and without bond. If Dennis Lauscha is for any reason unable or unwilling to serve or to continue to serve, I appoint Gayle Benson as successor executrix with full seizin and without bond. If Gayle Benson is for any reason unwilling or unable to serve or to continue to serve as executrix, I name and appoint Mickey Loomis and Greg Benseal to serve as successor co-executors, with full seizin and without bond. If either of Mickey Loomis or Greg Benseal is or becomes unwilling or unable to serve or to continue to serve as co-executor, I name and appoint as sole successor executor the one of them who is willing and able to serve or to continue to serve, with full seizin and without bond. In the event that Mickey and Greg cannot agree on any matter, Mickey's decision will control. I specifically grant my then surviving executor the power to appoint successor executors of this Last Will and Testament after my death, with full seizin and without bond. In no event shall Renee Benson, Rita Benson LeBlanc or Ryan LeBlanc serve as an executor or executrix of my succession. My executor(s) or executrix(s) is herein referred to as my "Succession Representative." I direct that my Succession Representative shall have authority to act as an independent administrator of my estate pursuant to the provisions of the Louisiana Code of Civil Procedure Articles 3396 and following.

3.02. I vest in my Succession Representative the broadest authority possible under the laws of the State of Louisiana, including the authority under Louisiana Civil Code articles 1302, 1572 and 1725, to allocate or assign specific assets to an heir or legatee in satisfaction of legacies expressed in terms of quantum or value. In distributing property (other than money) in satisfaction of a legacy expressed in terms of quantum or value, the amount of any such legacy satisfied or funded by a distribution of property shall be as determined by my Succession Representative in his or her sole discretion, either (1) the value of such property at the time of the distribution or (2) the federal estate tax value of such property; however, in the latter case my Succession Representative shall select for such distributions assets which fairly represent the appreciation and depreciation of all of the assets of my succession. My Succession Representative shall in his or her sole discretion determine whether to claim expenses of my estate as deductions on my federal estate tax return or, to the extent permitted by law, on any fiduciary income tax returns of my estate. The provisions contained in the Tom Benson July 2015 Revocable Trust referred to in Section 1.01 hereof shall govern the compensation of my executor.



Tom Benson, Testator
27th day of July, 2015
Page 3 of 4.

IN WITNESS WHEREOF, I have signed on each page and declared this to be my last will and testament in the presence of the Notary Public and the witnesses hereinafter undersigned on this 27th day of July, 2015.



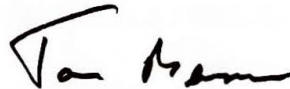
Tom Benson, Testator

In our presence, the Testator has declared or signified that this instrument is his testament and has signed it at the end and on each other separate page, and in the presence of the Testator and each other we have hereunto subscribed our names this 27th day of July, 2015.

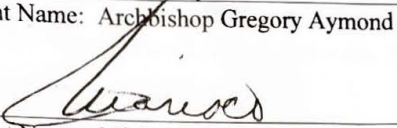
WITNESSES:



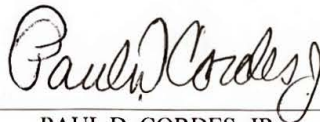
Print Name: Archbishop Gregory Aymond



Tom Benson, Testator



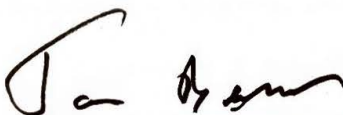
Print Name: Michael E. Guarisco



PAUL D. CORDES, JR.
NOTARY PUBLIC
La. Bar No. 04397

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DEPUTY CLERK OF DISTRICT COURT
JUL 28 2015



Tom Benson, Testator
27th day of July, 2015
Page 4 of 4.

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 18-2634

DIVISION " "

SUCCESSION

OF

THOMAS MILTON BENSON, JR.

FILED
2018 MAR 16 P 4:42
CIVIL DISTRICT COURT
DOCKET NO. _

A

FILED: _____

DEPUTY CLERK: SECTION 15

PETITION FOR PROBATE AND FOR INDEPENDENT ADMINISTRATION

The Petition of Dennis P. Lauscha, a person of the full age of majority and domiciled in New Orleans, Louisiana, through undersigned counsel, with respect represents:

1. DALE N. ATKINS
CLERK, CIVIL DISTRICT COURT

Thomas Milton Benson, Jr., a/k/a Thomas M. Benson, a/k/a Tom Benson (the

"Decedent") died on March 15, 2018 and was domiciled in New Orleans, Louisiana, at the time of his death.

