40-A

THIS INSTRUMENT PREPARED BY:
Gibson, Gregory & Gwyn, PLLC
201 Fourth Avenue, North
Suite 1900
Nashville, TN 37219

MAP: 117-16
PARCEL: 215

Davidson County AFFIDAVIT
Recvd: 07/28/05 08:30 8 pg:
Fees:42.00 Taxes:0.00
20050728-0087957

**AFFIDAVIT OF HEIRSHIP**

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

The undersigned, being first duly sworn, deposes and states as follows:

1. The undersigned is a resident of Hendersonville, Sumner County, Tennessee and resides at 1209 Newmans Tr., Hendersonville, TN 37075.

2. The real property is known as 1103 Maplehurst Avenue, Nashville, Davidson County, Tennessee, and is also known as Map 117-16, Parcel 215, as reflected by the Macon County Tax Assessor. This property was previously owned by Carmon Odle Thomas. Carmon Odle Thomas was married to Christopher Douglas Thomas, who predeceased her. Carmon Odle Thomas did not remarry. Carmon Odle Thomas died testate on May 6, 2005. Her estate was not probated, and pursuant to her Last Will and Testament, the original of which is attached hereto as Exhibit "A", said property was devised to the three children, Charles D. Thomas, Johnny Mack Thomas and Joyce Thomas Charlton, all over the age of eighteen. Carmon Odle Thomas and Carmone Odle Thomas were one and the same person.

3. Pursuant to TCA §32-2-108, a certified copy or original of a Will is evidence of ownership in property and thus it is the purpose of this Affidavit to reflect that the property described in Exhibit "B" attached hereto, is owned by Charles D. Thomas, Johnny Mack Thomas and Joyce Thomas Charlton.

4. This Affidavit is being recorded pursuant to TCA §30-2-712.

5. FURTHER AFFIANT SAITH NOT.

Charles D. Thomas
CHARLES D. THOMAS

STATE OF TENNESSEE )
COUNTY OF DAVIDSON )

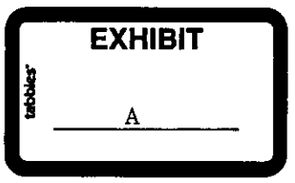
Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Charles D. Thomas, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledge that he executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal at office, this 22 day of July, 2005.

[Notary Public]

My Commission Expires: 7/21/07

ANDREW B. GIBSON, JR. Notary Public Large DAVIDSON COUNTY, TENN.
My Commission Expires July 21, 2007




90-A

# Last Will & Testament

**of**

## Carmone Olde Thomas

**This document prepared by:**

**Amy R. Cross**
**Attorney at Law**
**7065 Moore's Lane**
**Brentwood, TN 37027**
**661-4033**

# Last Will & Testament

OF

CARMON OLDE THOMAS

I, Carmon Olde Thomas, a resident of the State of Tennessee, do make, publish and declare this to be my Last Will and Testament in the manner following, hereby revoking all Wills and Codicils by me at any time heretofore made.

## ARTICLE I

I direct that all my legal debts, the expenses of my last illness, funeral, burial and of administering my estate; any all estate, inheritance, legacy secession or similar duties or taxes which shall be assessed in any manner by reason of my death shall be paid out of first monies coming into the hands of my Executor.

## ARTICLE II

## SPECIFIC BEQUESTS

I give, devise and bequeath to my daughter, Joyce Thomas Charlton, the two (2) pictures which were a gift from her and two (2) other pictures which were Mama Betty's, and my mink stole, which was also a gift from her.

## ARTICLE III

A. I hereby devise and bequeath all the rest, residue and remainder of my property which I own at my death, both real and personal, to my sons, Charles D. Thomas and Johnny Mack Thomas, and my daughter, Joyce Thomas Carlton, as their absolute property, in equal shares.

B. I may leave a memorandum listing some of the items that I own that I wish certain persons to have and request that my wishes as set forth in the memorandum be observed. If my personal representative, after reasonable inquiry, does not find such a memorandum within three months of the date of my death, then my personal representative may assume that such a



C.O.T

memorandum does not exist and distribute my tangible personal property in accordance with the provisions of paragraph A of this Article.

