BOOK 10936 PG 598

ENTERED 11-14-97
BOOK 61 PAGE 279-290

#II-P-97-1982

LAST WILL AND TESTAMENT

OF

RAYMOND K. TOOMBS

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IDENTIFICATION REFERENCE

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MAIL ENV.

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I, RAYMOND K. TOOMBS, a resident of and domiciled in Williamson County, Tennessee, do hereby make, publish and declare the following to be my Last Will and Testament, hereby revoking all of my prior wills and codicils.

ARTICLE ONE

DEBTS

I DIRECT that all of my just debts, my funeral expenses, including the cost of a suitable cemetery plot, if necessary, and the cost of a suitable monument at my grave, the expenses of my last illness, the cost of administration of my estate, and any unpaid charitable pledges, regardless of whether said pledges may be enforceable obligations of my estate, be paid as soon as may be convenient after my death; provided, however, my Personal Representative shall not be required to pay any obligation in advance of its maturity.

ARTICLE TWO

PERSONAL PROPERTY

I GIVE and BEQUEATH all tangible personal property owned by me at the time of my death, including, but not limited to, furniture, furnishings, rugs, pictures, books, silver, plate, linen, china, glassware, objects of art, wearing apparel, jewelry, boats and automobiles, together with all policies of insurance relating thereto, to be divided

Raymond K. Toombs

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equally between my niece, FRANKIE GENE MCPEAK and my sister, CORA T. PINKSTON, if they both survive me; however, if FRANKIE GENE MCPEAK does not survive me and CORA T. PINKSTON does survive me, I GIVE and BEQUEATH all of said tangible personal property to CORA T. PINKSTON, or if CORA T. PINKSTON does not survive me and FRANKIE GENE MCPEAK does survive me, I GIVE and BEQUEATH all of said tangible personal property to FRANKIE GENE MCPEAK.

Any reasonable distribution expenses incurred with respect to my tangible personal property, including, but not limited to, packing, shipping, storage and insurance expenses, shall be paid by my Personal Representative as an administration expense of my estate.

ARTICLE THREE

RESIDUARY ESTATE

All the rest, residue and remainder of my property and estate, both real and personal, of whatsoever kind and wheresoever situated, of which I shall die seized or possessed or of which I shall be entitled to dispose at the time of my death (my "residuary estate"), I GIVE, DEVISE and BEQUEATH to my niece, FRANKIE GENE MCPEAK and my sister CORA T. PINKSTON, if they both survive me; however, if FRANKIE GENE MCPEAK does not survive me and CORA T. PINKSTON does survive me, I GIVE and BEQUEATH all of said residuary estate to CORA T. PINKSTON, or if

[illegible]

CORA T. PINKSTON does not survive me and FRANKIE GENE MCPEAK does survive me, I GIVE and BEQUEATH all of said residuary estate to FRANKIE GENE MCPEAK.

ARTICLE FOUR

PERSONAL REPRESENTATIVE

I NOMINATE and APPOINT as Executrix hereof, my niece, FRANKIE GENE MCPEAK, or if my niece does not survive me, my sister, CORA T. PINKSTON.

If a resident of the state of my domicile is required to serve as Executor or Executrix under my Will and no resident is serving, I authorize the person or persons named as Personal Representative in this Will to appoint a resident to serve as Co-Executor or alone, as the case may be.

I DIRECT that no bond or other security shall be given by or required of any person hereinabove named for the faithful performance of such person's fiduciary duties in any capacity hereunder.

I AUTHORIZE my Personal Representative to administer and settle my estate without the necessity of filing an inventory or making any report or final settlement with any court to the extent permitted by law. I expressly waive appraisal of my estate in the event an appraisal shall be required by law.

Raymond A. Hewitt

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During the period of administration of my estate, my Personal Representative shall be authorized to make distributions of the income of the estate to the same persons, and in the same proportions, as might be made if the administration were completed.

