Davidson County WILL
Recvd: 03/14/01 13:54 4pgs
Fees:18.00 Taxes:0.00
20010314-0024451

LAST WILL AND TESTAMENT

OF

ALBERTA M. CUMMINGS

* *

I, ALBERTA M. CUMMINGS, a resident of Nashville, Davidson County, Tennesee, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all former wills and/or codicils by me at any time heretofore made.

FIRST: I direct that all my debts, including my funeral expenses, expense of my last illness and the expense of the administration of my estate be paid by my Executor hereinafter named out of the first monies coming into his hands and available therefor.

SECOND: I hereby declare that I am married, that my husband's name is John S. Cummings, that we have one (1) child, John R. Cummings, who is married to Annie M. Cummings. That our grandchildren are Alberta O. Cummings, William S. Cummings, Sr., Helen E. Lee, John R. Cummings, Jr., Larry A. Cummings and Tommie Anita Cummings. Any grandchildren my son, John R. Cummings, Sr., may have by any women other than Annie M. Cummings are hereby specifically excluded from my will and estate.

THIRD: I give, devise and bequeath all of the rest and residue of my property, after the payment of the debts and expenses provided for in paragraph one hereof, whether such property be real, personal or mixed, of whatsoever kind or character and wheresoever situated, to my husband, John S. Cummings.

FOURTH: In the event that my husband predeceases me or in case my husband and I should both die at the same time or in the same casualty, I then give, devise and bequeath the real estate which I own at my death as follows:

a. To my grandchild, Alberta O. Cummings, my real estate located at 2103 Burns Avenue, in Nashville;

 Alberta M. Cummings

b. To my grandchild, Helen E. Lee, a life estate in real estate located at 2108 Burns Avenue in Nashville, the heirs of the body of Helen E. Lee to take equal shares in said real estate at the death of Helen E. Lee. If any of Helen E. Lee's children predecease her, that child's share shall go the heirs of that child's body per stirpes.

If the deceased child has no children, the share of the deceased child shall be divided among the other children of Helen E. Lee.

c. To my grandchild Larry A. Cummings, I give, devise and bequeath my real estate located at 1608 Emerson Street in Nashville.

d. To my grandchild William S. Cummings, Sr., I give, devise and bequeath my real estate located at 2112 Burns Avenue, Nashville, Tennessee.

FIVE: In the event that my husband predeceases me or in case my husband and I should both die at the same time or in the same casualty, I then give and bequeath my personalty as follows:

a. All of my household furniture and equipment to my three (3) granddaughters, Alberta O. Cummings, Helen E. Lee and Tommie Anita Cummings, to be divided equally. In the event that my granddaughters cannot agree on the division of the furniture, appliances and equipment, I direct that they be sold and the proceeds divided among the aforesaid granddaughters.

b. To my son John R. Cummings, Sr. One Hundred and No/100 ($100.00) cash.

c. If any cash remains in the estate after the payment of the debts and expenses provided for in paragraph one hereof, and the payment in paragraph Five (b) above, I direct that the cash be divided into two (2) equal portions and distributed as follows:

(1) The first one-half (1/2) portion shall be divided equally between my grandchild Tommie A. Cummings and my daughter-in-law, Annie M. Cummings.

(2) The second one-half (1/2) portion shall be divided into five (5) equal portions and distributed to my following five (5) grandchildren: Alberta O. Cummings, William S. Cummings, Sr., Helen E. Lee, Larry A. Cummings and Tommie Anita Cummings. In the event that any of my aforesaid grandchildren predecease me, the share of that child shall go to the heirs of that child's body. If the deceased child has no children, that deceased child's share shall be divided equally among the surviving members of this class.

d. Any other personalty owned at my death shall be divided equally among my three (3) grandsons, William S. Cummings, Sr., John R. Cummings, Jr. and Larry R. Cummings.

SIX: I hereby nominate and appoint my husband, John S. Cummings, the Executor of this my Last Will and Testament to serve without bond. In the event my husband, John S. Cummings, is unable to serve as Executor,

or fails to qualify as Executor, I nominate and appoint my daughter-in-law, Annie M. Cummings, my granddaughter Alberta O. Cummings and my grandchild, William S. Cummings, Sr., as co-Executors of this, my Last Will and Testament, to serve without bond.

IN WITNESS WHEREOF, I have hereunto set my signature this 22ND day of August, 1989.

Alberta M Cummings

ALBERTA M. CUMMINGS, TESTATRIX

Signed by the said ALBERTA M. CUMMINGS as and for her Last Will and Testament, consisting of three (3) pages, including this page, in the presence of us, the undersigned, who, at her request and in her sight and presence, and in the presence of each other, have subscribed our names as attesting witnesses the day and date above written.

WITNESSES:	ADDRESSES:
Lois A. Todd	129 Second Ave. N. Nashville, Tn 37201
John R. Cheadle, Sr.	129 2ND Ave., North Nashville, TN 37201

This instrument prepared by:

John R. Cheadle, Sr.
Attorney at Law
129 Second Avenue, North
Nashville, Tennessee 37201
(615) 254-1009

AFFIDAVIT BY WITNESSES TO WILL

Each of the aforesaid witnesses, being Gail A. Gould and John R. Cheadle, Sr., subscribed to the foregoing Will of ALBERTA M. CUMMINGS, executed on the 22ND day of August, 1989, having been requested by the Testatrix to make and sign this Affidavit, and having first been duly sworn before the Notary Public whose name appears below, hereby state that the said ALBERTA M. CUMMINGS was over eighteen (18) years of age, was of sound mind, and declared the foregoing instrument to be her Last Will and Testament, published and executed it by signing it in the presence of all of us who were all present at the same time and we, in her presence, at her request and in the presence of each other, subscribed our names as witnesses on the 22ND day of August, 1989.

Gail A. Gould

John R. Cheadle, Sr.

Sworn to and subscribed before me this 22ND day of August, 1989.

Lee Ann Bebee
NOTARY PUBLIC

Commission Expires: July 18, 1993

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 full, true and complete copy, of the original on file in my office. Will Book 236 Page 392

Given under my hand and official seal, at office in Nashville, this 14th of March 20 01

RICHARD R. ROOKER, CLERK

By Lucille Capps
Deputy Clerk

RICHARD R. ROOKER CLERK