BOOK 4801 PAGE 360

Map 41 - Par 67

Last Will and Testament

OF

MARY S. BOYD

APR-1? MISC A* 12.00 * 12.00

I, Mary S. Boyd, a resident of Davidson County, Tennessee, do hereby make, declare and publish this My Last Will and Testament, hereby revoking all former Wills and codicils made by me.

ITEM ONE: All estate, inheritance, and succession taxes assessable by reason of my death and all funeral and other expenses relative to the administration of my estate shall be paid by my executrix or executor as soon as is practicable after my death.

ITEM TWO: I give, devise and bequeath to my daughter, Frances Boyd Fuston, all of my interest in real estate, which I believe to be one-half (1/2) undivided interest in thirty (30) acres of land and the house thereon on Brick Church Pike, Davidson County, Tennessee, to be hers in fee simple absolute.

ITEM THREE: I give, devise and bequeath to my daughter, Frances Boyd Fuston, as Trustee, and/or Guardian for the benefit of my son, Thomas A. Boyd, an invalid, the amount of Five Thousand and No/100 ($5,000.00) Dollars in trust as hereinafter provided.

ITEM FOUR: I give, devise and bequeath all of the rest, residue and remainder of my entire estate, both real and personal, and wherever located, to my daughter, Frances Boyd Fuston, to be hers in fee simple absolute. I am aware of the fact that this distribution may not result in an equal distribution between my children, nevertheless, I am confident that my daughter, Frances Boyd Fuston, will expend whatever funds of her own might be necessary for the proper care of Thomas A. Boyd.

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ITEM FIVE: In the event Frances Boyd Fuston should not be living at the time of my death, I leave my entire estate, both real and personal, and wherever located, to my son, Thomas A. Boyd, but in Trust, as hereinafter provided.

ITEM SIX: In the event my daughter, Frances Boyd Fuston, does not survive me, I give, devise and bequeath all the property described in Item Five above of this Will, to my son-in-law, Beecher Y. Fuston as Trustee, (or in the event of his death, I appoint Marie D. Crunk, a niece, as Trustee) to be managed, controlled, invested, reinvested, and distributed by said Trustee or Substitute Trustee upon the following terms and conditions:

(1) The Trustee shall pay to or for the benefit of my invalid son, Thomas A. Boyd, the entire net income of my estate, or so much thereof as said Trustee may, in his sole discretion, deem necessary, in monthly, quarterly, semiannual or annual installments as may appear necessary.

(2) If at any time the Trustee, in his sole and unlimited discretion, shall be of the opinion that it is necessary or desirable to encroach upon the corpus of said Trust, as aforesaid, to maintain said invalid son, or to provide any necessary hospital, medical, nursing, or other type of care, the said Trustee is hereby authorized to encroach upon said corpus of said Trust to whatever extent he may determine to be necessary, proper or desirable, and to pay over to any responsible person for services for care of said son, all of said amounts as may have been expended for his use and benefit. This power of encroachment upon the corpus of this Trust is a continuing power for the duration of this Trust.

(3) It is my desire that the income from this Trust, and so much of the corpus as is necessary, be used to guarantee adequate

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maintenance and care for the said Thomas A. Boyd, and for this purpose I direct that my Trustee either accumulate the income or encroach upon the corpus as aforesaid and make payments to and for the benefit of said Thomas A. Boyd in such amounts and at such times as the Trustee may deem to be for the best interest of said Thomas A. Boyd.

(4) If the said Thomas A. Boyd should die prior to the exhaustion of this Trust I direct that the Trustee shall, after paying all expenses relative to the winding up of Thomas A. Boyd's estate, pay the corpus of this Trust over to Beecher Y. Fuston.

(5) I hereby give and grant to said Trustee, or Successor Trustee, full power and authority without the necessity of obtaining the consent of any Court to do all acts, to execute, acknowledge, and deliver all instruments and to exercise for the sole benefit of Thomas A. Boyd any and all of the powers prescribed in Chapter 110, Public Acts of the General Assembly of 1963, all of which are incorporated herein by reference as fully as if copied herein verbatim.

