2003 FEB 19 AM 10:03
RICHARD R. ROOKER, CLERK
D.C.

Last Will and Testament
OF
BENNIE MARTIN GARTON

Davidson County WILL
Recvd: 04/01/04 13:57 5pgs
Fees:27.00 Taxes:0.00
20040401-0036792

I, BENNIE MARTIN GARTON of Nashville, Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils that I have made previously.

ITEM ONE: I direct that the costs of administration of my estate, and all lawful debts and funeral expenses be paid by my Executrix as soon as practicable after my death. I further direct that my Executrix pay out of the property which would otherwise become a part of my residuary estate, all inheritance or other death taxes, including interest and penalties thereon which may be lawfully assessed by reason of my death.

ITEM TWO: I devise and bequeath my television, purple couch, everything in Bennie's room, washer, dryer, refrigerator, and fans to Bennie Ray Garton . I devise and bequeath the .25 caliber pistol to Mary Emogene Fowlks. I devise the .38 colt pistol and the pocket knives to Deborah Sue Stewart. If any of my children named herein do not survive me, I devise and bequeath all of my personal effects, including furniture, furnishings and automobile, to be divided equally as the value thereof to my remaining children, per capita.

ITEM THREE: I direct that the following specific bequests to the individuals or entities and for the amounts stated below be made by my Executrix:

A. To Bennie Ray Garton, the sum of Twenty-two Thousand Seven Hundred Fifty Dollars ($22,750.00);

B. To Deborah Sue Stewart, the sum of Twenty-two Thousand Seven Hundred Fifty Dollars ($22,750.00);

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

C. To Mary Emogene Fowlks, the sum of Twenty-two Thousand Seven Hundred Fifty Dollars ($22,750.00);

D. To Patricia Ann Evans,the sum of Twenty-two Thousand Seven Hundred Fifty Dollars ($22,750.00);

E. To William Allen Garton, the sum of Ten Thousand Dollars ($10,000.00);

F. To David O'Brian Garton, the sum of Ten Thousand Dollars ($10,000.00);

ITEM FOUR: I give and devise any real property I own at the time of my death to Bennie Ray Garton and Deborah Sue Stewart, per capita, who have looked after me and taken care of me always, making sure I had food to last. If both Bennie Ray Garton and Deborah have predeceased me, I give and devise the real property I own at the time of my death to Mary Emogene Fowlks and Patricia Ann Evans, per capita. I give, devise and bequeath all the rest and residue of my estate, of whatsoever nature and wheresoever situated or over which I have any power of appointment, to the six beneficiaries listed in Item Three, to be divided equally, per capita.

ITEM FIVE: I appoint my daughter, Mary Emogene Fowlks as Executrix of this my Last Will and Testament. If she does not survive me or is unable to serve, I appoint Deborah Sue Stewart to serve as successor Executrix of this my Last Will and Testament. I direct that my Executrix or any successor named herein shall not be required to furnish a bond for the faithful performance of the duties in any jurisdiction, any provision to the law to the contrary notwithstanding. If any bond is required by law, no surety shall be required on such bond.

My Executrix shall possess and be vested with the powers specifically enumerated in Section 35-50-110, Tennessee Code Annotated, to the extent applicable, including but not limited to the power to sell and convey title to real estate, 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 execution of this Will are granted, notwithstanding that said statute may be hereafter amended or repealed.

ITEM SIX: Insofar as I am permitted to do so, I waive the filing of an inventory of my estate by my Executrix and authorize the use of a sworn statement and approval by the beneficiaries of the residue of my estate in lieu of a detailed final accounting.

IN WITNESS WHEREOF, I have hereunto set my hand on this page and the preceding two pages of this my Last Will and Testament, on this the 12 day of May, 1999, and I request the attesting witnesses to make the affidavit set forth below.

Bennie Martin Garton
BENNIE MARTIN GARTON

The foregoing instrument consisting of this page and the preceding two pages, was signed, published and declared by the said BENNIE MARTIN GARTON as and for his Last Will and Testament on the day and year written above, in our presence and in the presence of each of us, who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses this 12th day of May, 1999.

Tammy D. Woodt — 214 2nd Ave N, Ste 105, Nashville TN 37201

Johnetta L. Stanley — 214 Second Ave. N. Ste 105, Nashville, TN 37201

AFFIDAVIT OF ATTESTING WITNESSES TO WILL

Tammy D. Wendt and Johnetta L. Stanley, having first been duly sworn according to law, do depose and say:

1. That we are adult citizens of the State of Tennessee.

2. That we witnessed the execution of the Last Will and Testament of BENNIE MARTIN GARTON, the Testator, dated the 12th day of May, 1999 to which paper writing 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 the Testator, in our common presence, sight and hearing, declared said paper writing to be, and signed same as for, his Last Will and Testament.

4. That our signatures as witnesses are affixed to said Last Will and Testament; that we signed or affixed the same at the instance and 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 for the express purpose of attesting to his signature and act of execution.

5. That the Testator was, in the opinion of each of us, of sound mind and disposing memory at the time he executed said Last Will and Testament.

Tammy D. Wendt

Johnetta L. Stanley

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to and subscribed before me this 12th day of May, 1999.

Peggy D. Mathes
Notary Public

My Commission
Expires: 7/24/99

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 19 day of FEBRUARY , 2003 , in the Case Number 03P241 GARTON, BENNIE MARTIN deceased,
as same remains of record in Vol. 5090 , Page 1030375 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 01 day of APRIL in the year two thousand four and in the 227th year of American Independence.

RICHARD R. ROOKER, Clerk,

By Tommy King Deputy Clerk

SEAL

