Davidson County WILL
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Fees:47.00 Taxes:0.00
20060306-0025523

Last Will and Testament of Robert Claude Derryberry

FILED
2006 FEB -1 AM 10:41
RICHARD R. ROOKER, CLERK

I, Robert Claude Derryberry, domiciled in Davidson County, Tennessee, being of sound mind and disposing memory of the natural objects of my bounty, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

ARTICLE I

I direct that all my just debts, my funeral expenses, all estate, inheritance, succession, and other taxes assessed by reason of my death, and the cost of administration of my estate be paid as soon as practical after my death.

ARTICLE II

I devise to my wife any and all real property which I may own at the time of my death, wherever the same may be located. If my said wife shall predecease me, I give, devise and bequeath in equal, undivided one-third shares my home, located at 1217 Shiloh Drive, Nashville, Tennessee 37205, to my daughter, Debbie Jo Derryberry Hunter and her children and my grandchildren, Jeremy Scott Upchurch and Terry Ray Upchurch.

ARTICLE III

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal, tangible, intangible, of whatsoever nature and wheresoever situated, including all lapsed legacies and devises and all life insurance payable to my estate, I bequeath and devise in fee unto my dear wife, Josephine F. Derryberry. If my said wife shall not survive me, then I bequeath and devise the above-mentioned property unto my children as set forth in this article below:

(a) 25% of the aforesaid property to my step-son, Kenneth Glen Moore, and his issue per stirpes.

(b) 25% of the aforesaid property to my daughter, Debbie Jo Derryberry Hunter.

R. C. Derryberry
Robert Claude Derryberry

(c) 25% of the aforesaid property to my grandson, Terry Ray Upchurch, Jr.

(d) 25% of the aforesaid property to my grandson, Jeremy S. Upchurch.

ARTICLE IV

I appoint my daughter, Debbie Jo Derryberry Hunter, to be the Executrix of this my Last Will and Testament, and direct that no bond be required for the faithful performance of her duties. If she shall predecease me or is otherwise unable to serve, I nominate and appoint my son, Kenneth Glen Moore, as alternate Executor, to also serve without bond. I give my Executrix or Executor, as the case may be, all the powers set forth in Tennessee Code Annotated § 35-50-110, which are incorporated herein by reference to this Will. A successor executor has the duty, right and power given to the executor originally appointed. Any successor executor may accept the account rendered and assets delivered to it by its predecessor as a complete discharge to the predecessor executrix or executor. I further direct that if I own any realty at the time of my death, I vest my said Executrix or Executor with full power to sell without the joinder of any party, and any purchaser shall not be required to look to the application of the proceeds. Further, in any cases in which my Executor is required, pursuant to any provision of this Will, to divide any portion of my estate into parts or shares to distribute the same, I authorize him, in his discretion, to make such division or distribution in kind, or partly in kind, or partly in money. For the purpose of such allotment, the judgment of my Executor or Trustee concerning the property and the relative value thereof for purposes of distribution of the assets as allotted shall be binding and conclusive on all persons interested in my estate.

ARTICLE V

If my wife, Josephine F. Derryberry, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that she survived me, and my estate shall be administered and distributed in all respects in accordance with such presumption.

R. C. Derryberry

Robert Claude Derryberry

I further excuse my Executrix or Executor or successor Executors from filing an inventory and making reports or accountings to the court having jurisdiction over my estate.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last Will and Testament, said Will this and two (2) typewritten pages, and for the purpose of identification, I have signed each such page, all in the presence of persons witnessing it at my request on this 9th day of Aug, 2002, at Brentwood, Tennessee.

R. C. Derryberry
ROBERT CLAUDE DERRYBERRY

The foregoing instrument consisting of this and two (2) preceding typewritten pages, was signed, sealed, published and declared by Robert Claude Derryberry in our presence, and we at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses, this 9 day of Aug, 2002, at Brentwood, Tennessee.

