AFFIDAVIT OF HEIRSHIP
(pursuant to TCA 31-2-310(B), et seq.)

mail

FROM: Jessie Mae Caldwell

This Instrument was prepared by: Ludwick & Lowell, 5th Floor, 501 Union Bldg., Nashville, TN 37219

TO: James Gray Caldwell
and
Hugh Michael Caldwell

1550 Gallatin Road,
Madison, Tennessee 37115

Map Parcel No. 34-09
Par 25

Re: The real property and personal property of the estate of Jessie Mae Caldwell, deceased, in Davidson County, Tennessee, as described herein.

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Affiant's, being first duly sworn according to law, depose and state:

1. That Jessie Mae Caldwell, died in Davidson County, Tennessee on December 10, 1985; and,

2. That said Jessie Mae Caldwell was a widow at the time of her death, survived by no husband; and,

3. That said Jessie Mae Caldwell was survived by affiant James Gray Caldwell, as the only surviving child born to her; and,

4. That the said Jessie Mae Caldwell left a paper writing of testamentary character purporting to be her Last Will and Testament, a machine copy of which is attached hereto and marked Exhibit "A", wherein certain specific devises were made to affiants James Gray Caldwell and Hugh Michael Caldwell; and,

5. That the estate of Jessie Mae Caldwell is solvent, there being sufficient assets from which all debts, taxes and expenses have been, or will be paid; and,

6. Although the said Will, a copy of which is attached hereto as Exhibit A has not been offered for probate, the right to do so later being reserved, one of the declared purposes and intent of this instrument is to give full effect to said Will and the wishes, intent and directions therein expressed by Jessie Mae Caldwell, the rights of all parties named therein being fully recognized and their interest in the estate and their rights therein are set out in said Will, all being fully recognized, and without the expense of probate and a formal administration; and,

7. The personal property of Jessie Mae Caldwell has been delivered to James Gray Caldwell as evidenced by his receipt attached hereto as Exhibit "B".

8. There are no persons other than those named herein as affiants and surviving heirs who would succeed to any interest in

her estate under the Tennessee statutes of decent and distribution if she had died without leaving the instrument of testamentary character.

NOW, THEREFORE, to carry into effect the provisions of said Will and implement the further agreement of the parties as they have exercised their right to agree respecting their recognition of said Will and all its provisions:

1. The real estate being Lot Nos. 5 and 6 and the southerly 55 feet of Lot No. 4 on the unrecorded map known as Altus Subdivision on the north part of Lot No. 6 on the map of Bransford Realty Company's Subdivision of Alta Loma, of record in Book 421, page 44, Register's Office for Davidson County, Tennessee, said subdivision being described according to any unregistered copy of a survey thereof made by Blanchard & Parrish, Engineers, in August, 1940, described as follows:

Beginning at a point in the westerly margin of Gallatin Road at the northeast corner of J. H. Gray property and the southeast corner of Lot No. 6; thence, along the north line of the J. H. Gray property, westerly 275 feet to a point being the southwest corner of Lot No. 6; thence, along the westerly lines of Lots No. 5, 4, northerly 200 feet to a point thence easterly 295 feet to a point in the westerly margin of Gallatin Road; thence along the westerly margin of Gallatin Road southerly 200 feet to the point of beginning. Said property was devised to James Gray Caldwell in said writing of testamentary character.

James Gray Caldwell desires to hold the above described real property in accord with the writing of testamentary character.

2. The real estate being Lot No. 1 on the unrecorded map known as Altus Subdivision of the north part of Lot No. 6 on the map of the Bransford Realty Company's Subdivision of Alta Loma, of record in Book 421, page 44, Register's Office for Davidson County, Tennessee, said resubdivision being described according to an unregistered copy of a survey thereof made by Blanchard & Parrish, Engineers, in August, 1940, described as follows:

Beginning at a point in the westerly margin of Gallatin Road, at the northeast corner of Lot No. 2 and the southeast corner of Lot No. 1; thence with a line between Lot Nos. 1 and 2, westerly 313.79 feet to a point; thence northerly 30 feet to a point in the southerly margin of a reserved but unopened road; thence with the margin of said road, westerly 299.27 feet to a point at the beginning of a curve having a delta of 104.17 feet, a tangent of 25.73 feet and a radius of 20.00 feet; thence, around said curve southeasterly 36.4 feet to a point in the westerly margin of Gallatin Road; thence along the westerly margin of Gallatin Road southerly 74.27 feet to the point of beginning. Said property was devised to Hugh Michael Caldwell in said writing of testamentary character.

