B0440

This Instrument Prepared By:
L. H. Armistead, III
Bone, Langford & Armistead
A Professional Law Corporation
Vanderbilt Plaza, Suite 900
2100 West End Avenue
Nashville, Tennessee 37203

AFFIDAVIT OF HEIRSHIP

(executed pursuant to TCA § 30-2-712)

FROM: MARGIE JANE BENSON

TO: NONA BELL BENSON
and ANN B. MULLEN

Address New Owner(s) As Follows	Send Tax Bills To	Map Parcel Numbers
Ann B. Mullen Nona Bell Benson	Same	147-1-96
4727 Danby Drive		
Nashville, Tennessee 37211		

Re: The real and personal estate of Margie Jane Benson, deceased, including, but not limited to, certain realty in Davidson County, Tennessee, that Margie Jane Benson owned as tenant in common with Ann B. Mullen, the same being:

> Land in Davidson County, Tennessee, being Lot No. 338 on the Plan of Caldwell Hall, Section III, as of record in Book 2900, page 131, Register's Office for Davidson County, Tennessee.
>
> Said lot fronts 85 feet on the west side of Danby Drive and runs back between lines 125 feet to a dead line in the rear, which is a broken line on which it measures 115.45 feet.
>
> Being the same property conveyed to Margie Jane Benson and Ann B. Mullen by deed from Billy R. Potter and wife, Joyce P. Potter, of record in Book 4358, page 202, Register's Office for Davidson County, Tennessee; the said Margie Jane Benson having since died and her Last Will and Testament having been admitted to probate, of record in Will Book 154, page 7, Probate Court Clerk's Office for Davidson County, Tennessee.

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

AFFIANTS, being first duly sworn according to law, depose and say:

1. That Margie Jane Benson died in Davidson County, Tennessee, on December 24, 1985;

2. That the said Margie Jane Benson was single at the time of her death, survived by no husband; and

3. That the said Margie Jane Benson was survived by affiants, Nona Bell Benson, her mother, and Ann B. Mullen, her sister.

4. That the said Margie Jane Benson 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 Margie Jane Benson more specifically bequeathed all the rest and residue of her property, real, personal or mixed, and of every kind and character and wherever located, to Nona Bell Benson, which included the interest in the above described real property.

5. That Ann B. Mullen, as sister of the decedent, Margie Jane Benson, and as Executrix named in her Last Will and Testament, joins in this Affidavit.

6. That the estate of Margie Jane Benson is solvent, there being sufficient personalty from which all debts, taxes and expenses have been, or will be, paid; and

6. The said will, a copy of which is attached hereto as "Exhibit A," has been offered for probate, and 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 the said Margie Jane Benson, the rights of all the parties named therein being fully recognized and their interests in the said estate and their rights therein are as set out in said will, all being fully recognized, and without the expenses of probate and a formal administration; and

7. That there are no persons other than those named herein as affiants who would succeed to any interest in her estate under the Tennessee statutes of descent 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 to implement the further agreement of the parties as they have exercised their right to agree respecting their recognition of the said will and all of its provisions, 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 individual interests established by the will, have made distribution of the estate of Margie Jane Benson in the manner hereinabove set out.

Witness our hands this the 13th day of November, 1986.

Nona Bell Benson
NONA BELL BENSON

Ann B. Mullen
ANN B. MULLEN

Ann B. Mullen, Executrix of the Estate of Margie Jane Benson
ANN B. MULLEN, Executrix of the Estate of Margie Jane Benson

Sworn to and subscribed before me this 13th day of November, 1986.

NOTARY PUBLIC

My Commission Expires:

3/25/90

State of Tennessee

County of Williamson

EXHIBIT A

I, MARGIE JANE BENSON OF MADISON, TENNESSEE, DO MAKE AND PUBLISH THIS MY LAST WILL AND TESTAMENT, HEREBY REVOKING ALL FORMAL WILLS BY ME HERETOFORE MADE.

BOOK 7046 PAGE 494

ITEM I

I DIRECT MY EXECUTRIX HEREINAFTER NAMED TO PAY MY JUST DEBTS AND FUNERAL EXPENSE OUT OF THE FIRST MONEYS COMING INTO HER HANDS.

ITEM II

ALL THE REST AND RESIDUE OF MY PROPERTY, REAL, PERSONAL OR MIXED AND OF EVERY KIND AND CHARACTER, AND WHEREVER LOCATED, I GIVE, DEVISE AND BEQUEATH TO MRS. NONA BELL BENSON, MOTHER, AND, IF DECEASED, TO MRS. MARY ANN BENSON MULLEN, SISTER.

ITEM III

I NOMINATE MRS. MARY ANN BENSON MULLEN, MY SISTER, AS MY EXECUTRIX AND REQUEST THAT THE COURT EXCUSE HER FROM MAKING BOND.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND, THIS THE 13th DAY OF March 1968.

Margie Jane Benson

SIGNED BY THE SAID MISS MARGIE JANE BENSON AS AND FOR HER LAST WILL AND TESTAMENT, IN THE PRESENCE OF US, THE UNDERSIGNED, WHO, AT HER REQUEST, AND IN HER SIGHT AND PRESENCE, HAVE SUBSCRIBED OUR NAMES AS ATTESTING WITNESSES, THIS THE 13th DAY OF March 1968.

Grace P. Murff

Sara M. Foster

IDENTIFICATION REFERENCE

Nov 20 3 25 PM '86

FELIX Z. WILSON JR REGISTER
DAVIDSON COUNTY, TN

6557