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RICHARD R. ROOKER, CLERK

Davidson County WILL
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20060206-0014800

LAST WILL AND TESTAMENT OF THOMAS CHARLES PENICK, SR.

I, THOMAS CHARLES PENICK, SR., 4408 Saunders Avenue, ~~Nashville, Tennessee~~ 37216 being a resident of Davidson County, being of sound mind and disposing memory, do make, declare, and publish this instrument to be my Last Will and Testament, hereby revoking all other wills that I may have made heretofore.

ITEM I

I nominate and appoint Burma Jean Greene, my daughter as Executrix of this, my Last Will and Testament, and I direct that she not be required to make bond. If Burma Jean Greene is unable or unwilling to serve as Executrix then I nominate Fred M. Greene, Jr., my grandson to serve in her place.

ITEM II

I direct that my personal representative pay all of my just debts and funeral expenses, as well as the cost of the administration of my estate, as soon after my death as practicable.

ITEM III

I hereby devise, give and bequeath all of my property whether real or personal to my wife, Nelda G. Penick.

If my wife, Nelda G. Penick should predecease me then I hereby devise, give and bequeath all of my property whether real or personal to be divided equally between my daughter, Burma Jean Greene; my son, Thomas Charles Penick, Jr.; and my grandson, Fred M. Greene, Jr.

I direct that my home at 4408 Saunders Avenue, Nashville, Tennessee 37216 and all of the furnishings therein are to be sold and the proceeds divided equally between my daughter, Burma Jean Greene; my son, Thomas Charles Penick, Jr.; and my grandson, Fred M. Greene, Jr.

I further direct that my gun collection be divided equally between Fred M. Greene, Jr. and Thomas Charles Penick, Jr. If a

Thomas C. Penick Sr.
THOMAS CHARLES PENICK, SR.

BECK AND BECK
4205 Gallatin Rd.
Nashville, TN 37216-2111

disagreement arises, all guns are to be sold and proceeds are to be divided equally between Fred M. Greene, Jr. and Thomas Charles Penick, Jr. and Burma Jean Greene.

The gifts and bequests herein are not made per stripes, but per capita in that it is not my intention that the surviving issue of any of my heirs who might predecease me should receive that heir's share. Rather the deceased heir's share is to be divided equally among the surviving heirs.

ITEM IV

I hereby authorize my Executrix to make deeds or bills of sale to the purchaser conveying titles to any and all property without the necessity of Court approval, and further authorize that my Executrix perform without the necessity of placing a bond.

V

I authorize my Executrix including any substance or successor personal representatives or Trustees, in the exercise of all reasonable discretion with respect to all property, real or personal, at anytime forming part of my estate, to exercise any or all the powers set forth in Section 3, Chapter 110, of the Tennessee General Assembly of 1963, Tennessee Code Annotated, 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. These powers (as set out in said statute on the date of execution of this Will) are granted, notwithstanding that said statute may be amended hereafter or repealed at the time of my death.

IN WITNESS WHEREOF, I have hereunto set my hand to this, my Last Will and Testament, at Nashville, Tennessee, this the 1st day of November, 1994, consisting of four (4) typewritten pages, including the attestation clause and Affidavit of witnesses.

Thomas C. Penick Sr.

THOMAS CHARLES PENICK, SR.

The foregoing instrument was signed, published and declared by

Thomas C. Penick Sr.

THOMAS CHARLES PENICK, SR.

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the Testatrix, **THOMAS CHARLES PENICK, SR.**, as and for his last Will and Testament, in the sight and presence of us and each of us and we at the same time at his request and his sight and presence and in the sight and presence of each other in believing him to be of sound mind have hereunto subscribed our names as attesting witnesses on this the 1st day of November, 1994.

WITNESS — 1245 Rugby Road
ADDRESS Nashville, TN 37207

WITNESS — 1713 Gale Ln.
ADDRESS Nashville, TN 37212

PAGE THREE OF MY LAST ~~WILL~~ AND TESTAMENT

THOMAS CHARLES PENICK, SR.

BECK AND BECK
4205 Gallatin Rd.
Nashville, TN 37216-2111

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make Oath; that the Testator, **THOMAS CHARLES PENICK, SR.**, on this the 1st day of November, 1994, declared and signified to us the foregoing signed said instrument to be 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 thereto as attestating witnesses; that at the time of his execution of the foregoing instrument, **THOMAS CHARLES PENICK, SR.**, was more than 18 years of age and we believed him to be of sound mind; that we, the undersigned, each being more than 18 years of age and under no legal disability now make and sign this Affidavit at the request of the Testator on the day and date above written.

