RECEIVED 11-30-84
DAVIDSON COUNTY
CHANCERY COURT

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

MAP 130-12
PARCEL 19

IN THE MATTER OF:
DOROTHY R. RUTHERFORD, deceased

David C. Rutherford, Executor

No. 83-743-II

12-5-84
131 42
BOOK 6490 PAGE 752

ORDER

This cause came to be heard on the 28th day of November, 1984, before the Honorable C. Allen High, Chancellor. Based upon the pleadings, the brief of petitioner, statements of counsel, and the entire record in this cause, the Court finds that David C. Rutherford is named Trustee, without bond, along with First American National Bank, of the trust created under the Will of the decedent, Dorothy R. Rutherford. The Court further finds that First American National Bank has declined to serve as such Trustee. The Court interprets the decedent's Will to state that the decedent intended distributions of income and/or principal to be made from the trust at least monthly to Amy E. Rutherford as the Trustee deems advisable for her maintenance and support. The Court finds that it is proper for the real property located at 4434 Alcott Drive, Nashville, Tennessee, more specifically described hereinafter, to be distributed to Amy E. Rutherford in lieu of the $50,000 cash bequest contained in the decedent's will. The Court also finds that the bringing of this action was a necessary and appropriate part of the administration of the decedent's estate and the costs of this cause, including attorney's fees, are properly payable from the decedent's estate. Wherefore, it is

ORDERED, ADJUDGED, AND DECREED that David C. Rutherford shall serve as sole Trustee, without bond, of the trust created under the Will of Dorothy R. Rutherford. It is further

ORDERED, ADJUDGED, AND DECREED that the Trustee shall make distributions of income and/or principal from the trust at least monthly to Amy E. Rutherford as the Trustee deems advisable for her maintenance and support. It is further

ORDERED, ADJUDGED, AND DECREED that any interest in the real property located at 4434 Alcott Drive, Nashville, Tennessee, more specifically described hereinafter, which is owned by the

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Estate of Dorothy R. Rutherford or the testamentary trust of Dorothy R. Rutherford be and it hereby is divested out of David C. Rutherford, Executor and Trustee, and vested in Amy E. Rutherford in lieu of the $50,000 cash bequest contained in the decedent's will. The said real property is described as follows:

> Land in Davidson County, Tennessee, being Lot No. 18 on the Plan of Hycrest Acres, Section 3, as of record in Book 2331, Page 75, Register's Office for said county.
>
> Said Lot No. 18 fronts 252.5 feet on the easterly side of Alcott Drive and extends back 165.2 feet on the northerly line and 176 feet on the southerly line to a dead end, measuring 254.5 feet thereon.
>
> Being the same real property conveyed to Alfred G. Rutherford and wife, Dorothy R. Rutherford, by Deed from George T. Hicks and wife, dated August 22, 1957, filed November 8, 1957, of record in Book 2703, Page 201, Register's Office for said county.

It is further

ORDERED, ADJUDGED, AND DECREED that the costs of this cause, including the fee of attorneys for petitioner, be considered necessary and appropriate costs of the administration of the decedent's estate and be paid from the decedent's estate.

Costs are adjudged against petitioner.

Enter this _____ day of _____, 1984.

C. Allen High

C. ALLEN HIGH, CHANCELLOR

Approved for Entry:

GUENTHER, WHITE & JORDAN

James D. Jordan

By: James D. Jordan
Attorneys for Petitioner
302 Nashville CityBank Building
315 Union Street
Nashville, Tennessee 37201
(615) 254-1207

Mail

I hereby certify that this is a true copy of original instrument filed in my office.

This 8th day of February 1985
CHRISTINA NORRIS Clerk & Master
By Bobbie D. Smith
Deputy Clerk

I 8 2 4 1 4

IDENTIF. REFERENCE

FEB 11 1 39 PM '85

REGISTER
DAVIDSON COUNTY, TN