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

0285565
IDENTIFICATION REFERENCE

97 MAR 25 PM 1:25
REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

LAST WILL AND TESTAMENT

OF

LARRY H. HICKS

BOOK 10390 PG 984

I, Larry H. Hicks, domiciled in Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

I

I appoint my sons, Charles Hicks and James Hicks to be the Executors of this my Last Will and Testament and direct that no ond be required of them for the faithful performance of their ..ties; I vest my said Executors with full power and authority to sell, transfer and convey any property, real or personal, which I own at the time of my death at such price and upon such terms as they may determine and to do every other act and thing necessary o ppropriate to complete the administration of this Will. If e of my said sons does not survive me or is unable or n ng to serve or continue as an Executor, I direct the other t shall serve as sole Executor.

II

I t that all my just debts that constitute enforceable ims st my estate (except debts secured by mortgages or

other security instruments, which may be paid or retained in the discretion of my Executors), including funeral and testamentary expenses, the cost of a suitable monument at my grave, the expense of my last illness, unpaid charitable pledges (whether or not the same are enforceable obligations of my estate) and the cost of administration of my estate be paid as soon as practical after my death. My Executors, in their sole and absolute discretion, may pay from my domiciliary estate all or any portion of the cost of ancillary administration and similar proceedings in other jurisdictions.

III

I direct my Executors to pay as an expense of administration all estate, inheritance, succession and other taxes (together with any interest or penalty thereon), assessed by reason of my death, imposed by the government of the United States, or any state, in respect of all property included in my estate for estate or like tax purposes by any of such governments, whether the property passes under this Will or otherwise. The proceeds of any life insurance payable to my estate may be used for the payment of debts or taxes. I further direct that any taxes so paid shall be charged against my residuary estate.

IV

I make the following specific bequests:

A. I hereby give, bequeath and devise to my son, Charles

Hicks, outright and in fee simple, the following described piece of real property, including any and all improvements, fixtures and attachments found thereon at the time of my death:

> Being Lot No. 389 on the Map of Bellshire Estates, Section "A", as of record in Book, pages 115 and 116, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 389 fronts 170.5 feet on the southwesterly side of Stilton Drive and runs back 289.6 feet on the northwesterly line and 268 feet on the southeasterly line to a dead line in the rear on which it measures 112 feet. Being the same property conveyed to Larry H. Hicks and wife, Mary Olean Hicks, by deed of record in Book 4056, page 81, Register's Office for Davidson County, Tennessee.

And I specifically authorize and direct that my Executor may quit-claim and distribute the above described property to my said son, Charles Hicks, without the necessity of obtaining the signatures, consent or permission: (i) of any court before which my estate is being administered or (ii) of the heirs of my estate.

B. I bequeath to my son, Larry G. Hicks, my mirror on the wall.

C. I bequeath to my daughter, Anita Cook, my four-leg table and my straight-back chair.

D. I bequeath my china-ware to my daughters, Anita Cook, Dianne Edwards and Nancy Ware, such china-ware to be divided equally between them.

E. I bequeath to my daughter, Nancy Ware, the dinner bell and the radio silverware.

F. I bequeath to my son, Charles Hicks, my Troy tiller.

G. I bequeath to my son, James Hicks, the small picture of his mother and me.

H. I bequeath to my children all the gifts and presents now in my possession which they have given to me (and/or my wife) over the years, each to receive back whatever he or she had previously given.

I. I give to my daughter, Dianne Edwards, the option to buy

the dining set from my estate for a price of $1,000.00. She must exercise such option by delivering the above stated purchase price to my Executors within one hundred (120) days following the date of my death.

J. I give to my son, Charles Hicks, the option to buy the cedar chest from my estate for a price of $400.00. He must exercise such option by delivering the above stated purchase price to my Executors within one hundred (120) days following the date of my death.

K. I give to my son, James Hicks, the option to buy the grandmother clock from my estate for a price of $1,500.00. She must exercise such option by delivering the above stated purchase price to my Executors within one hundred (120) days following the date of my death.

L. I give to my daughter, Nancy Ware, the option to buy the bedroom suit from my estate for a price of $400.00. She must exercise such option by delivering the above stated purchase price to my Executors within one hundred (120) days following the date of my death.

M. I give all my remaining furniture to my children and grandchildren, each particular item of furniture to be given to the child or grandchild willing to pay the most for it. A reasonable time following my death and the expiration of the options I have granted here, my Executors shall conduct an auction among my children and grandchildren (and only them) to dispose of my remaining furniture in accordance with this paragraph.

N. I direct that my John Deere lawnmower be sold for no less than $2,500.00 to whichever of my children shall want it. And if more than one of my children desires it, then the one willing to pay the most for it shall receive it. If the said lawnmower cannot be sold for at least $2,500.00, then I direct that it be distributed as a part of my residuary estate.

