ADDRESS OWNER:
Elizabeth Leslie Fryer, Trustee
3401 Benham Ave.
Nashville, TN 37215

TAX BILLS TO:
Same

MAP 117-07
PAR 80

AFFIDAVIT OF HEIRSHIP
AND DECLARATION OF TRUST

1. KATE SAVAGE ZERFOSS died the 11th day of April, 1988, leaving a Last Will and Testament which was duly probated the 21st day of April, 1988, and appears of record in Will Book 162, page 677, in the Clerk's Office of the Probate Court of Davidson County, Tennessee (the "Kate Zerfoss Will").

2. The Kate Zerfoss Will recites that the entire interest and estate of Kate Savage Zerfoss in the real property known as 3401 and 3403 Benham Avenue in Nashville, Davidson County, Tennessee, is devised to Elizabeth Leslie Fryer as Trustee of the Residence Trust established under Article V of the Kate Zerfoss Will. The interest of Kate Savage Zerfoss in said property was, at the time of her death, an undivided one-half (1/2) interest conveyed to her by Quitclaim Deed of record in Book 6931, page 763, Register's Office for Davidson County, Tennessee.

3. The Kate Zerfoss Will also recites, at paragraph 6 of Article V thereof, that:

> 6. The Trustee may merge the assets of this Residence Trust with those of any other trust, by whomsoever created, maintained for the same beneficiaries upon substantially the same terms, but the benefits herein conferred upon the beneficiaries of this trust shall not be decreased or altered by reason of any such merger of assets.

4. THOMAS BOWMAN ZERFOSS, SR., died the 5th day of August, 1988, leaving a Last Will and Testament which was duly probated the 17th day of August, 1988, and appears of record in Will Book 164, page 107, in the Clerk's Office of the Probate Court of Davidson County, Tennessee (the "Thomas Zerfoss Will").

5. The Thomas Zerfoss Will recites that the entire interest and estate of Thomas Bowman Zerfoss, Sr., in the real property known as 3401 and 3403 Benham Avenue in Nashville, Davidson County, Tennessee, is devised to Elizabeth Leslie Fryer as Trustee of the Residence Trust established under Article V of the Thomas Zerfoss Will. The interest of Thomas Bowman Zerfoss, Sr., in said property was, at the time of his death, an undivided one-half (1/2) interest conveyed to him by Quitclaim Deed of record in Book 6931, page 763, Register's Office for Davidson County, Tennessee.

6. The Thomas Zerfoss Will also recites at paragraph 6 of Article V thereof, that:

> 6. The Trustee may merge the assets of this Residence Trust with those of any other trust, by whomsoever created, maintained for the same beneficiaries upon substantially the same terms, but the benefits herein conferred upon the beneficiaries of this trust shall not be decreased or altered by reason of any such merger of assets.

7. Elizabeth Leslie Fryer, who was appointed Trustee of the Residence Trust under the Kate Zerfoss Will, and who was appointed Trustee of the Residence Trust under the Thomas Zerfoss Will, has determined that, upon the death of Thomas Bowman Zerfoss, Sr., the beneficiaries of the Residence Trust under the Kate Zerfoss Will are the same persons who are beneficiaries of the Residence Trust under the Thomas Zerfoss Will, and has further determined that, upon the death of Thomas Bowman Zerfoss, Sr., the effective terms of the Residence Trust under the Kate Zerfoss Will are substantially the same if not identical to the terms of the Residence Trust under the Thomas Zerfoss Will.

8. The undersigned Elizabeth Leslie Fryer, in her capacities as Trustee of the Residence Trust under the Kate Zerfoss Will and as Trustee of the Residence Trust under the Thomas Zerfoss Will, has determined that it would be advisable and in the best interest of the beneficiaries to merge the assets of the two trusts.