ARTICLE FIVE

FIDUCIARY POWERS

My Fiduciaries and Personal Representative, shall without diminution or restriction of the powers vested by law, or elsewhere in this instrument, and subject to all the privileges of this instrument, shall without the necessity of procuring any judicial authorization therefor, or approval thereof, shall be vested with, and in the application and of their best judgment and discretion on behalf of the beneficiaries of this instrument, shall be authorized to exercise the powers and rights set forth in T.C.A. 35-50-110, including any and all acts amendatory thereof.

In addition to and not in limitation of all common law and statutory authority and all powers otherwise granted in this Will, my Personal Representative shall have the following specific discretionary powers, duties and obligations:

To hold and retain as investments all property of every kind and description which shall at the time of my death be included in my estate;

To acquire, by purchase or otherwise, and retain temporarily or

Payne Lee Reynolds

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permanently all kinds of realty and personalty without regard to principles of diversification;

To borrow money if my Personal Representative deems it advisable in the administration of my estate upon such terms and conditions as my Personal Representative deems advisable;

To enter into leases extending beyond the period of administration of this estate;

To make distributions (including the satisfaction of any pecuniary bequest), in cash or in specific property, real or personal, or an undivided interest in such property or partly in cash and partly in such property, and to do so without regard to the income tax basis of specific property allocated to any beneficiary, including any trust; and

To exercise, in general, all powers with respect to the property included in my estate which any individual would exercise in the management of similar property owned in his own right and not to be responsible for losses, if any, resulting from honest mistakes of judgment.

I AUTHORIZE my Personal Representative, without the order of any court, to sell and convey any of my real estate or personal property not specifically devised or bequeathed by me at public or private sale, without the joinder of any beneficiary, in such manner and upon such terms and for such prices as may seem best; and on

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every sale of real estate the proceeds are to be deemed and treated as forming part of my personal estate.

ARTICLE SIX

ANCILLARY ADMINISTRATION

In the event I own an interest or interests in real property located outside the state of my domicile or in the event ancillary administration of my estate is needed for any other reason outside the state of my domicile, I appoint my domiciliary Personal Representative as my Personal Representative in such other jurisdictions; and if my domiciliary Personal Representative is unable or unwilling to qualify as such, then I APPOINT as my Personal Representative in such other jurisdiction the person or persons selected by my domiciliary Personal Representative by an instrument in writing signed by my domiciliary Personal Representative and delivered to the person or persons so selected and to the court in such other jurisdiction having jurisdiction over the ancillary probate of my Will. Any Personal Representative acting in such other jurisdiction shall have all of the powers, privileges and immunities granted in this Will to my domiciliary Personal Representative, and shall not be required to post bond, file inventories or make reports to any court. Such Personal Representative shall administer the assets of my estate in such other jurisdiction as promptly as possible and shall turn such assets over to my domiciliary Personal Representative.

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ARTICLE SEVEN

TAX

All estate, inheritance, legacy, succession, transfer or other death taxes (including any interest and penalties thereon) imposed by any domestic or foreign taxing authority with respect to all property taxable by reason of my death, whether or not such property passes under this Will and whether such taxes be payable by my estate or by any recipient of any such property (other than any tax imposed by Section 2044 or Chapter 13 of the Internal Revenue Code of 1954, as amended, or any successor thereto, and any comparable tax imposed by any other taxing authority), shall be paid out of my residuary estate with no right of reimbursement from any recipient of any such property.

ARTICLE EIGHT

DISCLAIMERS

I AUTHORIZE my Personal Representative, in addition to any rights conferred on it by law and in its absolute discretion, and without the consent of any court having jurisdiction over my estate, to disclaim or renounce, in whole or in part or with reference to specific amounts, parts, fractional shares or assets, any devise, legacy,

Regina S. K. Jorma

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or interest in or privilege or power over any trust or other disposition provided for my benefit under the Will or other instrument of any person at any time within nine (9) months after the date of the transfer (whether by reason of such person's death or otherwise) which created an interest in me.

