MAP
150-1-336

BOOK 11 PAGE 786

BOOK 6945 PAGE 516

Last Will and Testament

OF

DOYLE CARTER PAYNE

I, Doyle Carter Payne, of Buchanan County, Virginia, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

I.

I hereby direct that all my just debts and funeral expenses be paid as soon as practical after my death.

II.

I hereby give, devise and bequeath my home in Hurley, Virginia, including all buildings and improvements thereon, being the same property acquired by me by Deed dated October 26, 1973, and recorded October 27, 1973, in the Clerk's Office of the Circuit Court of Buchanan County, Virginia, in Deed Book 216, page 576, to my mother, Yantus Payne, for her life, and upon her death, I direct my Executor named herein to sell this property for such price and upon such terms, credits and conditions as my Executor may deem advisable, and to divide evenly the proceeds of said sale amongst my five children, or their issue surviving them, per stirpes. If my mother should fail to survive me, then I direct my Executor to proceed with said sale at my death.

III.

I give, devise and bequeath the proceeds of any and all insurance policies payable as a result of my death to my five children, with the exception of Kathy Payne Banding, in equal shares, or their issue surviving them, per stirpes.

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IV.

I direct my Executor to sell my real estate, together with all improvements thereon, located in the Lee District of Mingo County, West Virginia, being that same property acquired by me by Deed dated November 21, 1979, and recorded in the Clerk's Office of the Circuit Court of Mingo County, West Virginia, in Deed Book 251, page 441, for such price and upon such terms, credits and conditions as my Executor may deem advisable. I then direct my Executor to divide evenly the proceeds of said sale amongst my five children, or their issue surviving them, per stirpes.

V.

I give, devise and bequeath to my daughter, Kathy Payne Banding, that certain real estate, together with all improvements thereon, located in Davidson County, Tennessee, being more particularly described as Lot No. 71 in the Edge-O-Lake Estates, Section 81, of record in Book 4675, page 84, in the Register's Office of said County.

VI.

I give, devise and bequeath to my daughter, Kathy Payne Banding, my automobile, my pickup truck, my collection of guitars and the proceeds of any and all bank accounts that I may hold in my name at the time of my death.

VII.

All the rest, residue and remainder of my property and estate, whether real, personal or mixed, of whatsoever kind and wheresoever situate, of which I shall die seized and possessed or of which I shall be entitled to dispose of at the time of my death (my "Residuary Estate"), I give, devise and bequeath, in as equal shares as possible, as may be determined by my Executor, to my five children, or their issue surviving them, per stirpes.

VIII.

I hereby nominate and appoint my daughter, Kathy Payne Banding, as Executrix of this my Last Will and Testament. If for any reason she be unable or unwilling to serve or continue to serve as such, I hereby nominate and appoint Dow Merrick as Executor of this my Last Will and Testament and request that they be permitted to qualify as such without the necessity of posting bond or other surety.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, written on five (5) sheets of paper, in the margin of each of which, for the purpose of identification, I have hereunto subscribed my initials, this 8th day of November, 1984.

Doyle Carter Payne

Doyle Carter Payne

Signed and acknowledged by Doyle Carter Payne, being of sound and disposing mind, as and for his Last Will and Testament, in the presence of us, who, in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses, this 8th day of November, 1984.

WITNESS: Evelyn McClanahan Grundy Va. 24614

WITNESS: Rebecca S. Bartley, Grundy, Va.

WITNESS: Karen S. Rowett, Grundy Va.

STATE OF VIRGINIA,

COUNTY OF BUCHANAN, to-wit:

Before me the undersigned authority, on this day personally appeared Doyle Carter Payne, Evelyn McClanahan, Rebecca S. Bartley, and Karen S. Rowlett, known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument, and all of these persons being by me first duly sworn, Doyle Carter Payne, the Testator, declared to me and to the witnesses in my presence that said instrument is his Last Will and Testament and that he had willingly signed and executed it in the presence of said witnesses as his free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as his Last Will and Testament in the presence of said witnesses, who, in his presence did subscribe their names thereto as attesting witnesses, on the day of the date of said Will, and that the Testator, at the time of execution of said Will, was over the age of eighteen years and of sound and disposing mind and memory.