This Affidavit is made and written under the provisions of TCA 32-2-100, for the purpose of attaching the same to the Last Will and Testament of said Testator for proof as to the execution of said Will.

AFFIANT

AFFIANT

Sworn to and subscribed before me, this the 1st day of November, 1994.

NOTARY PUBLIC
MY COMMISSION EXPIRES: 7/26/97

BECK AND BECK
4205 Gallatin Rd.
Nashville, TN 37216-2111

THOMAS CHARLES PENICK, SR.

CODICIL NO. 1
TO THE LAST WILL AND TESTAMENT
OF
THOMAS CHARLES PENICK, SR.

I, THOMAS CHARLES PENICK, SR., of Nashville, Davidson County, Tennessee, having heretofore made and published my last will and testament executed on November 1, 1994, do make and declare this as Codicil No. 1 thereto, to wit:

ITEM III

Paragraph 2 of Item III is revised as follows:

If my wife, Nelda G. Penick should predecease me then I hereby devise, give and bequeath my real property located at 4408 Saunders Avenue, Nashville, TN 37216 to my daughter, BURMA JEAN GREENE.

Paragraph 3 is deleted.

Paragraph 4 of Item III is revised as follows:

I further direct that my gun collection be devised, given and bequeathed to my son, THOMAS C. PENICK, JR.

If either of my two children predecease me, then their part in this Codicil is null and void and the original Will of November 1, 1994 becomes the effective Will as to their bequest.

I hereby ratify, republish and reaffirm my said Last Will and Testament in all respects except as modified by this Codicil No. 1 thereto.

IN WITNESS WHEREOF, I have executed this Codicil No. 1 to be my Last Will and Testament at Nashville, Tennessee, on this the 8 day of Nov., 2001.

Thomas C Penick Sr.
TESTATOR, THOMAS CHARLES PENICK, SR.

Thomas C. Penick Sr.
THOMAS CHARLES PENICK, SR.

Signed, sealed, published and declared by the Testator, **THOMAS CHARLES PENICK, SR.**, to be codicil No. 1 to his last will and testament in the presence of all of us at one and the same time, and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testator and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

J C Williamson
AFFIANT

Keith E Estes
AFFIANT

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make Oath; that the Testator, **THOMAS CHARLES PENICK, SR.**, on this the 8th day of November, 2001, declared and signified to us the foregoing signed said instrument to be his Codicil to 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 the sight and presence of each other, then subscribed our names thereto as attesting witnesses; that at the time of her execution of the foregoing instrument, **THOMAS CHARLES PENICK, SR.**, was more than 18 years of age and we believed him to be of sound mind; that we, the undersigned, each being more than 18 years of age and under no legal disability now make and sign this Affidavit at the request of the Testator on the day and date above written.

This Affidavit is made and written under the provisions of TCA 32-2-100, for the purpose of attaching the same to the Last Will and Testament of said Testator for proof as to the execution of said Will.

WITNESSES:

J C Williamson
NAMES

1304 NORVEL AVE
ADDRESS NASHTN 37216

Keith E Estes
NAMES

706 Monticello Dr, Mt. Juliet, TN 37
ADDRESS

Thomas C. Penick Sr.
THOMAS CHARLES PENICK, SR.

Sworn to and subscribed before, me this the 8th day of November, 2001.

Beverly D. Boyd
NOTARY PUBLIC
MY COMMISSION EXPIRES: 7/27/02

PAGE 3 OF CODICIL NO. 1 OF THE LAST WILL AND TESTAMENT OF THOMAS CHARLES PENICK, SR.

Thomas C. Penick Sr.
THOMAS CHARLES PENICK, SR.

THIS CODICIL WAS PREPARED BY:
BECK & BECK ATTORNEYS
4205 Gallatin Road
Nashville, Tennessee 37216
615-226-9000

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 15 day of DECEMBER , 2005 , in the Case Number 05P1868 PENICK SR., THOMAS CHARLES deceased,
as same remains of record in Vol. 6171 , Page 2137488 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 11 day of JANUARY 2006

SEAL

RICHARD R. ROOKER Clerk

By Patty Jack Deputy

RICHARD R. ROOKER
CIRCUIT COURT CLERK