Davidson County WILL
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RICHARD R. ROOKER, CLERK
D.C.
#02P-1464

LAST WILL AND TESTAMENT

OF

ERNEST L. FETNER

I, ERNEST L. FETNER, a citizen and resident of Nashville, Davidson County, Tennessee, declare this to be my Last Will and Testament, and revoke any will previously made by me.

I

I direct that my Executrix, hereinafter named, pay all just debts, funeral and testamentary expenses as soon as practicable after my death.

II

I devise and bequeath all of my estate of every nature and wherever situated to my wife, Janice C. Fetner, provided she shall survive me.

III

Should my wife, Janice C. Fetner, predecease me, I devise and bequeath all of my estate of every nature and wherever situated in equal shares to my issues per stirpes.

IV

If my wife, Janice, and I shall die under such circumstances that there is not sufficient evidence to determine the

order of our deaths, then it shall be presumed that she survived me; and my estate shall be administered and distributed in all respects and in accordance with such presumption.

V

Should my wife, Janice, predecease me, or should we die in a common accident or disaster, it is my wish that Virginia D. Carpenter of Columbia, Tennessee, my children's grandmother, be appointed the testamentary guardian of my children's person and she shall only have the care and custody of them.

VI

Should my wife predecease me, I appoint Fowler W. Low as Trustee of any and all property bequeathed to my issue, and direct that said Trustee shall have the full power to use the principal as well as the income from time to time for my minor children's support and education, and to make such payment for these purposes as he may deem necessary without the permission of any court in any jurisdiction. I further authorize my Trustee in the exercise of reasonable discretion with respect to all property, real or personal, at any time forming part of my estate, to exercise any and all powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly, 1963, Tennessee Code Annotated Section 35-618 to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim.

 Ernest L. Tilton

VII

I appoint my wife, Janice C. Fetner, as Executrix of this my Last Will and direct that no bond be required for the faithful performance of her duties as said Executrix. Should my wife predecease me, I appoint Fowler H. Low as Executor of this my Last Will and Testament, and direct that no bond be required for the faithful performance of his duties either as Executor or as Trustee.

IN TESTIMONY WHEREOF, I have executed this instrument as my Last Will and Testament at Nashville, Tennessee, this 6 day of August, 1971.

Ernest L. Fetner
Testator

Signed by the said Ernest L. Fetner, as and for his Last Will and Testament, in the presence of us, the undersigned, who at his request and in his sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses, on the day and date above written.

W. Wayne Low
WITNESS

900 American First Bldg, Nashville, Tenn
ADDRESS

Lola J. LaRue
WITNESS

900 American First Bldg Nashville, Tenn
ADDRESS

FILED

2002 AUG 27 AM 9:58

RICHARD R. ROOKER, CLERK

P Zoll D.C.

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE, PROBATE DIVISION

AFFIDAVIT OF WITNESS

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

W. WAYNE LEROY, after being duly sworn according to law, deposes and says:

1. That he is an adult resident of Davidson County, Tennessee, residing therein at 2720 Overhill Circle, Nashville, Tennessee 37214.

2. That he was a witness to the Last Will and Testament of **ERNEST L. FETNER**, dated August 6, 1971 (the "Will") to which this Affidavit is attached, and that this Affidavit is being made at the request of the person named as the Executrix in the Will and in accordance with Tennessee Code Annotated § 32-2-110.

3. That his signature is affixed to the Will, that he signed or affixed the same at the instance and at the request of the Testator and in his presence and in the presence of the other attesting witness, **LOLA J. LARUE**, at the place and on the date of the Will.

4. That the Testator signed said paper writing as and for his Last Will and Testament in his sight and presence and in the sight and presence of the other attesting witness.

5. That the other attesting witness, **LOLA J. LARUE**, likewise signed said paper writing at the request and in the presence of the Testator and in the sight and presence of the affiant.

6. That at the time he witnessed the Will, he was of the opinion that the Testator, **ERNEST L. FETNER**, was of sound mind.

And further affiant saith not.

W. Wayne LeRoy
W. WAYNE LEROY

Sworn to and subscribed before me this
15th day of August, 2002.

Notary Public

My Commission Expires: 7-24-04

FILED

2002 AUG 27 AM 9:58

RICHARD R. ROOKER, CLERK

D.C.

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE, PROBATE DIVISION

AFFIDAVIT OF ATTORNEY

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

STEPHEN C. PASSEN, after being duly sworn according to law, deposes and says:

1. That he is an adult resident of Davidson County, Tennessee, residing therein at 7012 Collinswood Drive, Nashville, Tennessee 37221.

2. That he is an attorney with Stokes Bartholomew Evans & Petree, P.A., attorneys for the Estate of **ERNEST L. FETNER**.

3. That this Affidavit is being made at the request of the person named as the Executrix in the Will of **ERNEST L. FETNER**.

4. That the Will of **ERNEST L. FETNER** was executed on August 6, 1971.

5. That one of the two witnesses to the Will, **W. WAYNE LEROY**, has signed an affidavit that his signature is affixed to the Will, that he signed or affixed the same at the instance and at the request of the Testator and in his presence and in the presence of the other attesting witness at the place and on the date of the Will.

6. That the other witness to the Will, **LOLA J. LARUE**, was legal secretary for **W. WAYNE LEROY** when **ERNEST L. FETNER** executed his Will.

7. That **W. WAYNE LEROY** has stated that he has not known the whereabouts of **LOLA J. LARUE** since approximately ten years ago when he heard she had moved to Florida.

8. That he has made a diligent search to locate **LOLA J. LARUE**.

9. That he has been unable to locate **LOLA J. LARUE** and her whereabouts are unknown.

And further affiant saith not.

STEPHEN C. PASSEN

Sworn to and subscribed before me this
21 day of August, 2002.

Notary Public

My Commission Expires: 5/28/03

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the WB 4653/858560 heretofore entered in the PROBATE SEVENTH CIRCUIT Circuit Court for Davidson County, Tennessee, on the 27 day of AUGUST , 2002 , in the Case Number 02P1464 between FETNER, JANICE C ET.AL Petitioner, and FETNER, ERNEST L Respondent.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 03 day of APRIL in the year two thousand three and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK