Davidson County WILL
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20050420-0043798

LAST WILL AND TESTAMENT

OF

ELEANOR R. HORN

I, **Eleanor R. Horn**, a citizen and resident of Davidson County, Tennessee, 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 former Wills and Codicils to Wills heretofore made by me.

FIRST: I direct that all my legal debts, (except debts secured by mortgages or other security instruments, which may be paid off or retained in the discretion of my Executrix), be paid out of my general estate by my Executrix as soon as practicable after my death. I further direct that my Executrix pay all the estate inheritance, succession and other death taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration without apportionment.

SECOND: I give, devise and bequeath to my surviving two (2) daughters, **Dana W. Morphis** and **Pamela W. Klase**, absolute and in fee simple one-half interest each in my real estate, home and the furnishings (except for specific furnishings and personal items on list to be attached) all of which are located at 812 Roseview Drive, Nashville, Tennessee 37206, provided I own said real estate and/or personal property at the time of my death and my named daughters or daughter shall survive me. It being my desire that my two daughters distribute and see that my grandchildren receive certain items and personal property as may be designated on any attached list. It is my further desire that my daughters mutually distribute and equitably divide among themselves and my grand-children as they see fit, the furnishings in my home (except those that may appear on any attached list). If they should have any disagreement, then the final decision shall rest with my Executrix. In the event either daughter fails to survive me, then in such event that daughter's one-half share shall become null and void and pass under the terms of this Will as part of my residuary estate.

THIRD: If the Executrix of my Estate shall find any memorandum hand-written and signed by me, and attached to this Will, designating persons to whom I desire to give certain of my articles of personal property, not otherwise disposed of by this Will, I direct that said articles be delivered to the person or persons so designated in such memorandum. Any such hand-written and signed memorandum shall be deemed a part of this Will, by reference, as if fully copied herein. If no such hand-written, signed memorandum be found attached to this Will, the Executrix of my Estate shall assume that none exists.

FOURTH: All the rest, residual and remainder of the property 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, including all lapsed legacies and devises, funds in any bank accounts, credit union accounts, stocks, bonds and all life insurance payable to my estate, I bequeath and devise absolute and in fee simple and in equal shares in three parts as follows:

(a) To my daughter, **Pamela W. Klase**, one-third, provided she shall survive me. If she fails to survive me for any reason, her share shall go to her child or children in equal shares.

(b) To my daughter, **Dana W. Morphis**, one-third provided she shall survive me. If she fails to survive me for any reason, her share shall go to her child or children in equal shares.

(c) To the three children of my daughter, **Gail Denney Tune**, and my grandchildren, **Gregory McFerrin Denney**, **Rosemary D. Neubert** and **Eleanor Diane D. Geier**, one-third to be divided equally between them.

(d) In the event any of my grandchildren under this FOURTH Item fail to survive me, then their children shall take their share. In the event any of my grandchildren under this FOURTH Item fail to survive me and have no children, their share shall go equally to their brothers and/or sisters who shall survive me in equal shares.

FIFTH: I have knowingly made no provision under this Will for my husband, since by mutual agreement we have made adequate provisions for our separate estate.

SIXTH: I nominate, designate and appoint my daughter, **Pamela W. Klase**, as Executrix of this my Last Will and Testament. If for any reasons she fails to qualify or serve or having qualified, thereafter for any reason shall cease to act, then I appoint my brother, **Edice R. Smith**, to serve as Executor. I further direct that they shall not be required to give any bond or other security or file an inventory of my estate nor make any accounting of receipts and disbursements unless mandated by the Court. It is my desire that my named Executrix and Executor be compensated for their services.

SEVENTH: I authorize my Executrix or any alternate representative, in the exercise of reasonable discretion with respect to all property, real and personal, at any time, forming a part of my estate, to exercise any and all the powers set forth in Section 3, Chapter 110 of the Public Acts of the Tennessee General Assembly of 1963, T.C.A. 35-50-110 to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. Those powers (as set out in said statute on the date of the execution of this Will) are granted even should said statute be amended or repealed at the time of my death.