ARTICLE IV

If, in the event of my death, any one of my said children has predeceased me, then I hereby devise and bequeath their interest bequeathed to their issue, *per stirpes*. In the event that they leave no children then to my remaining heirs, *per*

stirpes. ARTICLE V

ADVANCEMENTS

If have previously made gifts during my lifetime to certain of my children and grandchildren and I anticipate that, subsequent to the execution of this will, I may make additional gifts to my children and grandchildren, including grandchildren who may be born after the execution of this Will. Because the gifts made to and among my children and grandchildren during my life may have been unequal in amount, at my death, I direct my Executor to equalize the totals of such gifts made to and among my children and grandchildren.

ARTICLE VI

If any beneficiary dies prior to the entry of any order, decree, or judgment in my estate, distributing the property in question, or within five (5) months after the date of my death, whichever is earlier, any interest bequeathed to such son or daughter to their issue, per stirpes.

B. In the event that my children die leaving no children, or descendants surviving them, it is my will that their share go to my re would have passed to said beneficiary under other provisions of this Will are to be disposed of according to the plan of distribution which would have been effective under this Will if such beneficiary predeceased me. It is my intention that any property or interest which is distributed from my estate as a result of any court order decree or judgment will not be revoked or otherwise effected by the subsequent death of the distributee.

ARTICLE VII

A. I hereby appoint my son, Charles D. Thomas, Executor of this Will and request

that no bond be required of him in that capacity. If he is unable or unwilling to act, I hereby direct that my son, Johnny Mack Thomas act as Executor in his stead. and that no bond be required of him in that capacity.

B. I give unto said Executor all of the powers enumerated in Section 35-50-110 of the Tennessee Code Annotated including but not limited to full power to sell, mortgage, invest, reinvest, exchange, manage, control, and in any way use and deal with any and all property of my estate during administration in such a manner as my said Executor in his sole discretion shall determine without leave or confirmation unless the same be expressly required by law.

C. My Executor may sell at public or private sale, on such terms as my Executor may determine proper, any item of personal property not so distributed to my children and shall add the proceeds of any such sale to my residuary estate.

Executed this 13th day of November, 1995 at Brentwood, Tennessee.

Carmon Olde Thomas

Carmon Olde Thomas



C.O.T. C.O.T

The foregoing instrument consisting of this page and 3 preceding typewritten pages was signed, sealed, published and declared in our presence by Carmon Olde Thomas, the Testatrix to be her Last Will and Testament and we, at her request and in her presence and sight and in the presence and sight of each other, have hereunto set our hands and seals as witnesses on this the 13th day of November, 1995 at Brentwood, Tennessee.

Virginia S. Sherman of Nashville, TN
Witness

Rosemary P. Smithson of Franklin, TN
Witness

_____ of _____
Witness



C.O.T. C.O.T

AFFIDAVIT

STATE OF TENNESSEE )
COUNTY OF WILLIAMSON )

Virginia S. Shannon, and
Rosemary P. Smithson, after being duly sworn according to law, depose and say;

That they are adult citizens of WILLIAMSON (and Davidson) County (Counties), and are acquainted with Carmon Olde Thomas, who executed the annexed Last Will and Testament dated the 13th day of November, 1995, on that date at Brentwood, Tennessee, by subscribing her name at the end thereof in the sight and presence of each of them;

That at the time of subscribing said Last Will and Testament, she declared the instrument so subscribed by her to be her Last Will and Testament, and they hereupon signed their names as witnesses at the end of said instrument at her request and in her sight and presence, and in the sight and presence of each other; and

That Carmon Olde Thomas at the time of executing her Last Will and Testament, was over the age of eighteen (18) years, and in their opinion, was of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Last Will and Testament.

This Affidavit was made at the request of Carmon Olde Thomas.

The annexed Last Will and Testament was examined by the undersigned witnesses at the time this Affidavit was made.

Virginia S. Shannon

Rosemary P. Smithson

SWORN AND SUBSCRIBED before me this the 13th day of November, 1995.

Notary Public

My Commission Expires: 5/8/99.

AMY R. CRUSE
NOTARY PUBLIC AT LARGE
STATE OF TENNESSEE

# EXHIBIT "B"

Land in Davidson County, Tennessee, being Lot No. 10 and the east one-half of Lot Not No. 9 of Block 12 on the Plan of College Park, as of record in Plat Book 843, page 29, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete legal description.