I AUTHORIZE any person, in addition to any rights conferred on him or her by law, at any time within nine (9) months after the date of my death to disclaim or renounce, in whole or in part or with reference to specific amounts, parts, fractional shares or assets, any devise, legacy, interest, right, privilege, or power granted to that person by this my Will. Any such disclaimer or renunciation shall be made by a duly acknowledged written instrument executed by that person or by his or her Conservator, Guardian, Committee, Executor, or Administrator, delivered to my Personal Representative and filed with the clerk of the appropriate court.

ARTICLE NINE

COMMON DISASTER

If any beneficiary or beneficiaries under this Will should fail to survive me by one hundred twenty (120) hours, I direct that I be deemed to have survived such beneficiary or beneficiaries and that this Will be so construed.

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Raymond C. Jennings

ARTICLE TEN

PROVISION FOR MINORS

Whenever my Personal Representative is authorized or directed to pay any money or to deliver any property to, or to use any money or property for the benefit of any minor, my Personal Representative shall not require the appointment of a guardian, but I authorize the Personal Representative, in the Personal Representative's sole discretion, to retain any part of such money or property during such minor's minority or to deliver all or any part of such money or property, without the necessity of requiring bond, to the Guardian of the person or property of such minor or to the person with whom such minor may reside or to such minor. The receipt of any such person for such money or property shall discharge the Personal Representative irrespective of the age or other qualifications of such person. The Personal Representative may make distributions to or for the benefit of any beneficiary who is under other legal disability without the intervention of a guardian and to make distributions to or for the benefit of any beneficiary who is a minor to a custodian for any such minor under the Tennessee Uniform Transfers to Minors Act or under the Uniform Transfers to Minors Act as adopted in any other state appropriate under the circumstances.

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ARTICLE ELEVEN

MISCELLANEOUS

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As used in this Will, words in the singular shall include the plural, masculine shall include feminine and/or neuter, and vice versa. Personal Representative means any Executor, Executrix or Administrator with the Will Annexed actually serving under the terms of this Will.

IN WITNESS WHEREOF, I have to this my Last Will and Testament contained in ten sheets of paper, subscribed my name this 3rd day of June, 1997.

RAYMOND K. TOOMBS

SUBSCRIBED by RAYMOND K. TOOMBS in the presence of us and each of us and at the same time declared by him to us and each of us to be his Last Will and Testament, and thereupon we, at his request and in his presence and in the presence of each other, subscribed our names this 3rd day of June, 1997.

Mary C. Watts residing at 121 Alexander Court Murfreesboro, TN 37127

Donna Solomon residing at 3569 Carrick Rd, Franklin 37064

Patricia Fitzsimmons residing at 827 Chapman Dr Franklin TN 37064

STATE OF TENNESSEE)
)
COUNTY OF WILLIAMSON)

BOOK 1093 6 PG 609

We, the undersigned, being duly sworn, say:

1. We witnessed the execution of the foregoing Last Will and Testament, dated the 3rd day of June, 1997. RAYMOND K. TOOMBS subscribed said Last Will and Testament at Claiborne-Hughes Health Center, Strahl Street, Franklin, Tennessee, on the 3rd day of June, 1997 in our presence. At the time of making such subscription, RAYMOND K. TOOMBS declared the said instrument so subscribed by him to be his Last Will and Testament, and we thereupon signed our names as witnesses at the end of said instrument, at the request of RAYMOND K. TOOMBS and in his presence, and in the presence of each other.
2. In our opinion, RAYMOND K. TOOMBS, at the time of so executing said instrument was upwards of the age of eighteen (18) years, and was in all respects competent to make a Will.
3. We make this affidavit at the request of RAYMOND K. TOOMBS

Cheryl Mote

Donnise Solomon

Patricia Littlemiller

Sworn to and subscribed before me this 3rd day of June, 1997.

NOTARY PUBLIC

My Commission Expires: 2-2-01

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STATE OF TENNESSEE
WILLIAMSON COUNTY
I, THE UNDERSIGNED CLERK & MASTER, DO HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL OF THIS INSTRUMENT FILED IN THIS CAUSE.
Beverly Smith
JANICE W. JORDAN, Clerk & Master
Interim

CHANCERY COURT
FILED
1997