John V. Mandelli
WITNESS

5115 Maryland Way
ADDRESS
Brentwood, Tenn 37027

Donna M. Kinney
WITNESS

5115 Maryland Way
ADDRESS
Brentwood Tn 37027

R.C. Derryberry
Robert Claude Derryberry

STATE OF TENNESSEE)
COUNTY OF Williamson)

Jan V. Mardelli and Donna M. Kinney after being first duly sworn according to law dispose and say:

1. That they are adult citizens of Williamson County, Tennessee.

2. That they witness the execution of the Last Will and Testament of Robert Claude Derryberry, dated Aug 9, 2002, to which the Affidavit is attached, and that this Affidavit is being made at the request of the testator and in accordance with the Tennessee Code Annotated Sec. 32-2-110.

3. 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 testator and in his presence and sight, and in the presence and sight of each other, at the place and on the date recited in said Last Will and Testament.

4. That at the time they witnessed said Will, the testator was, in their opinion, of sound mind.

5. That the testator signed the said paper writing as and for his Last Will and Testament in their sight and presence.

Jan V. Mardelli

Donna M. Kinney

Sworn to and subscribed before me this the 9 day of August, 2002.

Jill Jeter
Notary Public

My commission expires: 7/24/04

R. C. Derryberry
Robert Claude Derryberry

First Codicil to the Last Will and Testament of Robert Claude Derryberry

I, Robert Claude Derryberry, a resident of Davidson County, Tennessee, do make, publish and declare this to be the first codicil to the Last Will and Testament executed by me on August 9, 2002, in the presence of James V. Mondelli and Donna M. Kimery.

I wish to change Article III of my will such that it should read as follows:

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal, tangible, intangible, of whatsoever nature and wheresoever situated, including all lapsed legacies and devises and all life insurance payable to my estate, I bequeath and devise in fee unto my dear wife, Josephine F. Derryberry. If my said wife shall not survive me, then I bequeath and devise the above-mentioned property unto my children equally, as set forth in this article below:

(a) 1/6 equal share to my step-son, Kenneth Glen Moore, and his issue per stirpes.

(b) 1/6 share to my daughter, Debbie Jo Derryberry Hunter.

(c) 1/6 share to my grandson, Terry Ray Upchurch, Jr.

(d) 1/6 share to my grandson, Jeremy S. Upchurch.

(e) 1/6 share to my daughter, Nancy W. Hughes; and

(f) 1/6 share to my daughter, Nina Rushing.

In all other respects I ratify and confirm all other provisions of my said will dated August 9, 2002.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my First Codicil to my Last Will and Testament, and for the purpose of identification, I have signed each page, all in the presence of persons witnessing it at my request on this 4 day of Sept., 2003, at Brentwood, Tennessee.

R. C. Derryberry

Robert Claude Derryberry

STATE OF TENNESSEE)
COUNTY OF Williamson)

Jan Stayes and James Mordelli after being first duly sworn, according to law dispose and say:

1. That they are adult citizens of Williamson / Davidson County, Tennessee.

2. That they witness the execution of the First Codicil to the Last Will and Testament of Robert Claude Derryberry, dated Sept. 4, 2003, to which the Affidavit is attached, and that this Affidavit is being made at the request of the testator and in accordance with the Tennessee Code Annotated § 32-2-110.

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

4. That at the time they witnessed said First Codicil to the Last Will and Testament, the testator was, in their opinion, of sound mind.

5. That the testator signed the said paper writing as and for his First Codicil to the Last Will and Testament in their sight and presence.

Jan Stayes

James V. Mordelli

Sworn to and subscribed before me this the 4 day of September, 2003.

Jill Jeter
Notary Public

My commission expires: 7/24/04

ROBERT CLAUDE DERRYBERRY

The foregoing instrument consisting of this and one (1) preceding typewritten page, was signed, sealed, published and declared by Robert Claude Derryberry in our presence, and we at his request and in his presence and in the presence of each other have hereunto subscribed our names as witnesses, this 4 day of Sept, 2003, at Brentwood, Tennessee.

