Map/Parcel
119-010-419.00

FILED
2003 APR -2 AM 8:18
RICHARD R. ROOKER, CLERK
D.C.

Last Will and Testament

OF

ROBERT V. WHITLEY, JR.

I, Robert V. Whitley, Jr., a resident of Nashville, Davidson County, Tennessee, do publish and declare this to be my Last Will and Testament, hereby revoking all prior testamentary instruments.

Davidson County WILL
Recvd: 09/29/03 11:28 6pgs
Fees:32.00 Taxes:0.00
20030929-0143388

ARTICLE I

I direct that all my matured debts, funeral expenses, expenses of my last illness, and for the administration of my estate, and any estate or inheritance taxes that may be imposed by reason of my death, be paid out of my residuary estate by my Executor without proration among my beneficiaries.

ARTICLE II

I give and bequeath the following items of personal property to my son, Robert M. Whitley, Sr.:

(a) 1957 Thunderbird automobile;

(b) My bedroom suite (solid cherry bedroom suite built by Davis Cabinet Company);

(c) All my firearms;

(d) All my tools

ARTICLE III

I give and bequeath all the rest of my tangible personal property which has not been specifically bequeathed in Article II of my Will, including automobiles, clothing, jewelry, furniture and furnishings and other articles of personal use and ornament in equal share to my children,

Robert M. Whitley, Sr., Joseph T. Whitley and Kathy V. Whitley Herbst. However, if any child does not survive me, then, in that event, the children of my deceased child shall take per stirpes the share his or her parent would have taken had said parent survived me. If my issue do not agree to the division of said property among themselves, my Executor shall make such division among them, the decision of my Executor to be in all respects binding upon my issue. If a beneficiary hereunder is a minor, my Executor may distribute such minor's share to such minor, or for such minor's use, to any person with whom such minor is residing, or who has care or control of such minor without further responsibility, and the receipt of the person to whom it is distributed shall be a complete discharge of my Executor.

ARTICLE IV

I give and bequeath the following real property as follows:

(a) To my son, Robert M. Whitley, Sr., in fee simple absolute, the property known as 91 Thompson Lane, Nashville, Tennessee. If my son, Robert M. Whitley, Sr., does not survive me, then this property shall be given and bequeathed to his children as tenants in common, or if there is only one child, that child shall own the property in fee simple absolute.

(b) To my son, Joseph T. Whitley, in fee simple absolute, the property known as 347 Valeria Street, Nashville, Tennessee. If my son, Joseph T. Whitley, does not survive me, then this property shall be given and bequeathed to his children as tenants in common, or if there is only one child, that child shall own the property in fee simple absolute.

(c) To my daughter, Kathy V. Whitley Herbst, a life estate in the property known as 89 Thompson Lane, Nashville,

Tennessee. Upon her death, the property shall vest in fee simple absolute in her son, Andrew Herbst.

ARTICLE V

All the rest, residue and remainder of my property, including all bank accounts, certificates of deposit, financial funds or funds or moneys of any type I give and bequeath to my children in the following proportion:

(a) Robert M. Whitley, Sr. 37.5 %

(b) Kathy V. Whitley Herbst 37.5 %

(c) Joseph T. Whitley 25.0 %

If any child does not survive me, then, in that event, the children of my deceased child shall take per stirpes the share his or her parent would have taken had said parent survived me.

ARTICLE VI

I incorporate by reference as fully as if copied verbatim, all the provisions and powers set forth in Tennessee Code Annotated Section 35-50-110, which section enumerates the administrative powers that I hereby confer upon my Executor.

ARTICLE VII

I hereby appoint Robert M. Whitley, Sr. to serve as Executor of this my Last Will and Testament. I direct that no bond or other security be required of my Executor for the faithful performance of his duties. I hereby direct that my Executor shall not be required to file any inventory, report or accounting with any court.

IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of September, 1993, and do publish and declare this as my Last Will and Testament, in the presence of each

and all subscribing witnesses whom I have requested to act as such by signing their names as attesting witnesses in my presence, and in the presence of each other, and by signing the Affidavit below pursuant to the provisions of Tennessee Code Annotated Section 32-2-710.

Robert V. Whitley, Jr.

Witness

Witness

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

We, the undersigned, being first duly sworn, make oath that Robert V. Whitley, Jr., on the day and date above written, declared and signified to us that this instrument is his Last Will and Testament; that he then signed said instrument in our sight and presence; that we, at his request and in his sight and presence, and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that at the time of execution the testator was more than 18 years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than 18 years of age, make and sign this Affidavit at the testator's request on the day and date above written.

Victoria Sampitro

Deborah Jean Jackson

Sworn to and subscribed before me this 13th day of September, 1993.

Notary Public

My Commission Expires:

11/27/93

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 Last Will and Testament heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 01 day of APRIL , 2003 , in the Case Number 03P458 WHITLEY JR., ROBERT V deceased,
as same remains of record in Vol. 5183 , Page 1076783 of the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 29 day of SEPTEMBER in the year two thousand three and in the 227th year of American Independence.

RICHARD R. ROOKER, Clerk

By _____ Deputy Clerk

SEAL

RICHARD R. ROOKER
CIRCUIT COURT CLERK