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94P-1218

LAST WILL AND TESTAMENT

OF

BOOK 9522PG146

ROBERT E. YATES

I, ROBERT E. YATES, domiciled in Nashville, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

'94 AUG 11 A11:44

RICHARD ... CLERK

ITEM I

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 his sole discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions. In the event that any property or interest in property passing under this Will by operation of law, or otherwise by reason of my death (other than as a part of my residuary estate), shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid by my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in property shall take it subject to all encumberances existing at the time of my death.

ITEM II

I direct that there shall be paid out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes assessed by reason of my death, in respect of all property required to be included in my gross estate for estate or like tax purposes, whether the property passes under this Will or otherwise, including property over which I have a taxable power of appointment, without contribution by any recipient of any such property.

ITEM III

I direct that after safisfying specific devises and bequests hereinafter enumerated, my Executor turn the rest of my property into cash by any legal means selected by my Executor, and deposit the proceeds into my residuary estate for disposition as hereinafter directed.

ITEM IV

At present, I am the owner of one half (1/2) interest in real property located at 2905 Dickerson Road, Nashville, Tennessee 37207, further identified as Lot. No. 4, Dodd Subdivision. If I shall own said property at the time of my death, I bequeath and devise said property in fee to ARCHIE N. SPAIN. If ARCHIE N. SPAIN shall not survive me, I devise all of said property in fee to TREVECCA NAZARENE COLLEGE INC., Nashville, Tennessee, to apply to the "YATES SCHOLARSHIP ENDOWMENT FOR MINISTERIAL STUDENTS".

ITEM V

I presently own and reside on real estate located at 4209 Gallatin Road, Nashville, Tennessee 37216, further identified as Lot No. 31, McMahan Subdivision, Maplewood, Davidson County, Tennessee. If I should own said property at the time of my death, I bequeath and devise it in fee, to TREVECCA NAZARENE COLLEGE INC., Nashville, Tennessee to apply to the "YATES SCHOLARSHIP ENDOWMENT FOR MINISTERIAL STUDENTS".

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ITEM VI

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises, and all life insurance payable to my estate (but excluding any property over or concerning which I may have any power of appointment), I bequeath and devise in fee as follows:

A. To ARCHIE N. SPAIN, if he shall survive me, twenty-five percent (25%) of my residuary estate; provided that, if said ARCHIE N. SPAIN does not survive me, then I bequeath and devise said property, in fee, to TREVECCA NAZARENE COLLEGE, INC., for application to "YATES SCHOLARSHIP ENDOWMENT FOR MINISTERIAL STUDENTS".

B. To TREVECCA NAZARENE COLLEGE, INC., seventy-five percent (75%) of my residuary estate.

C. To ARCHIE N. SPAIN, any automobile owned by me at the time of my death.

ITEM VII

I authorize my Executor (including any substitute or successor personal representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate, to exercise any or all the powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly of 1963, T.C.A. Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers (as set out in said statute on the date of the execution of this Will) are granted, notwithstanding that said statute may be amended hereafter or repealed at the time of my death.

ITEM VIII

I appoint NATIONSBANK of Nashville, Tennessee, to be the Executor of this my Last Will and Testament, and direct that no bond be required for the faithful performance of its duties; and I vest my said Executor with full power and authority to do every act and thing necessary or appropriate for the complete administration of this Will.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and one (1) preceding typewritten page, and for the pupose of indentification, I have intialed each page, all in the presence of the persons witnessing it at my request on this 13th day of July, 1994 at Nashville, Tennessee.

Robert E. Yates

ROBERT E. YATES
TESTATOR

ATTESTATION

The foregoing instrument, consisting of this and one (1) preceding typewritten page, was signed, published and declared by ROBERT E. YATES, the Testator, to be his Last Will and Testament, in our presence, and we, at his request, and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses this 13th day of July, 1994 at Nashville, Tennessee.

WITNESS

WITNESS

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AFFIDAVIT

Todd Long and Lisa K. Smavik,
after being duly sworn according to law, depose and say:

1. That they are adult citizens of Dickson, Tennessee, and Madison, Tennessee respectively.

2. That they witnessed the Last Will and Testament of ROBERT E. YATES, dated July 13, 1994, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testator, and in accordance with Tennessee Code Annotated Section 32-2-110.

3. That their signatures are affixed to said Last Will and Testament; that they signed or affixed the same at the instance and at the request of the Testator and in his presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testator signed said paper writing as and for his Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Will, the Testator was, in their opinion, of sound mind.

Todd Long
WITNESS

Residing At: 245 Craigmede
Dickson, TN 37214

Lisa K. Smavik
WITNESS

Residing At: 649 Star Dust
Madison TN 37115

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Sworn to and subscribed before me on this 13th day of July, 1994.

Norma P. Nicholson
NOTARY PUBLIC

My Commission Expires: 1-22-95

4549 11/16 0101 01DASH 12.00

PICK-UP

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 346
Given under my hand and official seal, at office in Nashville, this 14th of November 19 94

RICHARD R. ROOKER, CLERK

By Deputy Clerk

94 NOV 16 PM 2:30
REGISTER
DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE
091.43