LAW OFFICES
FARR EVANS & WARFIELD
THIRD NATIONAL BANK BUILDING
NASHVILLE, TENNESSEE 37219

LAST WILL AND TESTAMENT

OF

MARVIN TERRELL COUSER

BOOK 7720 PAGE 958

I, MARVIN TERRELL COUSER, a resident of Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

ITEM I: I direct that all of my just debts, my funeral expenses, and the costs of administration of my estate be paid as soon as practicable after my death. My Executor, in its sole discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

ITEM II: I direct that there shall be paid out of that portion of my residuary estate which is not included in the share qualifying for the marital deduction, without apportionment, all estate, inheritance, succession and other taxes (together with any penalty thereon), assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, in respect of all property required to be included in my gross estate for estate or like tax purposes by any of such governments, whether the property passes under this will or otherwise, without contribution by any recipient of any such property.

ITEM III: I bequeath to my wife, LURA COUSER, if she survives me, all household goods and furnishings and any automobile owned by me at the time of my death.

ITEM IV: I devise to my wife, LURA COUSER, if she survives me, the parcel of real property now occupied by me as my residence with all appurtenances and improvements used in connection therewith, located in Davidson County, Tennessee, and commonly known as 407 Brentlawn Road, Nashville, Tennessee, during the term of her life. I direct that my wife, LURA COUSER, shall

pay all charges incident to maintaining said property including, without limitations, all assessments, insurance premiums, taxes and ordinary repairs. If my wife, LURA COUSER, fails to pay any of such charges, then either of my sons may pay the same; and in such event, such son so paying shall have a lien against said property in the amount so expended with interest thereon at the rate of 6% per annum until paid.

My wife, LURA COUSER, shall not be required to account for or to repair any waste, injury, or damage to or depreciation of such property or to replace any part thereof which may be consum used up or destroyed, unless the same is attributable to her act or omission.

Upon the death of my wife, LURA COUSER, I devise said property in fee and in equal shares to my children, TERRELL WAYNE COUSER and GARY KEITH COUSER.

ITEM V: I devise and bequeath to my wife, LURA COUSER, if she survives me, any and all of my interest in all property and property rights which I may have in any manner pertaining to the business known as Couser's Lamplighter Restaurant, presently located at 614 Thompson Lane, Nashville, Tennessee.

I charge this bequest to my said wife with the obligation to pay to my brothers, THOMAS R. COUSER and NORMAN S. COUSER, a reasonable salary of at least $350.00 per week for each of them for such period as my said wife has any financial interest in said restaurant business and for such period as either brothe desires employment and renders reasonable services as an employe To this end, as a condition of this bequest to my said wife, she shall sign an instrument containing the following language:

> The undersigned agrees that for such period as either Thomas R. Couser or Norman S. Couser seeks employment and renders reasonable service in any restaurant owned or operated by Lura Couser, she will pay to Thomas R. Couser and Norman S. Couser, each, the sum of $350.00 per week for as long as she has any financial interest in such restaurant.

If my said wife should fail to sign the foregoing instrume then I devise and bequeath all of my interest in said restauran

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVE

to my brothers, THOMAS R. COUSER and NORMAN S. COUSER, or to such one of my two brothers as does survive me.

ITEM VI: I devise and bequeath to my sons, TERRELL WAYNE COUSER and GARY KEITH COUSER, in fee and in equal shares all of my interest, if any, in any restaurant business (other than that bequeathed in Item V hereof) owned by me at the time of my death including all real and personal property incident to the operation of such business.

ITEM VII: All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, I give, devise and bequeath in fee and in equal shares to my wife, LURA COUSER, my son, TERRELL WAYNE COUSER, and my son, GARY KEITH COUSER. If my wife, LURA COUSER, should predecease me, then her share shall be divided equally between my two sons, TERRELL WAYNE COUSER and GARY KEITH COUSER. If either son should predecease me, then I devise and bequeath his share to his children per stirpes. If a son should die without having lineal descendants who survive me, I devise and bequeath the share of such deceased son to my other son. I direct my Executor to deduct from the share of either son the amount of any indebtedness owed by either son to me at the time of my death so that all such indebtedness of my sons shall be treated as an advancement.