Hugh Michael Caldwell desires to hold the above described real property in accord with the writing of testamentary character.

3. The real estate being the northerly part of Lot No. 6 on the map of the Bransford Realty Company's Alta Loma Subdivision on the Gallatin Pike as of record in Book 421, page 44, Register's Office for Davidson County, Tennessee, described according to a survey made on May 26, 1938, by Blanchard & Parrish, Surveyors, as follows:

Beginning at a point in the center of Gallatin Pike said point being 411.3 feet northerly from the southeasterly corner of said

Lot No. 6; running thence in a northeasterly direction with the center of said pike 502.7 feet to a point in the center of said pike, the northeasterly corner of said Lot No. 6; thence north 86 degrees 50 minutes west along a 40 foot road and a 30 foot reserved strip 1244 feet to a point on the right-of-way line of the L & N Railroad; thence southwardly along the right-of-way line of said road 327 feet to a stake, said stake being in the west line of Lot No. 6; thence south 78 degrees 45 minutes east 1139 feet to the point of beginning, containing by survey 11.2 acres, more or less.

Included in the above description but hereby expressly excluded is:

(a) Land in Davidson County, Tennessee, being Lot No. 2 and the northerly 45 feet of Lot No. 3, on the unrecorded map known as Altus Subdivision of the east part of the north part of Lot No. 6 of Bransford Realty Company's Subdivision of Alta Loma, as of record in Book 421, page 44, Register's Office for said county, and, also a part of Lot No. 6 of said Bransford Realty Company's Subdivision of Alta Loma, as of record in Book 421, page 44, Register's Office for said county, and described together as follows:

Beginning at a point on the westerly margin of Gallatin Road, at the corner of Lots 1 and 2 of said unrecorded resubdivision; thence with the line between said lots, westerly 313.8 feet, and continuing with said line, if extended, 27 feet to a point; thence southerly 115.1 feet more or less, to a point; thence easterly 328.7 feet to a point in the westerly margin of Gallatin Road, said point being 45 feet south of the common corner of Lots 2 and 3 on said plan; thence with the margin of said road, northerly 125 feet to the beginning.

(b) Being Lot No. 1 on the unrecorded map known as Altus Subdivision of the north part of Lot No. 6 on the map of Bransford Realty Company's Subdivision of Alta Loma, of record in Book 421, page 44, Register's Office for Davidson County, Tennessee, said resubdivision being described according to an unregistered copy of a survey thereof made by Blanchard & Parrish, Engineers, in August, 1940 described as follows:

Beginning at a point in the westerly margin of Gallatin Road, at the northeast corner of Lot No. 2 and the southeast corner of Lot No. 1; thence with a line between Lot Nos. 1 and 2, westerly 313.79 feet to a point; thence northerly 30 feet to a point in the southerly margin of a reserved but unopened road; thence with the margin of said road, westerly 299.27 feet to a point at the beginning of a curve having a delta of 104.17 feet, a tangent of 25.73 feet and a radius of 20.00 feet; thence, around said curve southeasterly 36.4 feet to a point in the westerly margin of Gallatin Road; thence along the westerly margin of Gallatin Road southerly 74.27 feet to the point of beginning.

