Last Will and Testament

OF

BOOK 9819PG915

MALCOLM R. CHESTER

I, MALCOLM R. CHESTER, domiciled in Nashville, Davidson County, Tennessee, being of sound mind and disposing memory of the natural objects of my bounty, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

ARTICLE I.

I direct that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave), all estate, inheritance, succession and other taxes assessed by reason of my death, and the costs of administration of my estate be paid as soon as practicable after my death.

ARTICLE II.

I bequeath to my dear wife, THELMA V. CHESTER, in fee, all clothing, jewelry, household goods, personal effects, automobiles, and all other tangible personal property not otherwise specifically bequeathed, including cash on hand or on deposit, or any stocks or bonds owned by me at the time of my death. If my said dear wife, THELMA V. CHESTER, shall not survive me, I bequeath all of the aforesaid property to my daughter, MRS. SUE CHESTER KESTNER. If my daughter, MRS. SUE CHESTER KESTNER, should predecease me, then I bequeath all of the aforesaid property to my granddaughter, CHRISTY ANN KESTNER, but if she is under 18 years of age then as directed in Article IV of this my Last Will and Testament.

Malcolm R. Chester

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IDENTIFICATION REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

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ARTICLE III.

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal, tangible, and intangible, of whatsoever nature and wheresoever situated, including all lapsed legacies and devises and all life insurance payable to my estate, I bequeath and devise in fee to my dear wife, THELMA V. CHESTER. If my said dear wife, THELMA V. CHESTER, shall not survive me, then I bequeath and devise the said property in fee to my daughter, MRS. SUE CHESTER KESTNER. If my daughter, MRS. SUE CHESTER KESTNER, should predecease me, then I bequeath and devise the aforesaid property in fee to my granddaughter, CHRISTY ANN KESTNER, but if she is under 18 years of age, then as directed in Article IV of this my Last Will and Testament.

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ARTICLE IV.

If at my death my wife be dead and if my daughter be dead and if my granddaughter, CHRISTY ANN KESTNER, has not at my death attained the age of 18 years, then I give, bequeath and devise that all of my estate, including all life insurance payable to my estate, shall vest JAMES W. KESTNER, of Nashville, Tennessee, as Trustee, for the use and benefit of my granddaughter, but without the necessity of giving bond as such and is excused from compliance with the laws of any jurisdiction regulating investments by fudiciaries. My trustee shall not be required to report to any Court nor to seek authority from any Court to buy or sell assests, whether real, personal, or mixed. However, he shall render, at least annually, to my granddaughter a report showing all transactions pertaining to the administration of the trust assets. My Trustee is given full and absolute discretion with respect to holding investments in the form received or to selling such assets and purchasing new assets, and he shall be liable only

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for gross negligence or fraud.

In addition to the powers herein granted, I authorize my Trustee to exercise any and all the powers set forth in Section 3, Chapter 110 of the Public Acts of 1963, now codified in TCA 35-618, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim.

Until my granddaughter has attained the age of 18 years, my Trustee is authorized to accumulate the net income or to pay or apply so much thereof to the use of my granddaughter in such amounts and proportions as my said Trustee in his sole and absolute discretion shall deem advisable from time to time without regard to any other monies she might have in her possession. Any accumulated income shall be periodically, at least annually, incorporated into principal of the trust fund as an integral part thereof to be held, administered, and distributed in accordance with all the terms, conditions, and limitations applying thereto.

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Upon my granddaughter attaining the age of 18 years my Trustee shall distribute the entire trust, both principal and interest, in fee, to my said granddaughter and the said trust shall then cease.

Anything in this will to the contrary not withstanding no trust created hereunder shall continue beyond 21 years after the death of the last to die of those beneficiaries who were living at the time of my death; and upon the expiration of such period all trusts shall terminate and the assets thereof shall be distributed outright to those parties as are then receiving the income therefrom.

If at anytime, in the opinion of the Trustee, income is insufficient to provide for the comfortable maintenance, medical care, welfare, and education of my granddaughter, the Trustee may pay to or for said beneficiaries benefit the sums as he deems advisable for such purposes from the principal of the trust estate.

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My primary intention in creating this contingent trust under my will is to provide for my grandchild under the living standard to which she has been accustomed during my life. While I do not desire to encourage waste or excessive spending by her, I request that the Trustee first consider her in exercising any discretion hereunder as it is my intention that she be the primary beneficiary rather than some ultimate remainder man.

I direct the Trustee to pay the net income from this Trust monthly for the benefit of my granddaughter as might be needed, taking into consideration her medical and educational needs as well as the needs for her every day living needs. If there appears no such needs, then the income is to be accumulated with the principal of the trust. My Trustee may employ such attorneys, accountants, appraisers, or agents and other specialists as he may deem advisable from time to time. All compensation for the foregoing services may be paid from the principal or income or partly from each as the Trustee deems advisable without regard to any statute to the contrary.

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ARTICLE V.

I appoint THELMA V. CHESTER, of Nashville, Davidson County, Tennessee, to be the Executrix of this my Last Will and Testament and direct that no bond be required nor compensation be paid for the faithful performance of her duties; and I vest my said Executrix with full power and authority to sell, transfer, and convey any property, real or personal, which I may own at the time of my death at such time and price and upon such terms and conditions (including credit) as she may determine and to do every other act and thing necessary or appropriate to the complete administration of this Will. If my wife should predecease me, then I appoint my daughter, MRS. SUE CHESTER KESTNER, of Nashville, Davidson County, Tennessee, to be the Executrix of this my Last Will and Testament, and to serve without bond.

ARTICLE VI.

If my wife and I shall die under such circumstances that it can not be established that our deaths were otherwise than simultaneous, it shall be presumed throughout this Will that she survived me.

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IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of five (5) type-written pages, and for the purpose of identification, I have signed each page, all in the presence of the persons witnessing it at my request on this 8 day of April, 1983, at Nashville, Tennessee. Pursuant to the provisions of T.C.A. Section 32-211, I request the attesting witnesses to make the Affidavit set out below.

Malcolm R. Chester

MALCOLM R. CHESTER

The foregoing instrument, consisting of this and four (4) preceding typewritten pages, was signed, sealed, published and declared by MALCOLM R. CHESTER, 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 8th day of April, 1983, at Nashville, Tennessee.

Laura J. Clowers	Nashville, Tennessee
Wm Michael Duffy	Nashville, Tennessee

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AFFIDAVIT OF WITNESSES TO PROVE WILL

Laura J. Clowers and Wm. Michael Safley

after being duly sworn according to law, depose and say:

1. That they are adult citizens of Davidson County, Tennessee.

2. That they witnessed the execution of the Last Will and Testament of MALCOLM R. CHESTER, dated April 8th, 1983, 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 32-211.

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 paperwriting 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.

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Laura J. Clowers

Wm. Michael Safley

STATE OF TENNESSEE:

COUNTY OF DAVIDSON:

Subscribed and sworn to before me this the 8th day of April, 1983.

Andrew B. Gibson Jr.
NOTARY PUBLIC

My Commission Expires: 1-22-84

ANDREW B. GIBSON, JR. NOTARY PUBLIC TENN