9628

Prepared By:
WAYNICK, CATE & TAYLOR
211 Donelson Pike, Suite 2
P.O. Box 148058
Nashville, TN 37214

Map & Parcel: 93-15-5
Field Book No: 13 W 10465

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF:)
) BOOK 9628 PG 235
THE ESTATE OF DOUGLAS B. TUNE,)
)
Deceased,) No. 93P613

AFFIDAVIT OF INHERITANCE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The undersigned, duly sworn, deposes and says that, Douglas B. Tune, the owner of a one-third (1/3) interest the property described as:

Being a tract of land lying in Nashville, Davidson County, Tennessee and being part of Lot 45 on the Barrow Grove Plan as of record in Book "S", Page 279, Register's Office of Davidson County, being more particularly described as follows:

Beginning at a P.K. nail in the westerly margin of Fourth Avenue, South and the northerly margin of Ash Street thence with the northerly margin of Ash Street South 43 degrees, 04 minutes, 08 seconds West 128.82 feet to an iron pin in the northerly margin of Lafayette Street;

Thence North 85 degrees, 29 minutes, 54 seconds, West 57.41 feet to an iron pin;

Thence North 45 degrees, 53 minutes, 18 seconds, West 17.53 feet to an iron pin;

Thence North 43 degrees, 54 minutes, 16 seconds, East 164.69 feet to an iron pin;

Thence South 46 degrees, 33 minutes, 55 seconds, East 60 feet to the point of beginning containing 9282.381 square feet or 0.213 acres. Pursuant to survey by Volunteer Surveying, David P. Brackman, RLS #1684, dated 9/7/94.

Being the same property purchased by August Nickel from W.J.J. Yarbrough, et ux of record in book 481, page 96, Register's office of Davidson County, Tennessee.

August Nickel having died testate and devised by will probated January 3, 1923 of record in probate file number 7610 to Clayanne Nickel for life and upon her death, to Emma Helen Nickel, Daisy Ida Nickel and Carrie Ursula Nickel, each a one-third (1/3), undivided interest with Emma Helen Nickel's interest being held in trust for life with the remainder to Daisy Ida Nickel and Carrie Ursula Nickel.

Emma Helen Nickel deceased on October 1, 1956 (death certificate no. 56-22447, Davidson County, Tennessee) leaving Daisy Ida Nickel and Carrie Ursula Nickel, now Carrie Ursula Nickel Tune, as owners of one-half (1/2) undivided interest each as tenants in common.

Daisy Ida Nickel having died on April 13, 1979 (death certificate no. 79-010359) a single woman, never married, without issue intestate leaving Carrie Ursula Nickel Tune her one-half (1/2), undivided interest as her sole, surviving heir.

Carrie Ursula Nickel Tune having died testate (Probate No. 67897) on July 16, 1979 and devising said property to

William Nick Tune, Walter C. Tune, Jr. and Douglas B. Tune each an undivided one-third (1/3) interest as tenants in common.

This is known as improved property located at 4th Ave., South, Nashville, Tennessee.

died on the 17th day of March, 1993 in Nashville, County of Davidson, Tennessee. There are no debts or encumbrances remaining unpaid which are or might become a lien on said property. The Tennessee Inheritance Tax Clearance has been received being receipt number NT 84076, a copy of which is attached as Exhibit B.

The undersigned, sole heir to the estate of Douglas B. Tune, and the sole beneficiary under the terms of the last will and testament of Douglas B. Tune, as of record in Probate file no. 93P613, attached as Exhibit A.

Ann Butrum Tune

Ann Butrum Tune

Before me, a Notary Public, duly appointed, commissioned and qualified in and for the State and County aforesaid, personally appeared Ann Butrum Tune, the within named bargainor, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence to be the person described in the foregoing, who signed, sealed and delivered the foregoing instrument in my presence, and who, upon oath, acknowledged that she executed the foregoing instrument for the purposes therein contained as her free act and deed.

In witness whereof, I have hereunto set my hand and affixed my seal at my office in said County, on this 8 day of March, 1995.

Charlotte L. Kinsler

Notary Public

My commission expires: 1-25-97

BOOK 9628PG237

LAST WILL AND TESTAMENT
OF
DOUGLAS BERNARD TUNE

I, DOUGLAS BERNARD TUNE, of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this as and to be my Last Will and Testament, hereby revoking all prior wills and codicils thereto.

ITEM FIRST

I direct that my Executor hereinafter named shall pay all my just debts, inheritance and other succession taxes, as well as funeral bills, as soon after my death as may be deemed practical.

ITEM SECOND

All the rest, residue and remainder of my estate, whether the same be real, personal or mixed and wherever situated, I hereby give, devise and bequeath to my beloved wife, Ann Redding Butrum Tune.