Receipt Date	3/16/2018 4:50:00 PM
Receipt Number	683590
Cashier	mgagliano
Register	CDCCASH1

The Decedent left a last will and testament (the "Will"), in notarial form, executed

before Paul D. Cordes, Jr., Notary Public, and Archbishop Gregory Aymond and Michael E.

Guarisco, witnesses, on the 27th day of July, 2015 and a first codicil to the last will and testament

("First Codicil"), in notarial form, executed before Paul D. Cordes, Jr., Notary Public, and

Michael E. Guarisco and Vicky G. Neumeyer, witnesses, on the 22nd day of March, 2017, each

executed in accordance with the provisions of Louisiana Civil Code Article 1577. Petitioner

annexes the Will and First Codicil hereto and requests the Court to order the Will and First

Codicil filed and executed, in accordance with law.

Item	Charged	Paid	Bal
Petition Enclosure	\$373.50	\$373.50	\$0.00
Independent Administration			
Judicial College	\$0.50	\$0.50	\$0.00
Building Fund Fee	\$25.00	\$25.00	\$0.00
Indigent Legal Fee	\$10.00	\$10.00	\$0.00
JSC	\$24.50	\$24.50	\$0.00
Certified Copies	\$60.00	\$60.00	\$0.00

Under the Will, the Decedent appointed Dennis P. Lauscha, as Executor of his

estate, without bond, to carry out its dispositions. Decedent also granted to Dennis P. Lauscha

the authority to serve as an independent administrator, in accordance with La. Code of Civil

Procedure art. 3396 et seq. Accordingly, Dennis P. Lauscha desires to be confirmed as

Independent Testamentary Executor, without bond, and that Letters of Independent Executorship

be issued to him.

WHEREFORE, Petitioner, Dennis P. Lauscha, prays that:

1. The last will and testament and first codicil of the Decedent, Tom Benson, a/k/a Thomas M. Benson, a/k/a Thomas Milton Benson, Jr., be filed and executed according to law; and
2. He be confirmed as Independent Testamentary Executor and that Letters of Independent Executorship issue to him upon his complying with the requisites of law.

Respectfully submitted,



PAUL D. CORDES, JR., La. Bar #04397
MICHAEL E. GUARISCO, La. Bar #6366
JEAN K. NIEDERBERGER, La. Bar # 21679
Attorneys for Petitioners
601 Poydras Street, Suite 2355
New Orleans, Louisiana 70130
Telephone: (504) 587-7007
Facsimile: (504) 587-9067

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

FILED
2018 MAR 16 P 4:42

DOCKET NO. —
CIVIL
DISTRICT COURT

NO.

STATE OF LOUISIANA

DIVISION " "

SUCCESSION

OF

THOMAS MILTON BENSON, JR.

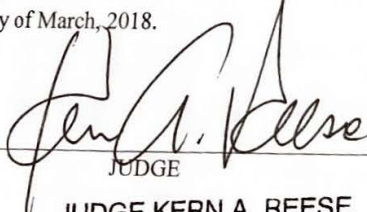
ORDER

Considering the foregoing Petition,

IT IS ORDERED that the last will and testament of decedent, Thomas Milton Benson, Jr., a/k/a Thomas M. Benson, a/k/a Tom Benson, dated July 27, 2015 and the first codicil to the last will and testament of the decedent dated March 22, 2017, each prepared in accordance with La. Civil Code art. 1577, be filed and executed herein.

IT IS FURTHER ORDERED that Dennis P. Lauscha be confirmed as independent testamentary executor of this estate and that Letters of Independent Executorship be issued to him upon his compliance with all legal requirements.

New Orleans, Louisiana, this 16th day of March, 2018.


JUDGE
JUDGE KERN A. REESE

TRUE COPY

CLERK, CIVIL DISTRICT COURT
MAR 22 2018