(c) Being Lot Nos. 5 and 6 on the southerly 55 feet of Lot No. 4 on the unrecorded map known as Altus Subdivision on the north part of Lot No. 6 on the map of Bransford Realty Company's Subdivision of Alta Loma, of record in Book 421, page 44, Register's Office for Davidson County, Tennessee, said resubdivision being described according to any unregistered copy of a survey

thereof made by Blanchard & Parrish, Engineers, in August, 1940, described as follows:

Beginning at a point in the westerly margin of Gallatin Road at the northeast corner of J. H. Gray property and the southeast corner of Lot No. 6; thence, along the north line of the J. H. Gray property, westerly 275 feet to a point being the southwest corner of Lot No. 6; thence, along the westerly lines of Lots No. 6, 5, 4, northerly 200 feet to a point thence easterly 295 feet to a point in the westerly margin of Gallatin Road; thence along the westerly margin of Gallatin Road southerly 200 feet to the point of beginning.

Said real estate was devised to James Gray Caldwell and Hugh Michael Caldwell in said writing of testamentary character.

It is the desire of the parties that the title to the above described real property shall be taken and held by the said James Gray Caldwell and Hugh Michael Caldwell.

The said affiants, because of their love for each other and in an earnest effort to accomplish the purposes of the Will and exercise their rights to agree with respect to their indiyidual interest established by the Will, have made distribution of the estate of Jessie Mae Caldwell in the manner hereinabove set out.

Witness our hands this the 21st day of May, 1986.

James Gray Caldwell
James Gray Caldwell

Hugh Michael Caldwell
Hugh Michael Caldwell

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Subscribed to and sworn to before me, a Notary Public ths the 21st day of May, 1986.

NOTARY PUBLIC

My Commission Expires: 8-16-87.

LAST WILL AND TESTAMENT
OF
JESSIE MAE CALDWELL

I, Jessie Mae Caldwell, a citizen and resident of Davidson County, Tennessee, do publish and declare this to be my Last Will and Testament hereby revoking all Wills and Codicils heretofire made by me.

Item 1

I direct that all my just debts, my funeral expenses and the costs of administration of my estate be paid as soon as practicable after my death. I further direct that there shall be paid out of my residuary estate, without apportionment, all estate, inheritance, sucession, and other taxes assessed by reason of my death, imposed by the goverment of the United States, or any state or territory thereof, in respect to all property required to be included in my gross estate for estate or like tax purposes, whether the property passes under this Will or otherwise, without contribution by any recipient of any such property.

Item 11

I devise in fee to my son, James Gray Caldwell, or his issue per stirpes, the following property in Davidson County, Tennessee, which includes my house located at 1550 Gallatin Road, North, Madison, Tennessee described as follows:

Being Lot Nos. 5 & 6 and the southerly 55 feet of Lot No. 4 on the unrecorded map known as Altus Subdivision of the north part of Lot No. 6 on the map of the Bransford Realty Company's subdivision of Alta Loma, of record in Book 421 page 44, Register's Office for Davidson County, Tennessee, said resubdivision being described according to any unregistered copy of a survey thereof made by Blanchard & Parrish, Engineers, In August 1940, described as follows:

Beginning at a point in the westerly margin of Gallatin Road at the northeast corner of the J. H. Gray property and the southeast corner of Lot No. 6; thence, along the north line of the J. H. Gray property, westerly 275 feet to a point being the southwest corner of Lot No. 6; thence, along the westerly lines of Lot Nos. 6, 5, and 4, northerly 200 feet to a point thence easterly 295 feet to a point in the westerly margin of Gallatin Road; thence along the westerly margin of Gallatin Road southerly 200 feet to the point of beginning.

Jessie Mae Caldwell

[redacted]

APPENDIX A

Item III

I devise in fee to my grandson, Hugh Michael Caldwell or his issue per stirpes, the following property in Davidson County, Tennessee, described as follows:

Being Lot No. 1 on the unrecorded map known as Altus Subdivision of the north part of Lot No. 6 on the map of the Bransford Realty Company's Subdivision of Alta Loma, of record in Book 421, page 44, Register's Office for Davidson County, Tennessee, said resubdivision being described according to an unregistered copy of a survey thereof made by Blanchard & Parrish, Engineers, in August, 1940 described as follows:

Beginning at a point in the westerly margin of Gallatin Road, at the northeast corner of Lot No. 2 and the southeast corner of Lot No. 1; thence with the line between Not Nos. 1 and 2, westerly 313.79 feet to a point; thence northerly 30 feet to a point in the southerly margin of a reserved but unopened road; thence with the margin of said road, westerly 299.27 feet to a point at the beginning of a curve having a delta of 104.17 feet, a tangent of 25.73 feet and a radius of 20.00 feet; thence around said curve southeasterly 36.4 feet to a point in the westerly margin of Gallatin Road; thence along the westerly margin of Gallatin Road southerly 74.27 feet to the point of beginning.

