RECORDERS MEMO
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Will 72-7
Page 162
E.

LAST WILL AND TESTAMENT

OF

NANCY EMMYLINE BROOKS CLEARY

BOOK 8025 PAGE 169

I, NANCY EMMYLINE BROOKS CLEARY, domiciled in Nashville, 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. I am over twenty-one (21) years of age and do declare that I am of sound mind and disposing memory and otherwise competent to manifest my testamentary intent as follows:

1. 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 and countries.

2. I give, devise and bequeath all of my property, real, personal and mixed, whatsoever and wheresoever located, to my husband JAMES JEROME CLEARY to have and to hold as his property absolutely and forever.

3. In the event that my husband JAMES JEROME CLEARY does not survive me, or if he and I should die simultaneously as a result of a common disaster, I give, devise and bequeath all of my property, real, personal, and mixed, whatsoever and wheresoever located to my children DEIRDRE HELEN CLEARY and BRIAN MICHAEL CLEARY or any child or children hereinafter born of our union, equally, to share and share alike, and in such event I appoint MRS. MARGARET ENGLISH, Cashel Road,

Nancy Emmyline Brooks Cleary
Testament

RECORDER'S MEMO
Legibility of Writing, Typing or Printing in this Document Unsatisfactory When Received.

Clonmel, County Tipperary, Ireland, as guardian of my children under the age of twenty-one (21). In the event any such child dies in my lifetime or before attainment of age twenty-one (21), I bequeath and devise such share hereinbefore bequeathed and devised to the remainder of my living children, equally, to share and share alike.

4. In the event of entitlement of any child or children to a share of my estate as set forth above who shall not at my death attained the age of twenty-one (21) years then I give, devise and bequeath the share of such child or children to the FIRST AMERICAN NATIONAL BANK of Nashville, Tennessee or if my Will is not admitted to Probate in the State of Tennessee, to such successor Trustee as the guardian hereinabove appointed shall select, provided, however, that such successor trustee must be a financial institution having a combined capital and surplus of not less than $5,000,000.00 in United States currency. My Trustee is directed to receive, take, hold, manage, invest, and reinvest such assets and to apply such part thereof including income and principal as such Trustee deems fit for the education, support and benefit of such child or children until he or she shall attain the age of twenty-one (21) years, at which time the trust shall terminate and the accumulated income and principal shall be transferred to him or her.

5. If my said husband and children shall all die prior to the complete distribution of my estate and of the trust herein created, then upon the happening of such event, all assets held by my Executor and/or Trustee shall be distributed one-half (1/2) to my collateral heirs-at-law and one-half (1/2) to the collateral heirs-at-law of my said husband in accordance

Nancy Emmyline Brooke Vlcek

with the laws of descent and distribution then in effect in the State of Tennessee, the identity of such heirs to be determined as though I had died upon the happening of such event.

6. I hereby grant to my Executor and also to the Trustee of the trust established herein (including any substitute or successor personal representative or Trustee) the continuing, absolute, discretionary power to deal with any property real or personal held in my estate or in the trust created herein, as freely as I might in handling my own affairs. Such power may be exercised independently and without the prior or subsequent approval of any Court or judicial authority, and no person dealing with the Executor or Trustee shall be required to inquire into the propriety of any of their actions. Without in any way limiting the generality of the foregoing, I hereby grant to my Executor and Trustee hereunder the following specific powers and authority in addition to and not in substitution of powers conferred by law:

(A) To sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate or trust, at public or private sale, at such time and price and upon such terms and conditions as it may determine.

(B) To compromise, settle, or adjust any claim or demand by or against my estate or trust and to agree to any recision or modification of any contract or agreement.

(C) To invest and reinvest, from time to time, at the sole discretion of the Executor and/or Trustee without being confined to what are known at "legal investments" any law to the contrary notwithstanding.

7. I appoint my husband JAMES JEROME CLEARY to be the Executor of this my Last Will and Testament to serve without

Nancy Emmy Lee Brooks Cleary

bond. If my said husband shall precedease me or for any reason shall fail to qualify as Executor hereunder (or having qualified shall die or resign) then in such event the FIRST AMERICAN NATIONAL BANK of Nashville, Tennessee is appointed alternate Executor of my estate and I direct that no bond be required for the faithful performance of its duties as alternate Executor.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament consisting of this and three (3) typewritten pages and for the purose of identification I have initialed each such page all in the presence of the persons witnessing it at my request on this 11th day of December, 1974, at Nashville, Davidson County, Tennessee, United States of America.

Nancy Emmyline Brooks Cleary
NANCY EMMYLINE BROOKS CLEARY

Signed, sealed, published and declared by the said NANCY EMMYLINE BROOKS CLEARY 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, and in the presence of each other, have hereunto signed our names as attesting witnesses on this 11 day of December, 1974, at Nashville, Tennessee.

ATTEST:

Nancy Emmyline Brooks Cleary
Page Four and the Concluding Page of
My Last Will and Testament

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned Notary Public in and for said State and County, JAMES M BATES and Robert J Sullivan who made oath that NANCY EMMYLINE BROOKS CLEARY, the Testatrix in the foregoing Last Will and Testament dated the 11 day of December, 1974, signed said Last Will and Testament in the presence of the affiants and said Testatrix declared the same to be her Last Will and Testament and that at the Testatrix's request and in her sight and presence and in the sight and presence of each other, that they, the affiants, signed their names thereto as attesting witnesses and at that time the said Testatrix was a person of sound mind and disposing memory.

James M Bates

Robert J Sullivan

Subscribed and sworn to before me on this 11th day of December, 1974.

NOTARY PUBLIC

My Commission Expires:
MY COMMISSION EXPIRES NOVEMBER 4, 1978

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE, THIS 12 DAY OF Jan, 1990
BILL COVINGTON, CLERK
BY: DEPUTY CLERK

9.6 1:2 3.

IDENTIFICATION REFERENCE

JAN 12 2 55 PM '90
FELIX Z. WILSON JR REGISTER
DAVIDSON COUNTY, TN

PAID
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