Box 1

Prepared by:
Guaranty Title & Escrow Co.
2711 Murfreesboro Rd. Suite 200
Antioch, TN 37013

Davidson County AFFIDAVIT
Recvd: 05/11/01 09:41 3pgs
Fees:14.00 Taxes:0.00
20010511-0048936

AFFIDAVIT OF HEIRSHIP

Jane D. Simons

Address of New Owner:	**Send Tax Bills To:**	**Map & Parcel:**
Mary E. Wearne	Owner	165-130-A
c/o Guaranty Title & Escrow Co.		190
2711 Murfreesboro Rd. #200		
Antioch, TN 37013		

STATE OF TENNESSEE
COUNTY OF DAVIDSON

RE: Property Described in
Book 9443, Page 452

I, Mary E Wearne, being first duly sworn on oath, state that I am of lawful age and that based upon my personal knowledge further depose and state:

1. Jane D. Simons died on the 1st day of December 2001.
2. Jane D. Simons was not married at the time of his/her death.
3. The estate of the decedent is solvent and that any and all debts and inheritance taxes, if any, against the estate of the decedent have been paid, or will be paid.
4. The Decedent died ~~X~~ unprobated testate. The will of Jane D. Simons designated Mary E. Wearne as her sole beneficiary. ~~designating Mary E. Wearne as her sole beneficiary~~
See Exhibit "A"(intestate), leaving a will for the distribution of her estate.

This affidavit is given as an inducement for Stewart Title Company to insure the title to the above described property without taking any exception as to any and all matters set out herein above; and further the undersigned agrees to indemnify Stewart Title Company for any loss caused by a misstatement of fact.

TCA 30-2-712 provides that whomever shall willfully, corruptly and falsely swear to any statement in an affidavit of heirship known by him to be false or about which he does not have sufficient knowledge to justify his making such a sworn statement on conviction shall be imprisoned in the penitentiary for not less than one, nor more than five years.

Witness my hand this the 27th day of April, 2001

Mary E. Wearne
Affiant

Sworn to and subscribed before me this the 27th day of April, 2001,

ANGELA M. LAKE NOTARY PUBLIC AT LARGE DAVIDSON CO. TN
My Commission Expires 8-19-2002

Notary Public

Commission Expires:_____

LAST WILL AND TESTAMENT
OF
JANE DORLAC SIMONS

I, Jane Dorlac Simons, domiciled in and a resident of Davidson County, Tennessee, make, publish and declare this to be my Last Will and Testament. I revoke all Wills and Codicils previously made by me.

ITEM I: **Appointment of Executrix**: I appoint Mary Ellen Wearne, as Executrix of this my Last Will and Testament and direct that no bond be required of her in this capacity, if she should not survive me, or be for any reason unable or unwilling to qualify as Executrix, or, having so qualified, should become incapacitated, die or resign, then Lynn Marie Foley shall serve as successor, without bond, if she should not survive me, or be for any reason unable or unwilling to qualify as successor, or, having so qualified, should become incapacitated, die or resign, then Robert David Foley shall serve as successor, without bond.

ITEM II: **Payment of Debts, Expenses of Administration and Taxes.** I direct that all of my legally enforceable debts, any unpaid charitable pledges (regardless of whether these pledges may be enforceable obligations of my estate), my funeral expenses, and the costs of administration of my estate be paid as soon as practicable after my death; provided, however, my Executrix shall not be required to pay any obligation in advance of its maturity. I further direct that there shall be paid out of my residuary estate, without apportionment, all estate, inheritance, succession and other taxes, (together with any interest or penalty thereon) assessed by reason of my death. My Executrix, in her sole discretion may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

ITEM III: **Disposition of Residuary Estate.** I devise and bequeath all the rest and residue of the property that I may own at the time of my death, of whatever kind and wherever located (my Residuary Estate) to Mary Ellen Wearne. If I am not survived by Mary Ellen Wearne, then I devise and bequeath all the rest and residue of the property that I may own at the time of my death to Lynn Marie Foley, and if I am not survived by Lynn Marie Foley then I devise and bequeath all the rest and residue of the property that I may own at the time of my death to Robert David Foley.

EXHIBIT "A"

If no such beneficiary survives me, my Residuary Estate is to be distributed to my heirs at law, their identities and respective shares to be determined under the laws of the State of Tennessee, then in effect, as if I had died intestate at the time fixed for distribution under this provision.

ITEM VIII: Statutory Powers Granted to Fiduciaries. I authorize my Executrix (including any substitute or successor Personal Representative) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate, to exercise any or all the powers set forth in Section 35-50-110, *Tennessee Code Annotated*, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers (as set out in said statute on the date of the execution of this Will) are granted, notwithstanding that said statute may be amended hereafter or repealed at the time of my death.

ITEM X: Definitions and Miscellaneous Provisions.

A. Definition of Code. Reference in this Will to the Code shall mean the Internal Revenue Code of 1986, as amended from time to time until my death.

B. Accountings and Bond. No fiduciary appointed under this Will shall be required to file an accounting or inventory with any court, nor shall any fiduciary be required to post bond.

C. Fiduciary Designations. Fiduciary references referenced to Executrix shall always refer to the parties then acting in those capacities, whether originally appointed or serving as successors.

D. Heading and Gender Designation. Paragraph headings are for convenience only; the content of the paragraph has control over the heading. Any reference to any party herein in whatever gender shall be deemed to mean the appropriate gender.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and 1 preceding typewritten page, and for the purpose of identification, I have signed each such page, all in the presence of the persons witnessing it at my request, on this 16 day of OCTOBER, 1997, at Nashville, Tennessee

Jane Dorlac Simons

JANE DORLAC SIMONS