9001/JJA
01-31-90

This instrument was prepared by John J. Archer, Attorney
300 James Robertson Parkway, Nashville, Tennessee 37201

mail

9. . Elizabeth Leslie Fryer, in her capacities as Trustee aforesaid, hereby declares that the assets of the Residence Trust under the Kate Zerfoss Will are merged with the assets of the Residence Trust under the Thomas Zerfoss Will, all of said assets to be held in a consolidated trust known as the "Zerfoss Residence Trust"; and ELIZABETH LESLIE FRYER, TRUSTEE OF THE ZERFOSS RESIDENCE TRUST, hereby declares that she, as such Trustee, stands seised and possessed of said real property known as 3401 and 3403 Benham Avenue in Nashville, Davidson County, Tennessee, for the use and benefit of, and in trust for, the beneficiaries of the Residence Trust under the Kate Zerfoss Will and the Residence Trust under the Thomas Zerfoss Will. Said real property known as 3401 and 3403 Benham Avenue, Nashville,Tennessee, is more fully described as follows:

Land in the Seventh, formerly the Eleventh Civil District of Davidson County, Tennessee, as follows:

TRACT I: Beginning at the southwest corner of the intersection of Stokes Lane and Benham Street, which point is on the southern margin of Stokes Lane 584.1 feet eastwardly from the southeast corner of the intersection of Stokes Lane and Hillsboro Road; running thence with the southern margin of Stokes Lane N 72° W 208.1 feet; thence S. 2° W 401.3 feet to an iron pin; thence S 88° E 200 feet to an iron pin in the west line of Benham Street; thence with the west line of Benham Street, N 2° E 343.9 feet to the beginning point; and being Lots Nos. 187 and 188 on the Plan of Noel's Subdivision of Watkins Grove, plan not of record. Being the property conveyed to Kate Savage Zerfoss by deed dated July 19, 1926, of record in Book 749, page 343, Register's Office for said County.

and also,

TRACT II: Being a triangular strip of ground off of the east side of Lot No. 227 in Noel Subdivision of Watkins Grove, Plan of record in Book 547, page 156, said Register's Office, and described according to a survey made by W. B. Southgate, as follows:

Beginning on the southerly margin of Stokes Lane at the common corners of Lots Nos. 187 and 227; thence with the east line of Lot No. 227, S 2-1/2° W 434.2 feet to the southeast corner of said Lot; thence with the south line of said Lot, N 62-3/4° W 50 feet to a stake; thence N 8° E 407 feet to the beginning; containing 21/100 of an acre. Being the property conveyed to Kate Savage Zerfoss by deed dated August 30, 1928, of record in Book 736, page 269, said Register's Office.

This is improved property known as 3401 and 3403 Benham Ave., Nashville, TN 37215.

Witness my hand, at Nashville, Tennessee, this 9th day of February, 1990.

Elizabeth Leslie Fryer
Elizabeth Leslie Fryer

Elizabeth Leslie Fryer, Trustee
Elizabeth Leslie Fryer, Trustee of the
Residence Trust UW Kate Savage Zerfoss

Elizabeth Leslie Fryer, Trustee
Elizabeth Leslie Fryer, Trustee of the
Residence Trust UW Thomas Bowman Zerfoss, Sr.

Elizabeth Leslie Fryer, Trustee
Elizabeth Leslie Fryer, Trustee of the
Zerfoss Residence Trust

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

On this 9TH day of February, 1990, the above named Elizabeth Leslie Fryer appeared before me and made oath that the statements of fact contained in the foregoing instrument are true to the best of her knowledge, information and belief.

My commission
expires: 11-27-93

Notary Public

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, JOHN J. ARCHER, a Notary Public of the State and County aforesaid, personally appeared Elizabeth Leslie Fryer, with whom I am personally acquainted, and acknowledged that she, as Trustee of the Residence Trust UW Kate Savage Zerfoss, and as Trustee of the Residence Trust UW Thomas Bowman Zerfoss, Sr., and as Trustee of the Zerfoss Residence Trust, and in each such capacity, executed the foregoing instrument for the purposes therein contained. Witness my hand at office, this 9TH day of February, 1990.

My commission
expires: 11-27-93

Notary Public

03308

IDENTIF. REFERENCE

FEB 12 1 03 PM '90

DAVIDSON COUNTY, TN.

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