LAW OFFICES
WARFIELD & ENTREKIN

Instrument Drafted By John G Doak - American Trust Bldg

AGREEMENT AND DEED

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RUSH

WHEREAS, Louie Henderson Ervin, a resident of Davidson County, Tennessee, did leave a Will in which he left his wife, Virginia B. Ervin, a house and lot located at 2705 Whites Creek Pike, to have and hold during her life, and thereafter said house and lot was to go to his children as tenants in common and, whereas, he did, by said Will, leave all of the rest of his property of whatsoever kind to his children, as tenants in common.

And WHEREAS, the same Louie Henderson Ervin never did own a house and lot located at 2705 Whites Creek Pike, but did own a house and lot at 2301 Whites Creek Pike, in which both he and the said Virginia B. Ervin lived at the time of his death and at the time the Will was executed,

And, WHEREAS, it was obviously his intention to leave Virginia B. Ervin a life estate in the house at 2301 Whites Creek Pike; and whereas it is the desire of their children that the intent of said Will be carried out and thus that she have such a life estate in this property; now therefore, in consideration of the love and affection which we, Lenorah Cobb, Helen Johnson, Harrison Ervin, Warren Ervin, and Margaree Anderson, the children of the said Louie Henderson Ervin, do hereby convey to the said Virginia B. Ervin, a life estate in the following described real property:

> A house and lot located at 2301 Whites Creek Pike and being Lot No. 23 of Haynies Dewey Heights Subdivision, as shown on the plan of record in Book 161, page 94, Register's Office for Davidson County, Tennessee.

Mrs Lenorah B. Cobb,
H Johnson
H.H.E. W.E. M L A V.B.E

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Being Part of the same property conveyed to Louie Henderson Ervin, by deed from Brentwood Realty Company, of record in Book 794, page 72, Register's Office for said County.

It is agreed between the parties signatory to this Agreement and Deed that the Will, referred to above, will not be probated because the laws of intestacy of the State of Tennessee would give the same results with the exception of giving the life estate in the house and lot to Virginia B. Ervin, and since the Will does not refer to the house and lot actually owned by the said Louie Henderson Ervin, it would serve no purpose.

It is further agreed between the parties signatory to this Agreement and Deed that the other real property including the house and lot located at 2303 Whites Creek Pike hereafter belong to the children of the said Louie Henderson Ervin and that they have the right to sell any or all of it at any time they please, and this without the agreement of their mother, Virginia B. Ervin.

If is further agreed between the parties signatory to this Agreement and Deed that the said Virginia B. Ervin shall have the privilege of renting out the premises at 2303 Whites Creek property and using the income for her upkeep until such time as the aforesaid children decide to sell such premises. At the time the said children decide to sell said premises, such privilege terminates.

It is further understood and agreed between the parties signatory to this Agreement and Deed that it will be the duty and obligation of the said Virginia B. Ervin to keep the property at 2301 Whites Creek Pike, in as good condition as it is presently and to pay the taxes on said property throughout her lifetime.

L.E.E. H.H.E. J.M.L.A.
H.E.E. W.L.E. V.B.E.

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It is also understood and agreed that she is to keep up the property at 2303 Whites Creek Pike and pay the taxes on it until such time as she no longer desires to rent it out or until such time as the children decide to sell said premises.

WITNESS our hands this the 3rd day of November, 1965.

A05690

IDENTIF. REFERENCE

JUL 10 1 34 PM '68

FELIX Z. HILL, REGISTER
DAVIDSON COUNTY, TENN.

Lenorah Cobb
LENORAH COBB

Helen Johnson
HELEN JOHNSON

Harrison Ervin
HARRISON ERVIN

Warren Ervin
WARREN ERVIN

Margaree L Anderson
MARGAREE ANDERSON

Virginia B. Ervin
VIRGINIA B. ERVIN

JOHN G. DOAK NOTARY PUBLIC DAVIDSON COUNTY

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, John G. Doak Notary Public in and for said County and State, the within named Leonorah Cobb, Helen Johnson, Harrison Ervin, Warren Ervin, Margaree Anderson, and Virginia B Ervin, the bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 3rd day of November, 1965.

John G. Doak
Notary Public

Commission Expires July 22, 1969

JUL 18 '68 MISC A* 4.50 * 4.50