The trustee shall be excused from making reports to any Court, and I direct that no bond shall be required of my Trustee, or his Successor Trustee, for the faithful performance of his duties.

ITEM SEVEN: I nominate, constitute and appoint my daughter Frances Boyd Fuston, as Executrix of this my Last Will and Testament. In the event my daughter, Frances Boyd Fuston does not survive me, or shall fail to qualify, die, resign or cease to serve for any reason, I appoint Beecher Y. Fuston as alternate Executor in the place of my daughter. In the event Beecher Y. Fuston does not survive me, or shall fail to qualify, die, resign or cease to act for any reason, I appoint Marie D. Crunk as second Alternate Executrix in the place

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of Beecher Y. Fuston. All powers conferred in this Will upon my Executrix are likewise conferred upon my alternate Executor or second alternate Executrix. I direct that no bond or other security shall be required of my said Executrix or alternate Executors for the faithful performance of their duties as such.

I nominate and appoint Frances Boyd Fuston as Trustee of the contingent Trust established in this my Last Will and Testament and direct that my Trustee shall not be required to execute bond for the faithful performance of her duties. In the event my daughter, Frances Boyd Fuston does not survive me or shall fail to qualify, die, resign or cease to act as Trustee for any reason, I then appoint Beecher Y. Fuston as Trustee, or if he does not or is unable to perform for any reason I then appoint Marie D. Crunk as Trustee established in this my Last Will and Testament and direct that neither of the Substitute Trustees shall be required to execute bond for the faithful performance of their duties.

I authorize and empower my Executrix, Successor Executor, and/or Trustee or Substitute Trustee to dispose of any and all of my real estate and personal property in accordance with the terms of this Will, at public or private sale, at such times and on such terms and conditions as she or he may deem proper, and to execute, acknowledge, and deliver all paper writings, deeds of conveyance, and transfers thereof.

ITEM EIGHT: I request and suggest to my Executrix, and/or Executor and/or Trustee or Substitute Trustee that she or he employ Lucien Dale, Attorney, as attorney to represent them in Court in connection with any and all matters of legal nature relating to the administration of my estate or the Trust established hereby.

Mary S. Boyd

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In event of any misunderstanding, dispute, or possibility of more than one interpretation arising from the language in this instrument, I desire and direct that such issues shall be decided in favor of Thomas A. Boyd, my invalid son.

This Will is typewritten on five (5) pages identified by my signature on each page.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament and declare and publish it as such in the presence of witnesses this the 29 day of September, 1970.

Mary S. Boyd
Mary S. Boyd

The foregoing instrument consisting of five (5) pages was signed, sealed and published and declared by Mary S. Boyd, the testatrix, to be her Last Will and Testament, in our presence, and we, at her request, and in her presence, and in the presence of each other, have hereunto subscribed our names as attesting witnesses, this the 29 day of September, 1970, at Nashville, Tennessee.

Howard W. Hunter	4052 Birch Church Pike
NAME	ADDRESS
Mrs Howard W. Hunter	4052 Birch Church Pike
NAME	ADDRESS

IDENTIF. REFERENCE

APR 1 1 40 PM '71

FELIX Z. ELLIOTT REGISTER DAVIDSON COUNTY, TENN.

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PAGE FIVE OF THE LAST WILL AND TESTAMENT OF

Mary S. Boyd
MARY S. BOYD

STATE OF TENNESSEE, DAVIDSON COUNTY

BOOK 4801 PAGE 365

I, ROBERT E. WORRALL, Clerk of the County Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of Last Will and Testament of MARY S. BOYD, DECEASED, being probated March 15, 1973 and entered in Minute Book 226, Pate 110, and Will Book 106, Page 394

which remains of record on file in said office.

Given under my hand and official seal, at office, in Nashville, this 1st *day of* April *19* 74

R. E. Worrall

Clerk of the County Court.

By Juanita L. Vaughan

Deputy Clerk.