94P1515

THE LAST WILL AND TESTAMENT

OF

DOROTHY BRODERICK MILLER BOOK 9991 PG 909

ITEM I

DECLARATION

1.1 I, Dorothy Broderick Miller, of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do make, declare and publish this my last will and testament, hereby revoking all former wills and codicils to wills heretofore made by me.

1.2 I have five (5) children, Thomas Patrick Miller, Jr., Mary Ann Miller Beavin, Lawrence Michael Miller, Timothy Joseph Miller and John Robert Miller

ITEM II

PAYMENT OF FUNERAL AND ADMINISTRATION EXPENSES, DEBTS AND TAXES

2.1 My executor should pay my funeral expenses, and the expense of administering my estate as soon as possible after my death.

2.2 My executor shall pay my lawful debts. To the extent permitted by law, my executor may pay a debt without requiring the creditor to file a claim.

2.3 If a debt is secured by a deed of trust or by another security instrument, my executor may elect not to pay the debt in full, the property securing the debt will pass to the recipient subject to the lien of the deed of trust or other security instrument.

However, if my executor elects to permit the property to pass subject to the lien of a deed of trust or other security instrument and if the creditor files a claim against my estate so that my executor must pay the debt, my executor shall collect the amount my estate paid to the creditor from the recipient of the property.

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ITEM III

PERSONAL PROPERTY

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3.1 I leave to my granddaughter, Susan Francis Beavin, my first engagement ring.

3.2 I leave to my son, Thomas Patrick Miller, Jr., my second engagement ring.

3.3 The remainder of my jewelry shall be distributed among my granddaughters in any manner that my son John Robert Miller sees fit.

3.4 I leave to my son, Lawrence Michael Miller, my china cabinet and hutch.

3.5 I leave to Mrs. Betty O'Malley the decorative plates displayed on the walls of my dining room.

3.6 I leave to my grandsons, Paul Thomas Beavin, William Michael Beavin and Patrick Broderick Beavin, my personal computer.

3.7 I leave to my daughter, Mary Ann Miller Beavin, my piano and all my sewing equipment.

3.8 All the rest, residue and remainder of my personal property shall be distributed equally among my five (5) children. If my children do not agree on the division of my residual tangible personal property, my executor may sell the disputed portion at public sale or at a private sale at which the bidders are limited to my children or my executor may dispose of the disputed property in any other manner as is agreeable to my children. The executor-beneficiary may be a purchaser at either the private or public sale authorized herein.

The executor shall divide equally the sale proceeds among my children.

ITEM IV

REAL PROPERTY

4.1 I leave my home at 405 Chesterfield Avenue, Nashville, Tennessee jointly to my five (5) children. Provided, however, that within one hundred twenty

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(120) days of my death, my sister, Mary Elizabeth Broderick, may elect to claim a life estate in the property. If she so elects, I do leave her such life estate presently. If she shall not so elect, this bequest shall extinguish.

4.2 I leave the home at 6519 Marauder, Nashville, Tennessee to Linda Jean Foster, Trustee, for the use and benefit of Lindsey Jean Miller and Rebecca Thomas Miller, said trust to expire when the youngest of these reaches the age of twenty-five (25) years.

My trustee is hereby empowered to rent or lease said property to service the indebtedness, taxes and maintenance of the property during the term of the trust.

Should my trustee determine that it is in the best interests of the beneficiaries to sell the property she shall have the power to do so. Provided, however, said sale shall be for the same or more than the amount of an appraisal of the property by a certified real property appraiser.

In the event of such a sale, the proceeds may be reinvested in such investments as a prudent person would choose to protect the corpus and also produce income.

4.3 I leave to my granddaughter, Grace Ann Miller, one cemetery plot located at Harpeth Hills Cemetery. The remainder of the cemetery plots located at said cemetery shall be distributed in any manner agreeable to my children.

4.4 All the rest, residue or remainder of my real property or any interest therein I leave jointly to my five (5) children.

ITEM V

EXECUTOR

5.1 I appoint my son, Thomas Patrick Miller, Jr., to serve as executor of my will. If my son is unable to serve or refuses to serve, then I appoint my daughter, Mary Ann Miller Beavin, to serve as my executrix.

5.2 I excuse my executor from making bond.

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ITEM VI

SIGNATURE BOOK 9991 PG 912

IN TESTIMONY WHEREOF, I have subscribed my name to this my Last Will and Testament, consisting of this and four (4) other typewritten pages, and for the purposes of identification I have subscribed my signature to each page, all in the presence of the persons witnessing it at my request on this 29th day of August, 1994, at Nashville, TN, _____.

Dorothy B. Miller
Dorothy Broderick Miller

This instrument was, on the day and year above written, signed, published and declared by Dorothy Broderick Miller, to be her Last Will and Testament in our presence, and we, at her request, have signed our names hereinbelow, as attesting witnesses to this instrument, in her presence and in the presence of each other.

WITNESS:	ADDRESSES:
Anne C Connor	439 Linen Ave Mad TN 37205
Marjorie P Davis	1411 Dunhill Dr. Mad. TN 37205
Elin T Bielen	1431 Summer St Nashville Tn 37206

WITNESSES' AFFIDAVIT

We, the undersigned, being duly sworn, make oath as follows:

That on the day and date below written, Dorothy Broderick Miller, declared and signified to us that the foregoing instrument was her Last Will and Testament; that she signed the same in our sight and presence and in the sight and presence of each other we subscribed our names hereto as attesting witnesses; that at the time, she was more than eighteen (18) years of age, of sound mind and memory, and not under any undue influence; and that we, being all of the attesting witnesses to said instrument, make and sign this Affidavit at her request the 29 day of August, 1994.

WITNESS:

Anne C Connor

Marjorie P Davis

Elin T Bielen

Dorothy B Miller

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

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Personally appeared before me, McClellan P. Davis, a Notary Public for said State and County,

WITNESS:

Anne C. Connor

Marjorie P. Davis

Ellen T. Benham

with whom I am personally acquainted and who signed and executed the foregoing attestation clause and affidavit, and who, being duly sworn, acknowledged that they signed and executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 29 day of August, 1994.

McClellan P. Davis
Notary Public

My Commission Expires: 1/27/96

STATE OF TENNESSEE, DAVIDSON COUNTY

I Richard R. Rooker, Clerk of the Probate Court of the County aforesaid, do certify that the foregoing is a full, true and complete copy, of the original on file in my office. Will Book 493 Page 391
Given under my hand and official seal, at office, in Nashville, this 27th of March 19 96.

RICHARD R. ROOKER, CLERK

By Rus Douthwaite
Deputy Clerk

96 MAR 27 AM 9:01
FELIX Z. WILSON II, REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

IDENTIF. ↑ REFERENCE

03/27 0101 03CHECK 20.00

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

Dorothy B. Miller