95P-209

LAST WILL AND TESTAMENT

OF

BOOK 9594 PG 781

GUY WAYNE COVINGTON

I, **Guy Wayne Covington**, of Davidson County, Tennessee, do make, declare, and publish this my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

ITEM I

IDENTIFICATION AND USE OF TERMS

My wife is **Mildred Ann Covington**. She is herein referred to as "my wife." We have two children. They are **Andrea Suzan Covington Swaner** and **Bryan Edward Covington**. They are herein referred to as "my children." I have two grandchildren. They are **Steve Alan Rodgers** and **Adrian Dwayne Rodgers**. They are herein referred to as "my grandchildren."

ITEM II

APPOINTMENT OF FIDUCIARIES

I nominate and appoint the **Regions Bank** as Executor under this my Last Will and Testament. I hereby excuse said bank from posting bond in this or any other jurisdiction. Any reference herein to "the Executor" shall be construed in the appropriate number and gender. I nominate and appoint the **Regions Bank** as Trustee of any trust created hereunder. Any reference to "the Trustee" shall be construed in the appropriate number and gender.

ITEM III

PICK-UP

95 FEB 14 AM 10:38
FELIX [illegible] REGISTER
DAVIDSON COUNTY, TN.

34024
IDENTIF. & REFERENCE

PAYMENT OF DEBTS, TAXES AND ADMINISTRATIVE EXPENSES

I direct that all debts that shall be legally owing by me, my funeral expenses, and the expenses of administration of my estate be paid by my Executor as soon as practicable, except that as to any debt secured by real estate, whether by mortgage or any other security instrument, my Executor may pay such debt or permit such real estate to pass subject to such debt, whichever my Executor deems to be in the best interest of my estate and the beneficiaries thereof; provided, however, my homeplace hereinafter left to my wife shall pass subject to any debt secured by such real estate. I further direct my executor to pay all estate, inheritance, and death taxes, including any interest and penalty thereon, that shall be imposed by reason of my death, including such taxes on proceeds of insurance on my life, whether or not such proceeds are a part of my testamentary estate. Such taxes shall be paid from my residuary estate

ITEM IV

DISPOSITION OF HOUSEHOLD AND PERSONAL EFFECTS

I direct that my household and personal effects, including any automobiles that I may own, be distributed in accordance with the latest letter of instructions to be found after my death. Any items not disposed of in such a letter or all items in the absence of such a letter shall be distributed to my wife. If my wife does not survive me, such items shall be distributed to my children who survive me in shares substantially equal in value. In making a division of my household and personal effects, my Executor shall take into consideration the wishes of my children,

but the decision of my Executor in respect to a division of such items shall be conclusive. My Executor may sell any such items and add the proceeds to my Residuary Estate.

ITEM V

BEQUESTS TO WIFE

I give and devise unto my wife to be hers absolutely my house and approximately five (5) acres located at 559 McCrory Springs Road, Nashville, Tennessee. If my wife does not survive me, my said house and approximately five (5) acres shall go to my children in equal shares, one such equal share to each child of mine then living and one such equal share to the descendants per stirpes of each deceased child of mine.

ITEM VI

RESIDUARY ESTATE

I give, devise and bequeath all the rest and residue of my estate to the Trustee herein named to be held for the benefit of my children and my grandchildren as hereinafter provided.

1. Income. The income of this trust shall be accumulated and periodically added to principal for reinvestment.

2. Termination. Five (5) years from the date of my death the Trustee shall distribute to the beneficiaries in equal shares one (1/2) of the then trust principal and any accumulated and undistributed income. The (10) years from the date of my death the Trustee shall distribute to the beneficiaries in equal shares the then balance of the trust principal and any accumulated and undistributed income.

3. Encroachment. The Trustee shall have no power to encroach upon the principal of this trust.

4. Alternative Distribution. If one of the beneficiaries of this trust should die during the term of the trust, his or her share shall be distributed to his or her descendants per stirpes at the termination date or dates of this trust. If a beneficiary should die during the term of this trust without descendants, his or her share shall be distributed in equal shares to the other beneficiaries of this trust on the distribution date or dates.

ITEM VII

POWERS AND DUTIES OF EXECUTOR AND TRUSTEE

1. Code Powers. In the administration of my estate the Executor and Trustee shall have all those powers enumerated in Section 35-50-110 of the Tennessee Code Annotated. Said provisions are hereby incorporated herein by reference as fully as though copied herein verbatim.

2. Distribution in Cash or in Kind. When it shall be necessary to distribute any assets of my estate of the trust created herein, such distribution may be made in any manner deemed proper by the Fiduciaries and may be made in cash or in kind, or partly in each. The judgment of the Fiduciaries on the value of such assets shall be binding and conclusive on all interested parties.

3. Spendthrift Provision. Neither the income nor principal of the Trust created herein shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated, or encumbered by any beneficiary, nor shall any income or principal be subject or liable in the hands of the Trustee for the debts, contracts, or engagements of the beneficiaries or be subject to any assignment of any other voluntary or involuntary alienation or disposition whatsoever.

4. Fiduciary Fee. The Fiduciary appointed hereunder shall receive a reasonable fee for its services, the amount thereof to be in accordance with its regularly adopted fee schedule in effect at such time as the fee is charged.

In Witness Whereof, I set my hand on 16th day of December, 1994.

Guy Wayne Covington

Guy Wayne Covington

The foregoing instrument was signed, published and declared by the Testator as and for his Last Will and Testament on the date above written in our presence and in the presence of each of us, who at his request in his presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

Linda D. Byers
Witness

Vickie L. Crafton
Witness

AFFIDAVIT BOOK 9594 PG 786

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Linda D. Byers and Vickie L. Crofts

being first duly sworn, make oath that the foregoing Last Will and Testament was signed by the said Testator as and for his Last Will and Testament, and at that time acknowledged, published and declared by him to be his Last Will and Testament in the sight and presence of us, the undersigned, who at his request and in his sight and presence and in the sight and presence of each other subscribed our names as attesting witnesses on the date above written. We further make oath that the Testator was of sound mind and more than eighteen (18) years of age.

Linda D. Byers
Affiant

Vickie L. Crofts
Affiant

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Sworn to and subscribed before me this 16th day of December, 1994.

Carolyn Branch, Notary Public

My commission expires 1/22/95

STATE OF TENNESSEE, DAVIDSON COUNTY

I, Richard R. Rooker, Clerk of the Probate Court of Davidson County, State aforesaid, do certify the within foregoing to be a true, full and perfect copy, of record and on file in my office. Book 9594 Page 678
Given under my hand and seal of said Court, at office, in Nashville, this 13th day of February 19 95.

RICHARD R. ROOKER, CLERK

By Lynn Tindall
Deputy Clerk

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