ITEM THIRD

In the event my wife, Ann Redding Butrum Tune, shall predecease me or should she die as a result of a common disaster or under such other circumstances wherein it is impossible to determine with any degree of certainty which of us shall have survived the other, I direct that it shall be presumed that I have survived my said wife, and I hereby give, devise and bequeath my entire estate, whether the same be real, personal or mixed, and wherever situated, to my son, Douglas Bernard Tune, Jr., provided he shall survive me.

Douglas B. Tune.

ITEM FOURTH

In the event my estate would have passed under Item Third of this my Last Will and Testament except for the fact that my son, Douglas Bernard Tune, Jr., failed to survive me, then, in that event, I hereby give, devise and bequeath one-half (1/2) of the entire rest, residue and remainder of my estate, wherever situated and whether the same be real, personal or mixed, to my daughter-in-law, Olivia Ann Walters Tune, and the remaining one-half (1/2) of the said rest, residue and remainder of my estate to my wife's sister, Margaret Cranch Butrum Davitt.

In the event my wife's said sister should predecease me, then I direct that such interest as she would have taken had she survived me shall pass to her daughter, Margaret Ann Davitt. In the event of the death of Margaret Ann Davitt, then I direct that the said share shall pass to my daughter-in-law, Olivia Ann Walters Tune.

In the event my said daughter-in-law, Olivia Ann Walters Tune, should predecease me, then I direct that such portion of my estate as my said daughter-in-law would have received had she survived me shall pass to her heirs.

ITEM FIFTH

I hereby nominate and appoint my wife, Ann Redding Butrum Tune, as Executrix of this my Last Will and Testament. In the event of her failure or inability to act as such, I hereby nominate and appoint my son, Douglas Bernard Tune, Jr., as Executor, and in the event of his failure or inability to act as such, I nominate and appoint my daughter-in-law, Olivia Ann Walters Tune, and my wife's niece, Margaret Ann Davitt, as Co-Executors of this my Last Will and Testament.

Douglas B. Tune

IN WITNESS WHEREOF, I have set my hand to this my Last Will and Testament, consisting of three (3) typewritten pages, this page included, on this 1ST day of OCTOBER 1981.

Douglas Bernard Tune

DOUGLAS BERNARD TUNE

The foregoing instrument, consisting of three (3) typewritten pages, this page included, was signed, published and declared by the said Douglas Bernard Tune to be his Last Will and Testament in the presence of us, who at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses hereto.

Tyree B. Harris

Tyree B. Harris IV

Douglas B. Tune

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

We, Tyree B. Harris and Tyree B. Harris IV, being the attesting witnesses to the foregoing Will of Douglas Bernard Tune, and being first duly sworn, make oath that Douglas Bernard Tune signed the foregoing Will, consisting of three (3) typewritten pages, this page not included, on this the 1st day of October, 1981, in our joint sight and presence and declared the same to be his Last Will and Testament; and that we in his sight and presence and in the sight and presence of each other, at his request, signed our names thereto as attesting witnesses; that we believed the said Douglas Bernard Tune to be, at the time, of sound and disposing memory; and that this affidavit is being made at the request of the said Testator.

WITNESS our signatures on this the 1st day of October, 1981.

Tyree B. Harris

Tyree B. Harris IV

Sworn to and subscribed
before me on this 1st
day of October, 1981.

Martha B. Bass
NOTARY PUBLIC

My Commission Expires: 21 April 1985

4236 03/27/0101 03CHECK 28.00

95 MAR 27 AM 11:58
FELIX A. [illegible] REGISTER
DAVIDSON COUNTY, TN.

45523
IDENTIF. & REFERENCE

TENNESSEE DEPARTMENT OF REVENUE

Exhibit B

NT 84076

BOOK 9628 PG 241

NON-TAXABLE CERTIFICATE

TUNE, ANN B
ESTATE REPRESENTATIVE

ACCT. NO. 95-00214

To WAYNICK, DAVID J
211 DONELSON PK STE 2
NASHVILLE, TN 37214

Estate of:
TUNE, DOUGLAS B
DAVIDSON (19)
03/17/93

THIS IS TO CERTIFY that a sworn Return for Inheritance Tax has been filed with this Department by the duly qualified representative of the above Estate. The values as reported on all forms of property within the return appear to be fairly reported. The allowance of all lawful debts, deductions and the applicable statutory exemption, exempts the estate from taxation.

As provided in Section 67-8-420, Tennessee Code Annotated, this certificate authorizes the Probate Court of the County wherein said Estate was administered to permit a final settlement or accounting by the aforesaid representative.

This, the 1st day of March, 19 95.

COMMISSIONER OF REVENUE

By _____
Director of Office Audit and Examination

RV-0194(REV. 9-91)

15-002-1900