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BOOK 7788 PAGE 343

Last Will and Testament

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OF

ALMA B. SPIVEY

I, ALMA B. SPIVEY, a citizen and resident of Davidson County, Tennessee, do make, publish and declare this my Last Will and Testament, hereby revoking all other Wills and Codicils by me at any time made.

ITEM ONE: I appoint ROGER WOOD, a resident of Davidson County, Tennessee, and TYLER B. EVITTS, a resident of Robertson County, Tennessee, as Co-Executors of this my Last Will and Testament and expressly excuse them from making bond as such Co-Executors. Should either not be able or willing to serve, I authorize the other to execute my Will and administer my estate without bond as such.

ITEM TWO: I direct that all of my just debts, including the expenses of my last illness, my funeral expenses, fees and expenses incident to the administration of my estate, and all inheritance and estate taxes, if any, assessed against my estate be paid by my Co-Executors out of my residuary estate. Should there not be sufficient cash available for such purposes I authorize and empower said Co-Executors to sell my farm property by private negotiation or at public auction as they shall deem to be most advantageous to my estate, and to use so much of the net proceeds of such sale as may be required to satisfy the aforesaid debts, expenses and taxes, and any other obligations of my estate.

ITEM THREE: I give, devise and bequeath all of my properties of every kind and nature and wheresoever situated, after payment of the obligations of my estate as aforesaid, to ROGER WOOD and TYLER B. EVITTS as Co-Trustees, without bond, to hold,

This is Page One of my
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manage and use the same and the income therefrom for the benefit of my son, OLIVER WENDELL SPIVEY for and during his natural life, upon the following trusts and with the following powers:

(a) Said Co-Trustees will not sell but are authorized to retain my homeplace and three acres surrounding the same during the lifetime of my said son to be used as his home and place of residence. If the Co-Executors of my Will have not sold my farm property as permitted under ITEM TWO hereof I do hereby fully empower and authorize them to sell my farm property by private negotiation or at public auction as they shall deem to be most advantageous without the assent or joinder of any beneficiary or legatee under my Will or the trust herein authorized. Upon the sale of such farm property (whether by the Co-Executors or the Co-Trustees), the net proceeds of such sale together with any other cash remaining in my estate after payment of the debts, expenses and taxes chargeable to me or my estate as hereinbefore provided, will be invested by the Co-Trustees in a savings account or savings and loan association account or other sound investment with good return, during the lifetime of my son, OLIVER WENDELL SPIVEY, and the income therefrom will be paid to him not less often than at ninety (90) days intervals when the income is received.

(b) Any automobile and all furniture owned by me at my death will pass to my said son. All other tangible personal properties will pass in equal shares to MRS. TYLER B. EVITTS and MRS. EDITH B. ADAMS.

(c) Should my son predecease me, or should he die following my death, either before or after the trust for him is established, my net estate other than the tangible personal properties disposed of under Section (b) hereinabove, shall

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be divided by my Co-Executors or Co-Trustees in six (6) equal shares one (1) share shall be paid and distributed to TYLER B. EVITTS, one (1) share to EDITH B. ADAMS and one (1) share to ROGER WOOD. Likewise, one (1) share each shall be paid to my grandchildren, WILMA JOAN SPIVEY, WENDY CAROL SPIVEY and KIMBERLY MARIE SPIVEY, if they each have reached twenty-one (21) years of age. Provided, however, if any one of them has not reached twenty-one (21) years of age her share will be held for her use and benefit by the aforesaid ROGER WOOD and TYLER B. EVITTS as Co-Trustees without bond, and said Co-Trustees will be authorized to keep said share invested and to pay the income to or for the use and benefit of such grandchild until she reaches twenty-one (21) years of age. Upon reaching twenty-one (21) years of age her share will be paid to her and the trust will terminate. This procedure will be followed as to each grandchild who is less than twenty-one (21) years of age at the time her share vests as hereinabove provided.

(d) The Co-Trustees are authorized and directed to encroach upon the trust estate and funds in any emergency situation involving my said son, or any one of his children, and the Co-Trustees are vested with authority to do whatever in their best judgment appears to be right and proper in such emergency situation to meet the needs of such beneficiary without securing approval of any Court.

(e) Should any of my grandchildren die before reaching twenty-one (21) years of age leaving issue, the share which would have vested in her shall descend to and vest in such issue and the trust will continue for such issue of such child until the younger or youngest of such issue if there are more than one shall have reached eighteen (18) years of age at which time

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settlement of the trust will be made with such issue, whether there be more than one or not, and the trust will be terminated. Should any grandchild die without issue before reaching twenty-one (21) years of age her share of the trust funds and estate will pass to the other surviving grandchildren or the issue of any one of them that is deceased, equally and per stirpes.

(f) Should MRS. EVITTS be deceased at the time of the death of my son her share will pass to IVY POINT CHURCH OF CHRIST, Greer Road, Route # 2, Goodlettsville, Tennessee. Should EDITH B. ADAMS and ROGER WOOD or either of them be deceased at the time of the death of my said son their respective shares will pass to the child or children of each of them, per stirpes.

(g) The Co-Trustees named herein are authorized to serve without bond, and should any one of them die before termination of the trust or become otherwise unable to serve the other is authorized to serve as sole Trustee without bond. The Co-Trustees and each of them will have the power and authority vested in them by this Will and the authority provided by Section 35-618 Tennessee Code Annotated, insofar as same may be applicable and not inconsistent with the powers and authority herein granted.

(h) Neither the principal nor the income of any trust established hereunder shall be liable for the debts of any beneficiary, nor shall the same be subject to seizure by any creditor of any beneficiary under any writ or proceeding in law or equity, and no beneficiary hereunder shall have any power to sell, assign, or transfer, encumber or in any other manner anticipate, or dispose of his or her interest in his or her trust estate, or any income produced thereby.

(i) Unless sooner terminated under

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the foregoing provisions hereof each trust established hereunder will terminate twenty-one (21) years from and after the date of the death of the last beneficiary of said trust that may be living at the time of my death, anything herein provided to the contrary notwithstanding. Thereupon, the properties and funds of the trust estate will be paid over, free of all limitations, to the persons then entitled to the income therefrom.

ITEM FOUR: In the event I am not survived by my son nor by any grandchildren or issue of grandchildren I direct that the portion of my estate which would have passed and been distributed to my grandchildren and their issue be distributed to my heirs at law and next of kin in the manner provided by the laws of Descent and Distribution of the State of Tennessee in effect at my death.

IN WITNESS WHEREOF, I have executed this my Last Will and Testament on this 26 day of November 1979.

Alma B. Spivey
ALMA B. SPIVEY, TESTATRIX

The foregoing instrument was signed, published and declared to be the Last Will and Testament of the Testatrix, ALMA B. SPIVEY, in the presence of us, the undersigned, who at her request and in her sight and presence, and in the sight and presence of each other, have hereunto subscribed our names as witnesses, attesting the sound and disposing mind of the Testatrix and the execution of the aforesaid paper writing by her on said date at Nashville, Tennessee.

Dalelia Bone — 721 Brandau Dr. Nashville, Tn.

J. C. Dale — 2307 Hampton Ave Nashville Tenn

This is Page Five and the final page of this my Last Will and Testament

Alma B. Spivey

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. Will Book 157 Page 522

Given under my hand and official seal, at office, in Nashville, this 8th of March 1989.

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