Davidson County WILL
Recvd: 07/29/03 12:26 7pgs
Fees:37.00 Taxes:0.00
20030729-0106482

OR BK 5137 PG1065
Escambia County, Florida
INSTRUMENT 2003-095434

FILED
2003 JUL 15 AM 8
RICHARD H. GARNER, CLERK
20030522
Div A D.C.

Last Will and Testament

OF

EDWARD H. BAYERS, SR.

I, EDWARD H. BAYERS, SR., domiciled in Davidson County, Tennesse, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all Wills and Codicils heretofore made by me.

ITEM ONE

I direct that all my just debts, funeral expenses and costs of administration be paid as soon after my demise as practicable.

ITEM TWO

I hereby give, devise and bequeath all of my estate which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, to my son, EDWARD H. BAYERS, JR.

ITEM THREE

I hereby nominate and appoint my son, EDWARD H. BAYERS, JR., to serve as Executor of my estate under the terms of this my Last Will and Testament, and I direct that no bond be required for the performance of his duties.

ITEM FOUR

Except as otherwise herein expressed, I authorize my Executor, in the excerise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate, to exercise any and all powers set forth in Section 3, Chapter 110, of the Public Acts of the Tennessee General Assembly of 1963, Tennessee Code Annotated, Section 35-50-110, to the

2003 MAR 26 A 11:

LAW OFFICES
FRAZIER & SUMMERS
COURT SQUARE BUILDING
300 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37201

extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and one (1) preceding typewritten page(s), and for the purpose of identification, I have initialed each page, all in the presence of the persons witnessing it at my request, this the 8th day of October, 1996, at Nashville, Tennessee.

Edward H. Bayers Sr
EDWARD H. BAYERS, SR.

The foregoing instrument, consisting of this and one (1) preceding typewritten page(s), was signed, sealed, published and declared by EDWARD H. BAYERS, SR., the testator, to be his Last Will and Testament, in our presence, and we, at his request, and in his sight and presence, and in the sight and presence of each other, have hereunto subscribed our names as witnesses, this the 8th day of October, 1996, at Nashville, Tennessee.

George Linsford
WITNESS

Charles F. Trayer
WITNESS

OR BK 5137 PG1067
Escambia County, Florida
INSTRUMENT 2003-095434

RCD May 13, 2003 01:11 P
Escambia County, Florid

ERNIE LEE MAGAHA
Clerk of the Circuit Cou
INSTRUMENT 2003-09543

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF DAVIDSON

GEORGE LINEBAUGH and CHARLES F. FRAZIER, after being duly sworn according to law, depose and say:

1. That they are adult citizens of the State of Tennessee;

2. That they witnessed the execution of the Last Will and Testament of EDWARD H. BAYERS, SR., the Testator, dated the 8th day of October, 1996, to which this Affidavit is attached; and that this Affidavit is being made at the request of the Testator and in accordance with Tennessee Code Annotated, Section 32-2-110;

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the insistence and at the request of the Testator and in his presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament;

4. That the Testator signed said paperwriting as and for his Last Will and Testament in their sight and presence;

5. That at the time they witnessed said Will, the Testator was, in their opinion, of sound mind.

George Linebaugh
WITNESS

Charles F. Frazier
WITNESS

SUBSCRIBED AND SWORN TO before me,

this 8th. day of October, 1996.

Helen D. Wells
NOTARY PUBLIC

My commission expires: 1/24/98.

FILED
2003 JUL 15 AM 8:01
RICHARD A. ROCKER, CLERK

OR BK 5137 PG106
Escambia County, Florid
INSTRUMENT 2003-09543

CODICIL 1 TO THE LAST WILL AND TESTAMENT OF

EDWARD H. BAYERS, SR.

I, **EDWARD H. BAYERS, SR.**, of Davidson County, Tennessee, having heretofore made and published my Last Will and Testament, which bears the date of October 8, 1996, and witnessed by George Linebaugh and Charles F. Frazier, make and declare this as a Codicil thereto, to wit:

I.

By adding the following Paragraph to my Last Will and Testament:

" I have a daughter, **BETTY SUE CRESS**, and a son, **RICHARD BAYERS**, but make no provisions for them herein for reasons of which they are well aware."

II.

By adding the following Paragraph to my Last Will and Testament:

" In the event my son, **EDWARD H. BAYERS, JR.**, should predecease me, I hereby give, devise, and bequeath all my property, both real and personal, of whatsoever nature or description, and wheresoever situate, unto my said son's spouse, **LYNN C. BAYERS**, to be hers absolutely and completely."

III.

