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1-11-91

LAST WILL AND TESTAMENT

OF

JOSEPH A. FUSSE, SR.

BOOK 8821 PAGE 839

KNOW ALL MEN BY THESE PRESENTS, that I, JOSEPH A. FUSSE, SR., do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all former Wills and Codicils heretofore by me made at any time.

ARTICLE 1

FAMILY

At the time of making this Will, I am unmarried and reside at 2919 Twenty-second Avenue, South, Nashville, Tennessee 37215. I have two children, ROBERT L. FUSSE and JOSEPH A. FUSSE, JR.

ARTICLE 2

APPOINTMENT AND POWERS OF EXECUTOR

I appoint JOHN T. DORSEY, JR., 2920 Twenty-second Avenue, South, Nashville, Tennessee, as the Executor of this, my Last Will and Testament, but in the event he does not survive me or is otherwise unwilling or unable to serve, I appoint TERRY M. ELLOITT, Route 1, Box 324, Nolensville, Tennessee, as substitute Executor. I direct that no bond be required of my Executor or substitute Executor in the faithful performance of such duties in this or any jurisdiction.

I authorize my Executor, including any substitute or successor Executor or personal representative, in the exercise of reasonable discretion with respect to all property, real, personal and mixed, at any time forming part of my estate, to exercise any and all of the powers set forth in Section 3 of Chapter 110 of the Tennessee Public Acts of 1963, Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference.

In addition to any power enumerated herein, my Executor and any substitute Executor shall have the power to make distributions in cash or in kind, or partly in cash and partly in kind.

any requirement that my Executor or my substitute Executor file an inventory regarding the administration of my estate.

ARTICLE 3

PAYMENT OF DEBTS AND TAXES

I direct that all my just debts (except any debt secured by a security interest, which may be paid or retained in the discretion of my Executor), including the expenses of my last illness and the expenses of the administration of my estate, be paid by my Executor herein named, as soon after my demise as lawfully and conveniently may be done. I have prepaid Woodlawn Funeral Home during my life for my funeral and burial expenses. I direct that any additional charges or expenses associated with my funeral and/or burial be paid as directed in Article 4(g) hereof. I direct that any and all estate, inheritance, succession, transfer and all other taxes of similar nature which are payable because of my death, including interest or penalties thereon, with respect to property in my estate for such purposes, whether or not such property passes under this Will, be paid by my Executor out of and chargeable to my estate with no right of reimbursement from any receipient or beneficiary of any such property.

ARTICLE 4

SPECIAL BEQUESTS

I hereby make the following special bequests of property owned by me to the persons and entity named below:

(a) To my son, ROBERT L. FUSSE, Nashville, Tennessee, if he survives me, I hereby bequeath the sum of Ten Thousand Dollars ($10,000.00).

(b) To my grandaughter, BOBBIE JEAN SMITH, Fort Myers, Florida, if she survives me, I bequeath the sum of Five Thousand Dollars ($5,000.00).

(c) To my grandaughter, VICKIE L. SPARVERO, who is presently in the U.S. Air Force, if she survives me, I bequeath the sum of Five Thousand Dollars ($5,000.00).

(d) To my grandson, TONY L. FUSSE, Fort Myers, Florida, if he survives me, I bequeath the sum of Five Thousand Dollars ($5,000.00).

(e) To my grandaughter, JOY L. ANDUS, Smyrna, Tennessee, if she survives me, I bequeath the sum of Five Thousand Dollars ($5,000.00), and my cedar chest.

(f) To my very good friend, SANDRA L. THOMPSON, I bequeath the sum of Two Thousand Dollars ($2,000.00).

(g) To Woodmont Presbyterian Church, Inc. (Independent), Nashville, Tennessee, I bequeath the proceeds of that certain Five Thousand Dollar Life Insurance Policy I have with Life and Casualty Insurance Company provided that out of the said $5,000.00 in insurance proceeds Woodmont Presbyterian Church, Inc. (Independent) shall be responsible to pay the expenses associated with my funeral and burial at Woodlawn Funeral Home to the extent the same have not been prepaid.

ARTICLE 5

GIFT OF RESIDUE

All the rest and residue of my property, both real and personal, wheresoever situated, I hereby give, devise and bequeath to my son, JOSEPH A. FUSSE, JR., Nashville, Tennessee, for his sole and absolute use forever. By way of advice and not direction to my son, I encourage him to not encumber the house and lot known as 2919 Twenty-second Avenue, South, Nashville, Tennessee with any indebtedness for a period of at least ten (10) years.

ARTICLE 6

WILL CONTEST CONDITION

In the event any person or persons to whom a gift is made in this Will shall contest the validity of this Will, they shall forfeit the gift(s) made to them, and, in such event, the said gift(s) shall be added to and become a part of my residuary estate and be disposed of according to Article 5 hereof.

IN WITNESS WHEREOF, I have set my hand to this my Last Will and Testament this the 4 day of October, 1988.

Joseph A. Fusse Sr.
JOSEPH A. FUSSE, SR.

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The foregoing instrument was on the day and month of the date hereof signed, sealed, published and declared by the said JOSEPH A. FUSSE, SR., the Testator named therein, as and for his Last Will and Testament, in the presence of us, who at the time of his request, in his presence and in the presence of each other, hereunto subscribe our names as witnesses thereto, and we attest to the sound and disposing mind of JOSEPH A. FUSSE, SR., and to the performance of the aforesaid act of execution at Nashville, Tennessee, on the 4th day of October, 1988.

WITNESS: ADDRESS:

Connie Spurlin residing at 1201 Skelton Ave Nashville TN 37216

Bonnie Turnage residing at 1208 Palumer Dr. Nash. Tn 37207

STATE OF TENNESSEE, DAVIDSON COUNTY

I George L. Rucker Clerk of the [illegible] Court, State aforesaid, [illegible] full, true and correct copy of the [illegible] 173 515 as the same appears of record in my office. Given under my hand and seal of office in Nashville, this 23rd day of Dec. 92

GEORGE L. ROOKER, CLERK

By [signature] D.C.

[illegible] DAVIDSON COUNTY [illegible] TENNESSEE, TENN. SEAL

7.63 2 6.

IDENTIFICATION REFERENCE

DEC 23 8 35 AM '92

CLIX Z. WILSON II REGISTER DAVIDSON COUNTY, TN

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