Doyle Payne Payne
Testator

Evelyn McClanahan
Witness

Rebecca S. Bartley
Witness

Karen S. Rowlett
Witness

WCB

Signed, sworn and acknowledged before me by Doyle Carter Payne, the Testator; signed, sworn and acknowledged before me by Evelyn McClanahan, Rebecca S. Bartley, and Karen S. Rowlett, witnesses, this 8th day of November, 1984.

My commission expires the 7-1 day of March, 1987.

NOTARY PUBLIC

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STATE OF VIRGINIA,
COUNTY OF BUCHANAN, to-wit:

I, Russell V. Presley, Clerk of the Circuit Court of the County of Buchanan, in the State of Virginia, do hereby certify that the foregoing and hereto annexed writing is a true and complete copy of the Last Will and Testament of Doyle Carter Payne, Probate Order and List of Heirs as the same appears of record in my office in the County and State aforesaid, in Will Book No. 11 page 786.

Given under my hand and seal of the Circuit Court of Buchanan County, a Court of Record, this the 18th day of June, 1986.

TESTE: Russell V. Presley CLERK
CIRCUIT COURT OF BUCHANAN COUNTY, VIRGINIA

STATE OF VIRGINIA,
COUNTY OF BUCHANAN, to-wit:

I, Nicholas E. Persin, Judge of the Circuit Court of Buchanan County, in the State of Virginia, do hereby certify that Russell V. Presley, Clerk, whose name is signed to the foregoing certificate is now, and was at the time of the signing of said certificate Clerk of the Circuit Court of Buchanan County, Virginia, said Clerk having been elected and is duly qualified according to law; that his said signature is genuine; that all his official acts are entitled to full faith and credit; that the attestation of the said Last Will and Testament of Doyle Carter Payne, Probate Order and List of Heirs and to the said certificate is in due form of law; and that the Seal of the Court annexed thereto was duly affixed by the said Clerk as aforesaid.

Given under my hand this the 18th day of June, 1986.

Nicholas E. Persin, JUDGE
CIRCUIT COURT OF BUCHANAN COUNTY, VIRGINIA

STATE OF VIRGINIA,
COUNTY OF BUCHANAN, to-wit:

I, Russell V. Presley, Clerk of the Circuit Court of Buchanan County, in the State of Virginia do hereby certify that Nicholas E. Persin, whose name is signed to the foregoing certificate is now, and was at the time of signing of said certificate, Judge of the said Circuit Court of Buchanan County, State of Virginia, duly qualified according to law; that his signature is genuine; and that all his official acts are entitled to full faith and credit.

Given under my hand, this the 18th day of June, 1986.

TESTE: Russell V. Presley CLERK
CIRCUIT COURT OF BUCHANAN COUNTY, VIRGINIA

BOOK 11 PAGE 791

BOOK 6945 PAGE 522

IN RE: WILL OF DOYLE CARTER PAYNE, DECEASED.

VIRGINIA: In the Clerk's Office of the Circuit Court of the County of Buchanan, the 27th day of May, 1986.

A paper writing bearing date the 8th day of November, 1984, purporting to be the Last Will and Testament of Doyle Carter Payne, was this day presented in the Clerk's Office of the Circuit Court of Buchanan County, Virginia, by Kathy Payne Bandy, who is named in said writing as Executrix thereof, and offered for probate.

It appearing to the undersigned Clerk from the evidence introduced, that the said Doyle Carter Payne departed this life on the 5th day of May, 1986, that at the time of his death, he had a known place of residence in Buchanan County, Virginia, and owned personal property therein.

And it further appearing to the Clerk that the aforesaid writing was duly executed pursuant to the provisions of Section 64.1-87.1 of the 1950 Code of Virginia, as amended, and has thereby been legally proven, the said writing is hereby admitted to probate and ordered to be recorded as and for the true last will and testament of Doyle Carter Payne, deceased.

Whereupon, Kathy Payne Bandy, the Executrix named in said will, being a non-resident of the State of Virginia, requested the appointment of Willard Bandy to qualify with her as Co-Administrators with will annexed, of the estate of Doyle Carter Payne, deceased.

Now, therefore, upon motion of Kathy Payne Bandy and Willard Bandy, the undersigned Clerk doth hereby appoint the said Kathy Payne Bandy and Willard Bandy, Co-Administrators with the will annexed of Doyle Carter Payne, deceased, and from the evidence introduced before the undersigned Clerk their bond is fixed in the penalty of Ninety-two Thousand ($92,000.00) Dollars. Thereupon, Kathy Payne Bandy and Willard Bandy qualified as such Co-Administrators with will annexed, by taking and subscribing the oath required by law, and together with Fidelity and Deposit Company of Maryland as their surety, entered into and acknowledged a bond in the penalty of Ninety-two Thousand ($92,000.00) Dollars, conditioned and payable according to law. Certificate is, therefore, granted to the said Kathy Payne Bandy and Willard Bandy for obtaining letters testamentary upon the estate of Doyle Carter Payne, deceased.

Upon motion of Kathy Payne Bandy and Willard Bandy, Co-Administrators with will annexed, as aforesaid, the appointment of appraisers is hereby waived and the personal representatives are hereby directed to file with the Commissioner of Accounts a personal accounting of said estate.

TESTE: Russell V. Pinkard CLERK

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VIRGINIA, BUCHANAN COUNTY, to-wit:

In the Clerk's Office of the County and State aforesaid, the 27th day of May, 1986, the foregoing Last Will and Testament of Doyle Carter Payne, deceased, and the proceedings with the probating of same, were presented and admitted to record and recorded in Will Book No. 11 page 786.

TESTE: Russell A. Lusby CLERK

C. W. WARTHEN CO., INC.
LYNCHBURG, VIRGINIA Form No. 169-W—List of Heirs—Code 1950, Sec. 64. 1-134

BOOK 6945 PAGE 524

Virginia:

BOOK 11 PAGE 793

In the Clerk's Office of the Circuit *Court of the* County *of* Buchanan:

Estate of Doyle Carter Payne, deceased.

We, ~~We,~~

I, ~~the~~ undersigned, who this day qualified before the Clerk of the Circuit Court of the County of Buchanan as ~~Executrix/Administratrix~~ ~~Executor/Administrator~~ Co-Administrators with will annexed of the estate of Doyle Carter Payne, deceased, late of the County of Buchanan Virginia, on my oath do say that ~~I~~ we have made diligent inquiry and that ~~I~~/we believe the following to be a true and correct list together with the ages and the address of the heirs of ~~my~~/our decedent Doyle Carter Payne who died testate/~~intestate~~ on May 5, 1986, had there been no will.

LIST OF HEIRS

NAME	Approximate AGE	Relationship	ADDRESS
Connie Miller	32	Daughter	Elkton, Md. 21921
Doyle Payne, Jr.	31	Son	Elkton, Md.
Kathy Payne Bandy	30	Daughter	2912 Moss Springs, Antioch, TN. 37013
Jerry Payne	27	Son	Elkton, Md.
Robert Payne	25	Son	Nashville, Tenn

Given under our hands, this 27th day of May, 19 86.

30263

IDENTIFICATION REFERENCE

AUG 11 10 40 AM '86

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

Kathy Bandy
Willard Bandy

Co- Administrators with will annexed

Subscribed and sworn to before me, this 27th day of May, 19 86.

Russell V. Presley, Clerk.

, Deputy Clerk.

The foregoing List of Heirs was presented to the Clerk of the Circuit Court of Buchanan County, Virginia, on the 27th day of May, 19 86 and admitted on record as the law directs. Recorded in Will Book No. 11 page 793.

Russell V. Presley, Clerk.

, Deputy Clerk.

C. W. WARTHEN CO. LYNCHBURG, VA. Form No. 311

The Commonwealth of Virginia, BOOK 6945 PAGE 525

In the Clerk's Office of the Circuit *Court of the* County *of* Buchanan

I, Russell V. Presley, Clerk of the Circuit Court of the County of Buchanan, in the State of Virginia, the same being a Court of record, the said Court, and the Clerk thereof, having jurisdiction of the probate of wills, grant of administration, appointment of guardians, under the laws of Virginia,

DO HEREBY CERTIFY, That Kathy Payne Bandy and Willard Bandy were,

~~was~~ on the 27th day of May, 19 86, by said ~~Court~~ (or Clerk) appointed Administrators with Will annexed, of the estate of Doyle Carter Payne, deceased,

and that the said fiduciary duly qualified and gave bond as such in the penalty of ----------Ninety-two Thousand & No/100---------- Dollars, with approved security, according to law, and is fully authorized and empowered to act as such, and that his acts are entitled to full faith and credit.

I FURTHER CERTIFY, That the said appointment and qualification has not been revoked or annulled, and is still in full force and effect.

Given under my hand and the seal of said Court, this the 27th day of May, 1986.

Russell V. Presley, *Clerk.*

By....., *Deputy Clerk.*