By adding the following Paragraph to my Last Will and Testament:

" In the event my son, **EDWARD H. BAYERS, JR.**, should predecease me or is unable, incompetent or refuses to serve as Executor of this my Last Will and Testament, I hereby appoint my said son's spouse, **LYNN C. BAYERS**, as Substitute Executrix of this my Last Will and Testament and direct that she be allowed to serve without bond for her faithful performance. I further direct that she have all the power, privileges, discretion, and authority as is hereinabove set forth for my first named Executor."

ERNIE LEE MAGAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY FL
2003 MAR 26 A 9:18
PROBATE DIVISION
FILED & RECORDED

OR BK 5137 PG106
Escambia County, Florida
INSTRUMENT 2003-09543

I hereby ratify, republish and reaffirm my Last Will and Testament hereinabove described in all respects except as modified by this Codicil thereto.

IN WITNESS WHEREOF, I have hereunto set my hand to this Codicil No. 1 to my Last Will and Testament this 23rd day of April, 1997.

EDWARD H. BAYERS, SR.

Signed, sealed and published by the said EDWARD H. BAYERS, SR. as and for Codicil No. 1 to 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 hereto as attesting witnesses, the day and date above written.

Teresa L Maston residing at Lebanon, TN

Vicki Jarvis residing at Lebanon, Tn

THIS CODICIL 1 TO THE LAST WILL AND TESTAMENT OF
EDWARD H. BAYERS, SR.
CONSISTS OF TWO (2) TYPEWRITTEN PAGES.

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 a full, true and complete copy, of the original on file in my office. Will Book 5388 Page 118125-4
Given under my hand and official seal, at office in Nashville, this 22 of July 2003.

RICHARD R. ROOKER, CLERK

By _____ Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK

OR BK 5137 PG1070
Escambia County, Florida
INSTRUMENT 2003-095435

AFFIDAVIT

Come Teresa S. Maston and VICKI JARVIS, residents of Wilson County, Tennessee, and make oath that **EDWARD H. BAYERS, SR.**, signified to us that the foregoing instrument was Codicil No. 1 to his Last Will and Testament and signed the foregoing instrument as and for Codicil No. 1 to his Last Will and Testament all in the joint sight and presence of us; and we, at the same time, at the testator's request and in his sight and presence and in the sight and presence of each other, subscribed our names as attesting witnesses thereto. Affiants further make oath that EDWARD H. BAYERS, SR. is over 18 years of age, is of sound mind and disposing memory and that the signature appearing at the end of this instrument is the true signature of **EDWARD H. BAYERS, SR.**.

This 23rd day of April, 1997.

Teresa S. Maston

Vicki Jarvis

STATE OF TENNESSEE)
)
COUNTY OF WILSON)

SWORN AND SUBSCRIBED to before me this 23rd day of April, 1997.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 11-2-97

RCD May 13, 2003 01:11 pm
Escambia County, Florida

ERNIE LEE MAGAHA
Clerk of the Circuit Court
INSTRUMENT 2003-095435

CLERK'S CERTIFICATE OF COPY WITH JUDGE'S VERIFICATION

STATE OF FLORIDA)
ss.
COUNTY OF ESCAMBIA)

I, **ERNIE LEE MAGAHA,** Clerk of the Circuit Court in and for said County, in the State aforesaid, do hereby certify that the foregoing to be a true, perfect and complete copy of the Last Will & Testament, Codicil 1 to the Last Will & Testament, Amended Proof of Service of Notice of Administration, Order Admitting Will and Codicil 1 to Probate and Appointing Personal Representative and Letters of Administration in the Estate of Edward Howard Bayers aka Edward H. Bayers, Sr Case # 2003CP522.

Dated May 30th, 2003

(SEAL OF COURT)

Ernie Lee Magaha

CLERK OF CIRCUIT COURT

STATE OF FLORIDA)
ss.
COUNTY OF ESCAMBIA)

I, the Honorable Nickolas P. Geeker, Judge of the Circuit Court of said County do hereby certify that **ERNIE LEE MAGAHA,** whose name is above written and subscribed, is and was at the date hereof, the Clerk of said Court duly appointed and sworn, and keeper of the record and seal thereof, and that the above certificate by him made and his attestation is in due form of law.

Dated May 30th, 2003

Nickolas Geeker

CIRCUIT JUDGE

STATE OF FLORIDA)
ss.
COUNTY OF ESCAMBIA)

I, **ERNIE LEE MAGAHA,** Clerk of the Circuit Court in and for said County, in the State aforesaid, do hereby certify that Judge Nickolas P. Geeker, whose name is within written and subscribed, was at the time of the signing the same, Judge of Circuit Court of said County duly commissioned and qualified; that I am well acquainted with his/her handwriting and official signature and know and certify the same within written to be his/hers.

Dated May 30th, 2003

(SEAL OF COURT)

Ernie Lee Magaha

CLERK OF CIRCUIT COURT