Item IV

All the rest, residue and remainder of my property which I may own at the time of my death, real, personal, and mixed, tangiable and intangiable of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises, all life insurance payable to my estate I bequeath and devise in fee to my son, James Gray Caldwell, and my grandson, Hugh Michael Caldwell, share and share alike, or their issue per stirpes.

Item V

I hereby nominate, constitute and appoint my son, James Gray Caldwell, as Executor of this my Last Will and Testament and direct that no bond be required for the faithful performance of his duties.

Jessie Mae Caldwell

Item VI

In the event my son should predecease me, or otherwise be unwilling or unable to serve, I nominate, constitute, and appoint my grandsons, Hugh Michael Caldwell and Steven Gray Caldwell, as Executors of this my Last Will and Testament and direct that no bond be required for the faithful performance of their duties.

In Testimony Whereof, I have hereunto subscribed my name to the Last Will and Testament at Madison, Davidson County, Tennessee this 4th day of January, 1982.

Jessie Mae Caldwell

Jessie Mae Caldwell-Caldwell

The foregoing instrument consisting of this and two preceeding typewritten pages, was signed, sealed, published and declared by Jessie Mae Caldwell, 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 Witnesses this 4th day of January, 1982.

[illegible] (Witness)

1546 Gallatin Rd.
Madison, Tenn 37115
(Address)

Hugh Caldwell (Witness)

1546 Gallatin Rd.
Madison TN 37115
(Address)

[STATE OF TENNESSEE]
[COUNTY OF DAVIDSON]

AFFIDAVIT

Personally appeared before me Jerry C. Smartt
a Notary Public in and for said State and County,
Jane Keller and Jack Keller. to me known,
who made oath as follows:

1. That they were requested by the testatrix, Jessie Mae Caldwell, to witness testatrix' signature to the attached Last Will and Testament of testatrix, and they were further requested by the testatrix to execute this affidavit;

2. That the testatrix signed said instrument and declared the same to be her Last Will and Testament in the presence of each of the undersigned, on the date set forth herein and therein;

3. That each of the undersigned in turn signed the said instrument on the same date, as attesting witnesses, in the sight and presence of the testatrix and of each other;

4. That the testatrix was of apparent sound mind and disposing memory at the time of the execution of said instrument; and

That this affidavit is made pursuant to T.C.A. 32-211.

Jane Keller

Jack Keller

Subscribed and sworn to before me this 4th day of January, 1982.

Jerry C. Smartt
Notary Public

Seal

My Commission Expires 11-30-85

RECEIPT FROM BENEFICIARY

James Gray Caldwell, the undersigned, by these presents does hereby acknowledge delivery to him and receipt by him of the personal property formerly belonging to Jessie Mae Caldwell, deceased, consisting of bank accounts, furniture and miscellaneous personal effects, bequeathed to him in Item IV of the Last Will and Testament of said Jessie Mae Caldwell, a copy of which has been made Exhibit A to the Affidavit of Heirship executed by James Gray Caldwell and Hugh Michael Caldwell of even date herewith.

For and in consideration of the delivery of said personal property to James Gray Caldwell, and without formal administration upon the Estate of Jessie Mae Caldwell, deceased, said James Gray Caldwell has agreed that he will, within a reasonable period of time, cause to be filed the appropriate tax returns and agrees that if inheritance taxes must be paid upon the estate, he will pay such portion of the tax as is applicable to the personal property.

IN WITNESS WHEREOF, the undersigned has executed this receipt on the 21st day of May, 1986.

James Gray Caldwell
JAMES GRAY CALDWELL

IDENTIFICATION REFERENCE

0 3 4 1 4

MAY 22 10 52 AM '86
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

APPENDIX B