

**I, Robert N. Zautner, Sr.,** residing at 1571 New Scotland Road, Slingerlands in the Town of Bethlehem, Albany County, New York, declare this to be my last Will and revoke all Wills and Codicils heretofore made by me.

FIRST: I give, devise and bequeath all of my "Toll Gate" Business and my lands and buildings located at 1569 New Scotland Road, Slingerlands, NY known as the "Toll Gate" and the "Toll Gate Annex" to my son Robert N. Zautner, Jr., residing at Albany, N Y if he shall survive me and if not,

- A. Two thirds to my daughter Mary Smart, residing at Albany, NY.
- B. One third to be divided in equal shares between my daughter-in-law Barbara Hallenbeck, residing at Rensselaer, NY, my granddaughter Torri Hallenbeck Rivers, residing at Schenectady, NY and my granddaughter Erin Halverson, residing at Tempe, AZ. I further direct that these gifts shall not lapse upon the death of any beneficiary in this paragraph.

SECOND: I appoint my son Robert N. Zautner and my daughter Mary Smart, as the Co-Executors of my Will and if one of them is unwilling or unable to accept this appointment, I nominate, constitute and appoint the other as sole Executor. I direct that said Executors shall serve without bond or security.

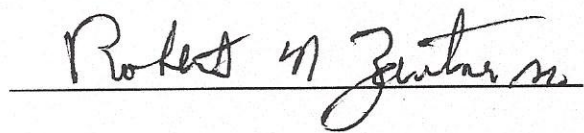
INITIALS OF ROBERT N. ZAUTNER, SR.

RN Z

THIRD: I give said Executors the fullest power and authority in all matters and questions, to do all acts which I might or could do if living, including without limitation, complete power and authority to invest, sell, borrow against, mortgage, lease and dispose of and distribute in kind, all property real and personal, at such times and upon such terms and conditions as she or he may deem advisable.

FOURTH: I direct that my Co-Executors pay out of my residuary estate without apportionment, all estate, inheritance, and like taxes imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof, in respect of all property required to be included in my gross estate for estate or like tax purposes by any such governments, whether the property passes under this Will or otherwise, without contribution by any recipient of any such property.

IN WITNESS WHEREOF, I hereafter sign my name and publish and declare this to be my Last Will in the presence of the persons witnessing it at my request this 21st day of December, 2007.



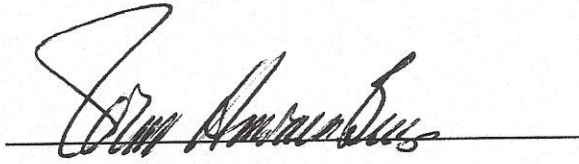
Robert N. Zautner, Sr.

The foregoing instrument, consisting of this and two other typewritten page, each identified by the initials of the Testator, was signed, published and declared by Robert N. Zautner, Sr., Testator, to be his Last Will and Testament, in our presence and we, at his request, and in his presence and in the presence of each other, have hereunto subscribed our names as


INITIALS OF ROBERT N. ZAUTNER



witnesses, this 21st day of December, 2007 at Slingerlands, New York, this attestation clause having been read aloud in the presence of the Testator.

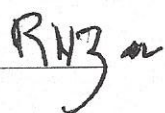
A handwritten signature in cursive script, appearing to read "John Howard Breeze", written over a horizontal line.

John Howard Breeze, residing at Bullock Road, Slingerlands, NY 12159

A handwritten signature in cursive script, appearing to read "Samantha Adams", written over a horizontal line.

Samantha Adams, residing at 658 Clipp Raod, Voorheesville, New York 12186

INITIALS OF ROBERT N. ZAUTNER

Handwritten initials "RNZ" in a stylized cursive script, with a small flourish to the right.



Affidavit of Attesting Witness to Will

In the Matter  
of  
The Execution of the Last Will and Testament  
of  
Robert N. Zautner, Sr.

STATE OF NEW YORK       }  
COUNTY OF ALBANY       } ss.:

John Howard Breeze and Samantha L. Adams, being severally duly sworn, depose and state:

That I, John Howard Breeze have offices at 1397 New Scotland Road in the Town of Bethlehem, County of Albany, State of New York, and am over eighteen (18) years of age, and that I, Samantha L. Adams reside at Clipp Road, in the Town of New Scotland, County of Albany, State of New York, and am over eighteen (18) years of age.

That we are acquainted with Robert N. Zautner, Sr., hereinafter referred to as the Testator of 1571 New Scotland Road, Slingerlands, New York.

That we were present and saw the said Testator subscribe his name at the end of a paper writing, dated the 21st day of December, 2007, and heard the Testator publish and declare the same to be his Last Will and Testament and that the said instrument was duly executed at Albany, New York.

That Testator, at the time of the aforesaid subscription and declaration, requested each of us to sign our names as witnesses thereto.

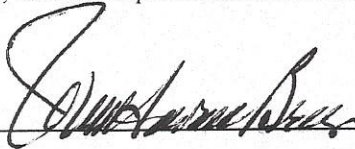
That each of us signed our names as such witnesses below the signature of the Testator, in the presence of each other and in the presence of the Testator.

That at the time of execution, the Testator stated that he was of the age of eighteen (18) years or over.

That at the time of the execution, in our opinion, Testator, was of sound mind, memory and understanding, and not under any mental or physical restraint and was in all respects competent to make a Last Will and Testament.

That Testator, at the time of execution, signed only one copy of the said Last Will and Testament.

That immediately following execution of the said Last Will and Testament, Testator requested each of us to make this affidavit and this affidavit is made in accordance with such request.



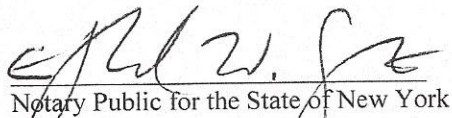
John Howard Breeze



Samantha L. Adams

Sworn to before me this

21st day of December, 2007



Notary Public for the State of New York  
Residing in Albany County  
My commission expires

Edward W. Stano  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires 04/26 2008

ROBERT N. ZAUTNER, SR.

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LAST WILL

DECEMBER 21, 2007

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BREEZE & STANO, PLLC  
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