94P1124

Last Will and Testament

OF

BOOK 9435 PAGE 839

CLARENCE H. GRIFFIN

I, CLARENCE H. GRIFFIN, a citizen and resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, declare and publish this to be my Last Will and Testament, hereby revoking any and all former wills and codicils heretofore made by me.

I.

I hereby declare that I am a widower; my beloved wife, Larena Griffin, of sixty years, having died in January, 1984. I hereby declare that I have eight children now living, namely: my daughters, Helen Harris, Birdie Campbell, and Roslyn Kincade; and, my sons, Clarence H. Griffin, Jr., Richard Griffin, Curtis Raymond Griffin, James Warren Griffin and Dayton Griffin. I have one deceased child, a son, Alfred Griffin.

II.

I direct that my just debts, funeral expenses and expenses in connection with the administration of my estate shall be paid as soon as practicable after my death. Payment of the aforesaid debts and expenses shall be paid first from my cash funds.

III.

All estate, inheritance, succession, legacy and all other taxes of the same or similar nature which are payable with respect to the property comprising my estate for such tax purposes, whether such property passes under or outside of this Will, including but not limited to, insurance owed by me insuring my life, shall be taxed and/or levied against

 Clarence H. Griffin

the person to whom such property is or may be transferred or to whom any benefit accrues. The allocation of the payment of such tax shall be made in the proportion that the value of the property interest and benefit of each such persons bears to the total value of the property, interest and benefit received by all such persons interested in my estate except that in making such allocation of taxes, allowances shall be made for any exemption granted by the act imposing the tax and for any deduction allowed by such act for the purpose of arriving at the value of the net estate. So far as practicable my executor shall deduct the amount of such taxes allocable to each beneficiary from the amount distributable to such beneficiary and shall recover from all others for the benefit of my estate, their allocable parts of such tax.

IV.

I hereby give and bequeath the following specific gifts:

1. The radio scanner to my daughter, Helen.

2. All tools owned by me at the time of my demise, including but not limited to carpenter and automobile tools, electric and other power tools, to my son, Dayton.

3. Five Hundred Dollars ($500.00) to my son, Richard, if he be living at the time of my demise. And, if my son, Richard, not be living at the time of my demise, then the gift herein made to him shall pass to my daughter, Roslyn.

4. All household furniture and furnishings, including but not limited to table, chairs, rugs, curtains, drapes, appliances, radios, televisions, stereos, cooking utensils, glassware, dishes and other eating utensils, linens, pictures, family bibles and memorbilia, I give to my daughter, Roslyn, subject to the provisions hereinafter appearing in number VII below.

V.

I hereby give and devise unto my daughter, Roslyn, any and all real estate (property) owned by me at the time of my demise, whatsoever and wheresoever situated, subject to the provisions hereinafter appearing in number VII below.

VI.

All the rest, balance and residue of my estate, whatsoever and wheresoever situated, including but not limited to realty, if any, personalty and mixed property, tangible and intangible, I give, devise and bequeath to those of my children who are living at the time of my demise.

VII.

In the event that my daughter, Roslyn, does not survive me, then I direct that any and all gifts of personalty only, excluding cash money, shall lapse and become a part of the residue of my estate; and, any and all cash monies and realty bequeathed and devised to her shall pass to her children, living at the time of my demise, equally, share and share alike, or all to the survivor. And, if my daughter, Roslyn's children not be living at the time of my demise, then the gift they would have otherwise been entitled to take shall lapse and become a part of the residue of my estate.

VIII.

In the event the children of my daughter, Roslyn, be entitled to take from my estate and the youngest surviving child be under the age of twenty-two (22) then in such event I direct that all the gifts herein made to said children, personalty, realty or mixed, including the gifts of the other child who may be over twenty-two (22) years of age, shall be held and administered in trust until the youngest

surviving child attains his/her twenty-second (22nd) year of age; as follows:

1. As respects any realty:

(a) The beneficiaries, if they or their natural or legal guardian(s) so desire, may reside thereon, rent free.

(b) If neither beneficiary desires to reside on the realty, then it shall be rented, however, the trustee shall not make any lease to extend beyond the time (date) when the youngest beneficiary shall attain his/her twenty-second (22nd) year of age.

(c) From the rents, if any, the trustee shall pay all taxes, insurance, repairs, upkeep and maintenance cost and expenses; however, if a natural or legal guardian lives with a beneficiary upon the premises, then such guardian, in lieu, of the payment of rent, shall pay any and all taxes, insurance, repair, upkeep and maintenance cost and expenses while he/she resides thereon.

(d) If there accrues from any paid in rents surplus amounts sufficient to provide for the support, maintenance and upkeep of the beneficiaries' health, education, and welfare, then the trustee, who shall be the only person whomsoever to determine if there be sufficient surplus of accrued rents, shall, in his sole and absolute discretion, from time to time, as he alone deeems in the best interest of the beneficiaries, make such payments of support, maintenance and upkeep.

(e) If there not be sufficient net income accruing from the letting of the realty; or sufficient income or other monies from other sources, loans, contributions or otherwise, then in the sole and absolute discretion

 Helene H. Griffin

of the trustee, the realty shall be sold upon such terms, including sales price, and conditions as the trustee deems in the best interest of the trust and/or its beneficiaries.

