BOOK 9862 PG 621

Last Will and Testament

of

RUPERT TOSH

'94 JAN 11 AM 8:36

RICHARD [illegible] CLERK
D.C.

I, Rupert Tosh, a citizen and resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this instrument as my Last Will and Testament hereby revoking any and all Wills and codicils made by me at any time heretofore.

I

I direct that there shall be paid out of that portion of my residuary estate which is not included in the share qualifying for the marital deduction without apportionment, all estate, inheritance, succession and other taxes, together with any penalty thereon, assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof in respect of all property required to be included in my gross estate for estate or like tax purposes, except for purposes of the federal generation-skipping transfer tax, by any of such governments, 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.

II

It is my will and desire that at my death all of my just debts and funeral expenses be paid from any funds coming into the hands of the Executrix.

III

I give, devise and bequeath my homeplace which is commonly known as 3336 Goodland Road, Nashville, Tennessee, to my three (3) children, Brenda, Lynn, and Dianne, that they should share and share alike with the provision that my wife, Peggy Jean Tosh shall

have the right to live in said real estate so long as she desires to live in said homeplace with the following provisions, to wit:

In the event my wife, Peggy Jean Tosh, were to die, remarry or for any reason were to choose or be unable to reside in said real estate, then and in that event, said real estate shall be the sole property of my daughters, Brenda, Lynn and Dianne, to share and share alike, absolutely, to the end result that each should receive a one-third (1/3) interest.

IV

I give, devise and bequeath my house and real estate which is known as Lot No.34, of Maple Street Subdivision, located in the Village of Campaign, Tennessee, to my wife, Peggy Jean Tosh, absolutely.

V

I give and bequeath all of my household furnishings, personal belongings and automobiles which I own at the time of my death to my Wife, Peggy Jean Tosh, absolutely. None of my children shall be permitted to take said personal belongings, household furnishings or automobiles unless my wife, Peggy Jean Tosh, were to expressly give said item to said children.

VI

My savings plan with Kraft Foods, on September 30, 1989 (the date of my marriage to Peggy Jean), had a face value of Seventy-five Thousand, Six Hundred Seventy-seven and 74/100 ($75,677.74) Dollars. I give and bequeath the amount of Seventy-five Thousand, Six Hundred Seventy-seven and 74/100 ($75,677.74) Dollars plus the interest which said Seventy-five Thousand, Six Hundred Seventy-seven and 74/100 ($75,677.74) Dollars has earned in said Thrift Plan from September 30, 1989, to the date of my death, to my three (3) children, Brenda, Lynn and Diane, that they should all (3) three share and share alike, to the end result that each should receive a one-third (1/3) interest.

I give and bequeath all of the rest and residue of the principal and interest earned since September 30, 1989, to my wife, Peggy Jean Tosh, absolutely.

VII

The savings bonds in the safe starting with June, 1980, number L7476857EE and ending with October 18, 1989, number L437093489EE, I give and bequeath to my three daughters, Brenda, Lynn, and Dianne, that they should all three (3) share and share alike equally to the end result that each should receive a one-third (1/3) interest. I give and bequeath all the rest and residue to my wife, Peggy Jean Tosh.

VIII

I give, devise and bequeath my IRA with Kraft Foods in Atlanta, (if any is left) to my three (3) daughters, Brenda, Lynn, and Dianne, that they should all three (3) share and share alike to the end result that each shall receive a one-third (1/3) interest in said IRA.

IX

I give, devise and bequeath all of the rest and residue of my estate, whether real, personal or mixed and wheresoever situated to my three (3) children, Brenda, Lynn, and Dianne, that they should all three (3) share and share alike to the end result that each shall receive a one-third (1/3) interest.

X

I hereby nominate, constitute and appoint my Wife, Peggy Jean Tosh, to serve as the Executrix of my estate and she is to serve in such capacity without posting bond or other surety.

XI

In the event my Wife were to predecease me or for any reason is unable to serve as the Executrix of my estate, then and in that event I nominate and appoint my daughter, Brenda to serve as the Executrix of my estate and she is to serve in such capacity without posting bond or surety.

Except where otherwise specifically stated, this Will is to be administered, contracted and governed in all respects by the laws of the State of Tennessee.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament, and declare and publish the same as such in the presence of witnesses, this the 1 day of June, 1992, at Nashville, Tennessee.

Rupert Tosh
RUPERT TOSH
TESTATOR

Signed, sealed, published and declared by the Testator, RUPERT TOSH, at and to be his Last Will and Testament in the presence of all of us at one and the same time, and we in his presence, at his request, and in the presence of each other, have hereunto subscribed our names as witnesses and we do hereby attest to the sound mind and disposing memory of the Testator and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

Robert H. Mc
WITNESS
Suite 112
3354 Perimeter Hill Dr.
Address
Nashville, Tn. 37211
City, State and Zip

Peggy Barrett
WITNESS
3354 Perimeter Hill Dr.
S. - 112
Address
Nashville, Tn. 37211
City, State and Zip

95 NOV 17 AM 10:25
FILED & RECORDED IN REGISTER
DAVIDSON COUNTY, TN.

MAIL ENV.

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IDENTIF. & REFERENCE

PAGE FOUR OF THE FOUR PAGE LAST WILL AND TESTAMENT:

RUPERT TOSH: (Rupert Tosh)

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AFFIDAVIT

Robert McVicker and Peggy Barrett,

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

1. That they are adult citizens of the State of Tennessee.

2. That they witnessed the execution of the Last Will and Testament of Rupert Tosh, the Testator, dated the 1 day of May, 1992, 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 in his presence, at the place and date recited in said Last Will and Testament.

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

5. That at the time we witnessed the signing of said Will, the Testator was, in our opinion, of sound mind and disposing memory.

WITNESS

3354 Perimeter Hill Dr. Suite 112
Address

Nashville, Tn. 37211
City, State and Zip

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Address

Nashville, Tn. 37211
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* *

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Sworn to and subscribed before me on this the 1 day of May, 1992.

NOTARY PUBLIC

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 18 Page 318

Given under my hand and official seal, at office, in Nashville, this 1 of May 1995.

RICHARD R. ROOKER, CLERK

By Deputy Clerk

RECORDERS NOTE
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED