Form 60

THE PEOPLE OF THE STATE OF NEW YORK

BY THE GRACE OF GOD FREE AND INDEPENDENT

To all to whom these presents shall come or may concern, GREETING:

KNOW Ye, **That we, having examined the records and files in the office of the Surrogate of the County of New York, do find there remaining a certain record of**

the Last Will and Testament of Evelyn Neworth, deceased; said Will having been duly executed and proven agreeably to the laws and usages of the State of New York and Admitted to Probate as a Will of Real and Personal Property on the sixth day of August, one thoussnd, nine hundred and ninety-six.

Davidson County WILL
Recvd: 06/08/01 12:42 6pgs
Fees:26.00 Taxes:0.00

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1996-2761

A.D.

in the words and figures following, to wit:

LAST WILL AND TESTAMENT

OF

EVELYN NEWORTH

I, EVELYN NEWORTH, of 273 West 10th Street, City of New York, County of New York, State of New York, do hereby make, publish and declare this to be my Last Will and Testament.

FIRST: I hereby revoke all Wills and Codicils made by me at any time heretofore.

SECOND: I direct that all my just debts be paid as soon as practicable after my decease.

THIRD: I direct that all inheritance, estate, transfer and succession taxes be paid out of my general estate as an expense of administration thereof.

FOURTH: All the rest, residue and remainder of my property, both real and personal, of whatsoever kind or character and wheresoever located or situate, of which I shall die seized or possessed, or to which I may be entitled at the time of my death, I give and bequeath to my sister, RUBY NEWORTH, if she shall survive me.

FIFTH: If my sister, RUBY NEWORTH, shall not survive me, then I give and bequeath:

(a) Five Thousand ($5,000.00) Dollars to United Jewish Appeal of Greater New York, Inc. to be used to help indigent Jews in such manner as the organization may deem appropriate.

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(b) Five Thousand ($5,000.00) Dollars to Congregation Sherith Israel of Nashville, Tennessee, in memory of Fannie and Leopold Neworth, Benjamin Neworth and Max Klein.

(c) All of my Handy & Harmon stock to Dr. Ludwig F. Lowenstein presently residing in Fair Oak, Hampshire, England.

(d) All of my real property and improvements thereon located on Sixth Avenue South and Lafayette Street in Nashville, Tennessee including the parking lot connected to said property, to my niece, MARLANE LILIENTHAL, if she shall survive me, or if she shall not survive me, then to her children in equal shares.

(e) All the rest, residue and remainder of my property, both real and personal, of whatsoever kind or character and wheresoever located or situate, of which I shall die seized or possessed, or to which I may be entitled at the time of my death, I give and bequeath to my niece, MARLANE LILIENTHAL, if she shall survive me, or if she shall not survive me, then to her children in equal shares.

SIXTH: I appoint my sister, RUBY NEWORTH, to be Executrix of my Will.

In the event that my sister, RUBY NEWORTH, should for any reason fail to qualify, or having qualified shall for any reason cease to be Executrix, I appoint my attorney, LEONARD SCHWARTZ, of Smiley, Schwartz, & Captain, 60 East 42nd Street, New York, New York, to be or to continue to be Executor hereunder.

I direct that no bond or other security shall be required of the Executrix or substitute Executor hereunder in any jurisdiction.

SEVENTH: If any legatee or devisee shall die simultaneously with me, or under such circumstances as to render it impossible or difficult to determine who predeceased the other, I hereby declare that I shall be deemed to have survived such legatee or devisee and that this Will and all its provisions shall be construed upon that assumption and basis.

EIGHTH: In addition to the powers my Executrix has by law, I fully authorize and empower my Executrix, with respect to any and all property at any time constituting part of my estate, in her discretion, to retain such property for so long as she may deem advisable; to sell the same at private or public sale, for cash or on credit; to borrow money and to pledge or mortgage such property as security therefor; to lease real property regardless of the fact that the term of any such lease may extend beyond the period of administration of my estate; to invest and reinvest in any property without being limited to the class of securities authorized for the investment of trust funds by Executors and Trustees; in the division or distribution of property in kind and for such purpose to determine the value thereof to the extent permitted by law; and, generally to do all acts and take all proceedings with respect to such property as if the absolute owner thereof, and no person dealing with my said Executrix shall be obligated to see to the proper application of any moneys paid or loaned to her.

TENTH: As used in this Will, the masculine gender shall include the feminine gender and the feminine gender shall include the masculine gender.

IN WITNESS WHEREOF, I sign, publish and declare this as my Last Will and Testament, in the presence of the persons witnessing it at my request, this 13 day of November, 1992.

Evelyn Neworth
EVELYN NEWORTH

The foregoing instrument, consisting of four (4) pages, including this page, each page being typewritten only on one side, was at the date thereof by the said EVELYN NEWORTH signed, sealed, published and declared to be her Last Will and Testament in the presence of us, who at her request, in her presence and in the presence of each other, have subscribed our names as attesting witnesses thereto.

residing at 80 Andrea Road Hoboken NJ

residing at 2504 Morgan Ave Bx NY

residing at 3884 Bronx Boulevard Bronx, New York

ORIGINAL ADMITTED TO PROBATE
A TRUE COPY
CLERK OF THE SURROGATE'S COURT
CERTIFIED March 28, 2001

August 6, 1996

All of which we have caused by these presents to be exemplified, and the seal of our said Surrogate's Court to be hereunto affixed.

Witness, HONORABLE RENEE R. ROTH, a Surrogate of the County of New York, at the City of New York, the 28th day of March, in the year of our Lord two thousand.one

Jane Passenant

Chief Clerk of the Surrogate's Court

I, RENEE R. ROTH, a Surrogate of said county and Presiding Magistrate of the Surrogate's Court, do hereby certify that **Jane Passenant**, whose name is subscribed to the preceding exemplification, is the Chief Clerk of said Surrogate's Court of the County of New York, and that full faith and credit are due to her official acts. I further certify that the seal affixed to the exemplification is the seal of our said Surrogate's Court, and that the attestation thereof is in due form and according to the form of attestation used in this State.

Dated, New York, March 28, 2001.

Surrogate

State of New York
County of New York } **ss.:**

I, Jane Passenant, Chief Clerk of the Surrogate's Court of the County of New York, do hereby certify that **HONORABLE RENEE R. ROTH**, whose name is subscribed to the preceding certificate, is the Presiding Magistrate of the Surrogate's Court of the County of New York, duly elected, sworn and qualified, and that the signature of said Magistrate to said certificate is genuine.

In Testimony Whereof, I have hereto set my hand and affixed the seal of the court, this 28th day of March, 2001.

Jane Passenant

Chief Clerk of the Surrogate's Court