2. Any and all other properties, including cash monies, shall first be used towards the maintenance, upkeep and repair of any realty held in trust for the beneficiaries. Then, if the trustee determines -- he being the only person who shall have the right to so determine -- that there is a sufficient surplus of income, after allowing for the present and future payments of maintenance, upkeep and repair of the realty, shall from time to time make such payments as he, in his sole and absolute discretion, deems are reasonable and/or necessary for the health, education and welfare of the beneficiaries.

3. The cash funds held in trust shall be invested and reinvested in any of those investments and securities as permitted by and under the Tennessee Code Annotated for the Investment of Trust Funds as presently enumerated in §§35-3-101 et seq. and as may hereinafter be amended.

4. Upon the youngest of my daughter, Roslyn's children attaining his/her twenty-second (22) year of age, my trustee shall transfer and convey unto the beneficiaries, equally, share and share alike, all cash funds and other properties held in trust, principal and accrues income, if any, and the trust shall then terminate and cease to exist.

5. If one of the children of Roslyn shall pass away prior to the trust terminating, as hereinabove provided, then the surviving sibling shall take his/her deceased sibling's share of the trust provided however that the trust shall continue to be held, managed and administered as provided herein.

PAGE FIVE: Leonard H. Goldstein

6. If all the children of Roslyn shall pass away prior to the trust terminating, as hereinabove provided, then the trustee of the trust shall distribute, convey and transfer all funds of the trust, principal and income, if any, unto those of my children then living, equally, share and share alike, or all to the survivor.

7. As used herein, the phrase "children of my daughter, Roslyn," shall be so defined as to include only her natural born children and not any step-children or adopted children.

IX.

No person entitled to take from my estate shall be deemed to have survived me who shall have died at the same time as I, or in a common disaster with me or in circumstances which make it difficult or impossible to determine who died first, and I direct that all provisions of this will shall be construed in accorance with that assumption and upon that basis.

X.

No purchaser from my estate or from any trust established herein shall be required to see to the application of any monies paid by him to my executor or trustee of any trust created herein.

XI.

Without diminution or restriction of the powers vested in him by law or elsewhere in this Will, and subject to all other provisions of this Will, my executor and trustee of any trust created herein, without the necessity of providing any judicial authorization therefor or approval thereof, shall be vested with, and in the application of his best judgment and discretion in behalf of the beneficiaries of my will or any trust created herein shall be authorized to exercise those powers presently enumerated in TCA §35-50-110 and as it may hereinafter be amended.

PAGE SIX: Edward H. Griffin

XII.

Neither my executor nor my trustee of any trust created herein shall be liable for any loss, destruction or other injury of or to the estate in his or her hands, unless such loss shall be occassioned by the willful misappropriation of funds or property in his or her hands and then only if he or she shall have participated in or knowingly consented to such willful misappropriation of any part of said funds.

XIII.

In the event that any beneficiary named herein, or any one of my next of kin shall begin or maintain any proceedings to challenge or deny any of the provisions of this will, the gift herein made to him or her shall lapse and fall into the residue of my estate and shall be distributed to my then living children, equally, share and share alike, excepting any child of mine who may have participated in any such proceeding to challenge or deny the provisions of this Will.

XIV.

I hereby acknowledge that I love and appreciate each of my children equally. I recognize that I have not made distribution of equal shares of my estate to each of my beloved children. I made such a distribution for reasons best known unto me, which I do not desire to reiterate herein. The omittance of distributing equal shares to each of my children should not be interpreted as a lack of affection or love for any one child, and/or more love and affection for another child, for I love, appreciate and admire them all equally.

XV.

I hereby nominate and appoint my son, Clarence, as executor under this my Last Will and Testament, and further, I appoint him as trustee of any trust created herein. In the

 Clarence N. Tripp

In the event that my son, Clarence, does not survive me, and/or for any other reason whatsoever, he shall fail or refuse to serve in either or both of the above designated fiduciary capacities, then I appoint my son, James Warren, to serve in his place and stead. I hereby direct that none of the persons named herein to serve as executor of my estate or as trustee of any trust created herein shall be required to make bond or give surety to serve in such office, such bond and/or surety hereby being waived.

This my Last Will and Testament consists of eight pages including the page on which I am signing and the attestation of the subscribing witnesses and their respective signatures. I have on the bottom of each such page signed my name thereto.

IN WITNESS WHEREOF, I sign, publish and declare this to be my Last Will and Testament in the presence of the persons witnessing it at my request on this the 13th day of March, 1986, in Nashville, Davidson County, Tennessee.

Clarence H. Griffin
CLARENCE H. GRIFFIN

The foregoing instrument consisting of eight pages, including the page signed by the Testator and this our attestation, was on the date hereon by Clarence H. Griffin, subscribed, published and declared by him to be his Last Will and Testament, in the presence of us, and each of us in his presence and in the presence of each other have signed the same as witnesses thereto.

Howard M. Davidson
WITNESS
6028 Seabery Rd
Nashville, TN 37205

Judy Spivey
WITNESS
624 Galaxie Dr.
Nashville, Tn 37209

PAGE EIGHT OF EIGHT PAGES: Clarence H. Griffin

BOOK 9435 PAGE 847

STATE OF TENNESSEE, DAVIDSON COUNTY

I Richard R. Rooker, 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 192 Page 130

Given under my hand and official seal, at office, in Nashville, this 12th of August 19 94.

RICHARD R. ROOKER, CLERK

By _____ Deputy Clerk

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IDENTIF. # REFERENCE

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FELIA ADAMS REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

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