ITEM VIII: I authorize my Executor (including any substitute or successor personal representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate, to exercise any or all the powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly of 1963, T.C.A. § 35-618, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers (as set out in said statute on the date of the execution of this Will) are granted, notwithstanding that said statute may be amended hereafter or repealed at time of my death.

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ITEM IX: I appoint THIRD NATIONAL BANK IN NASHVILLE, Nashville, Tennessee, to be Executor of this my Will, to serve without bond.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and three preceding typewritten pages, and for the purpose of identificati I have signed each such page, all in the presence of the persons witnessing it at my request on this 14 day of July 1977, at Nashville, Tennessee.

Marvin Terrell Couser
MARVIN TERRELL COUSER

The foregoing instrument, consisting of this and three preceding typewritten pages, was signed, sealed, published and declared by Marvin Terrell Couser, the Testator, to be his Last Will and Testament, in our presence, and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 14 day of July 1977, at Nashville, Tennessee.

Frances E. Gray residing at Nashville, T

[signature] residing at Nashville, T

STATE OF TENNESSEE, DAVIDSON COUNTY

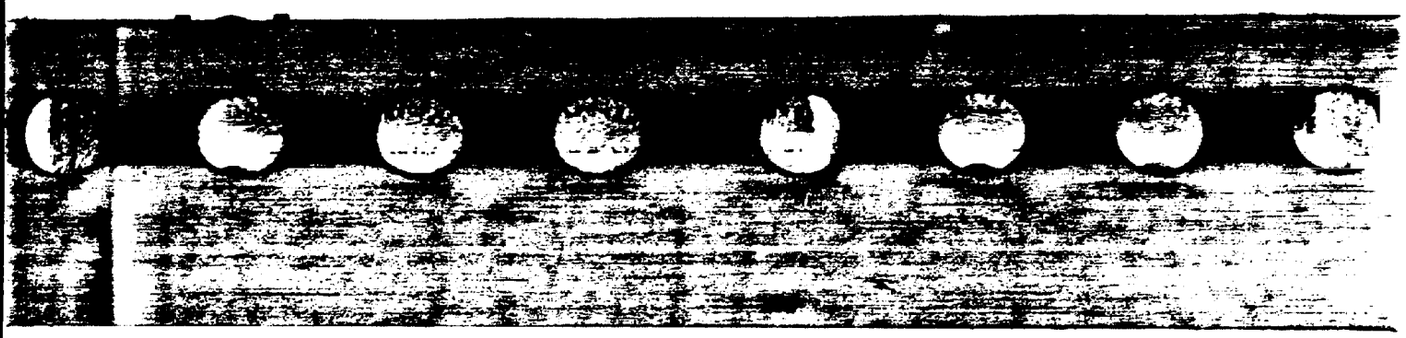
I, BILL COVINGTON, Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy, of the original on file in my office. Minute Book 303 Page 650
Given under my hand and official seal, at office, in Nashville, this 1st of Dec. 1988.

BILL COVINGTON
Clerk of Probate Court
By [signature]
Deputy Clerk

IDENTIFICATION REFERENCE
Dec 6 1 25 PM '88
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

9128

Page Four of My Will: Marvin Terrell Couser
Marvin Terrell Couser



BILL COVINGTON
COUNTY CLERK
700 SECOND AVENUE SOUTH
NASHVILLE, TENNESSEE 37210

STATE OF TENNESSEE, DAVIDSON COUNTY

BOOK 7720 PAGE 962

I, BILL COVINGTON, Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of Last Will and Testament of Marvin Terrell Couser, Probated January 16, 1986, Minute Book 303 Page 650, Will Book 153 Page 217

which remains of record on file in said office.

Given under my hand and official seal, at office, in Nashville, this 1st *day of* December, *19* 88

Bill Covington
Clerk of Probate Court.

By Robert L. Hogg
Deputy Clerk.