IN WITNESS WHEREOF, I have hereunto set my hand and signed each of the four pages of this my Last Will and Testament, this 28 day of Aug. 2003 at Nashville, Tennessee.

Eleanor R. Horn

ELEANOR R. HORN - Testatrix

ATTESTATION CLAUSE

Signed, signified, published and declared by the Testatrix, as and for her Last Will and Testament, in the presence of us, the undersigned attesting witnesses, who at her request and direction, and in her sight and presence and in the sight and presence of each other, have hereunto set our hands as such witnesses the day and date above written.

WITNESSES

(Signature) _____

(Address) 4800 Charlotte Ave.
Nashville, TN 37209

(Signature) _____

(Address) 4800 Charlotte Ave.
Nashville, TN 37209

THIS INSTRUMENT PREPARED BY:

Frank E. Lee, Attorney
4800 Charlotte Ave.
Nashville, TN 37209

AFFIDAVIT OF WITNESS TO PROVE WILL

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Frank E. Lee and Robert B. Young, of legal age and after being duly sworn and according to law, depose and say:

1. That they witnessed the execution of the Last Will and Testament of **Eleanor R. Horn** dated this 28th day of August 2003, to which this affidavit is attached, and that this affidavit is being made at the request of the Testatrix, and in accordance with Tennessee Code Annotated 32-2-110.

2. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testatrix and in her sight and presence, and in the sight and presence of each other, at the place and on the date recited in said Last Will and Testament.

3. That the Testatrix signed said paper writing as and for her Last Will and Testament in their sight and presence.

4. That at the time they witnessed said Last Will and Testament, the Testatrix was, in their opinion, of sound mind and disposing memory.

Frank E. Lee
Witness

Robert B Young
Witness

Sworn to and subscribed before me this 28th day of August 2003, at Nashville, Tennessee.

Belinda A. Collins
NOTARY PUBLIC

My commission expires: My Commission Expires JULY 30, 2005

To Pam

Four Poster Cherry Double Bed
Mahogany buffet and Oval Mirror
Small 2-drawer table in Den
Small round marble top table
Brass Lamp with gold/white shade
Set of marble based lamps with maroon leaf pattern
Small antique foot stool in living room
Wooden (5 candle) candle holder in foyer
Pink glass angel

Already Pam's
Antique Cherry Chest - mirror & lamps
Rose upholstered Antique Chair
Green & gold iris oval mirror in Den
Small antique chair/w gold seat in foyer
Pictures of Pam, Dave Matt & Amanda

Signed by Eleanor R. Horn 6-11-94

To Dana - I leave the following:

Antique Desk
Kitchen Hutch
Mahogony Corner Hutch & Table (drop leaf)
Mahogony China Cabinet
Poster Twin Beds & Bed Table (antique)
Drop top maple End table in Den
Brass Lamp (pink & green shade)
Blue Glass Lamp / Floral shade
antique glass night lamp in Den
Cuckoo Clock
Miniature Bird clock (kitchen)

Signed by Eleanor K. Horn 6-11-94

The following items are to go to my daughters and grand daughters as listed.

To Amanda Klase - my white gold and diamond dinner ring.

To Rosemary Neubert - My Silver and diamond Heart necklace with platinum chain.

To Diane Geier - My White gold rip diamond watch.

To Dana Morphis - My 1 diamond Gold antique ring

To Dana - Mama Lebai Pearl necklace with 3 diamond clasp.

To Pamela Klase - my wedding ring set which includes a gold 10 diamond double row wedding band and a double ring guard with 4 diamonds and six sapphires.

Signed on September 3rd, 2003

Eleanor K. Horn

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 23 day of SEPTEMBER , 2004 , in the Case Number 04P1436 HORN, ELEANOR R deceased,
as same remains of record in Vol. 5699 , Page 1648444 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 14 day of APRIL in the year two thousand five and in the 228th year of American Independence.

RICHARD R. ROOKER, Clerk

By _____ Deputy Clerk

SEAL

RICHARD R. ROOKER CIRCUIT COURT CLERK