O. I give all my tools to my children, each particular tool to be given to the child willing to pay the most for it. A reasonable time following my death, my Executors shall conduct an auction

among my children (and only them) to dispose of my tools in accordance with this paragraph.

P. I give my car to the child of mine willing to pay the most for it. A reasonable time following my death, my Executors shall conduct an auction among my children (and only them) to dispose of my car in accordance with this paragraph.

Q. I give and bequeath all my money, including the money received on the sales provided in the preceding paragraphs, money from my bank account(s) and any certificates of deposits which I may own, to my children, each to receive an equal share of same.

V

I give, devise and bequeath all the rest, residue and remainder of my estate, however and wherever situated, to and among my children, each of them to receive an equal in value share.

VI

In addition to any powers or duties provided by other provisions in this Will or by law, my Executors shall have the following powers:

A. The powers enumerated in the provisions of Section 35-50-110 Tennessee Code Annotated, including the introductory paragraph and all subparagraphs thereof to the extent applicable. Said provisions (as in force on the date of execution of this Will) are hereby incorporated herein by reference as fully as though copied herein verbatim, notwithstanding that said statute may be amended hereafter or repealed.

B. The power to exercise any election available to my estate with regard to claiming any administration expense either as a deduction for any death tax or income tax purpose. Said elections may be made in such manner as will minimize the total tax burden, if any, on my estate and shall not require adjustments as between the income and principal accounts of my estate. I hereby relieve my Executor of any liability to any beneficiary by reason or making or failing to make any such election.

C. To the extent allowable under applicable Tennessee law at the time of my death, I hereby relieve my Executors from any duty or responsibility to file accountings, reports or inventories with any court having jurisdiction over my estate.

D. In the event that my children cannot agree upon the division of any property bequeathed to them jointly under this Will, my Executors shall have the power to make the division of such property between or among my children, in such manner as they may deem appropriate. The decision of my Executors shall be conclusive and final on all interested parties.

E. I expressly direct my Executors that I do not desire that there be any type of general public auction of any of my possessions after my death.

VII

Purchasers from, lenders to and other dealing with my Executors shall not be required to inquire as to the occasion for such sale, loan or other transaction, nor to see to the application of such purchase, loan or other money or property. Written receipts and/or cancelled checks retained by ny Executors shall be good and sufficient discharges for the sums therein stated to have been received. Transfer agents and other persons dealing with my Executors may deal with them as if they were the sole owner of the property dealt with.

VIII

Currently, my immediate family includes only my children, Charles Hicks, Larry Hicks, James Hicks, Ronald Hicks, Dianne Edwards, Anita Cook and Nancy Ware.

IX

As used in this Will, in referring to any person, a word of one gender shall be deemed to include the other, and a reference to the singular shall include the plural, and vice versa, if the context indicates that such a reading would be appropriate. If a

successor Executor is appointed, any reference to the words "Executors" shall be deemed to refer to such successor Executor.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last and Testament, consisting of seven (7) typewritten pages (excluding the affidavit) and for the purposes of identification I have initialed each such page, all in the presence of the persons witnessing it at my request, on this the 11-28 day of November, 1994.

Larry H. Hicks
LARRY H. HICKS

The foregoing instrument was signed, published and declared by Larry H. Hicks, the Testator, to be his Last Will and Testament, in the presence of all of us at one and the same time, and we, at his request, and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses this 28th day of November, 1994, at Nashville, Tennessee, this clause having first been read to us aloud.

WITNESSES:

C L L + M P G

Jama Kay Emerson

ADDRESSES:

164 2nd Ave N
Nashville TN 37201

931 New Shackle Island Rd
Hendersonville, TN 37075

BOOK 10390 PG 991

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

AFFIDAVIT

Personally appeared before me, the undersigned notary public, Claiborne K. McLemore III and Jama Kay Emerson, who, after being duly sworn according to law, depose and say:

1. That they are citizens of Davidson and Sumner Counties, respectively, and are more than 18 years of age.

2. That they witnessed the execution of the Last Will and Testament of Larry H. Hicks, the Testator, dated Nov 28, 1994, to which this affidavit is attached, and that this Affidavit is being made at the request of the Testator.

3. That the Testator signed said paper writing as and for his Last Will and Testament in their sight and presence at one and the same time.

4. 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.

5. That at the time they witnessed said Will, the Testator was, in their opinion, more than 18 years of age, of sound mind and disposing memory, and did not appear to be under any undue influence.

Sworn to and subscribed to before me, this 28th day of November, 1994.

Notary Public

My commission expires: 7-26-96

b:\b009idi

STATE OF TENNESSEE
I, RICHARD R. BOOKER, do certify the foregoing to be a true and complete copy of the original on file in my office. Will Book 212 Page 338
Given under my hand and official seal, at office, in Nashville, this 25th of March 19 97.
RICHARD R. BOOKER, CLERK
By Deputy Clerk