WITNESS

Brentwood, TN
ADDRESS

WITNESS

ADDRESS
Brentwood Dr

Robert Claude Derryberry

STATE OF TENNESSEE

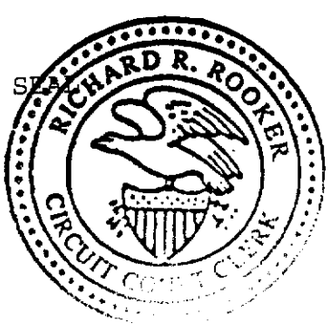
I, **RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Last Will and Testament heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 01 day of FEBRUARY , 2006 , in the Case Number 06P92 DERRYBERRY, ROBERT CLAUDE deceased, as same remains of record in Vol. 6258 , Page 2180302 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 02 day of MARCH 2006

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL



METROPOLITAN GOVERNMENT OF
NASHVILLE & DAVIDSON COUNTY
Office of Vital Records

0600854

TENNESSEE DEPARTMENT OF HEALTH
CERTIFICATE OF DEATH

STATE FILE NUMBER

TYPE/PRINT IN PERMANENT BLACK INK FOR INSTRUCTIONS SEE HANDBOOK

1. DECEDENT'S NAME (First, Middle, Last): Robert Claude Derryberry
2. SEX: Male
3. DATE OF DEATH (Month, Day, Year): January 10, 2006
4. SOCIAL SECURITY NUMBER: [redacted]-3060
5a. AGE-LAST BIRTHDAY (Years): 77
5b. UNDER 1 YEAR: MOS. / DAYS
5c. UNDER 1 DAY: HOURS / MIN.
6. DATE OF BIRTH (Month, Day, Year): June 17, 1928
7. BIRTHPLACE (City and State or Foreign Country): Alabama
8. WAS DECEDENT EVER IN U.S. ARMED FORCES? 1 Yes 2 X No
9a. PLACE OF DEATH (Check only one): HOSPITAL 1 Inpatient 2 ER/Outpatient 3 DOA; OTHER 4 Nursing Home 5 X Residence 6 Other (Specify)
9b. FACILITY NAME (If not institution, give street and number): 1217 Shiloh Drive
9c. CITY, TOWN, OR LOCATION OF DEATH: Nashville
9d. COUNTY OF DEATH: Davidson
10. MARITAL STATUS-Married, Never Married, Widowed, Divorced (Specify): Widowed
11. SURVIVING SPOUSE (If wife, give maiden name): --
12a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.): Owner Derryberry Paving Co.
12b. KIND OF BUSINESS/INDUSTRY: Self-Employed
13a. RESIDENCE-STATE: Tennessee
13b. COUNTY: Davidson
13c. CITY, TOWN OR LOCATION: Nashville
13d. STREET AND NUMBER OR RURAL LOCATION: 1217 Shiloh Drive
CENSUS TRACT
13e. INSIDE CITY LIMITS? 1 X Yes 2 No
13f. ZIP CODE: 37205
14. WAS DECEDENT OF HISPANIC ORIGIN? (Specify Yes or No-If yes, specify Cuban, Mexican, Puerto Rican, etc.) Yes O X No
15. RACE-American Indian, Black, White, etc. (Specify): White
16. DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): 12; College (1-4 or 5+):
17. FATHER'S NAME (First, Middle, Last): Felix T. Derryberry
18. MOTHER'S NAME (First, Middle, Maiden Surname): Mattie Ellen Unknown
19a. INFORMANT'S NAME (Type/Print): Debbie Hunter
19b. RELATIONSHIP TO DECEASED: daughter
19c. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code): 1217 Shiloh Drive Nashville, TN 37205
20a. METHOD OF DISPOSITION: 1 X Burial 2 Cremation 3 Removal from State 4 Donation 5 Other (Specify)
20b. PLACE OF DISPOSITION (Name of cemetery, crematory, or other place): Harpeth Hills Memory Gardens
20c. LOCATION-City or Town, State: Nashville, TN 37221
21a. SIGNATURE OF FUNERAL DIRECTOR: Jeff Pleas
21b. LICENSE NUMBER OF FUNERAL DIRECTOR: 4437
21c. SIGNATURE OF EMBALMER: Jeff Pleas
21d. LICENSE NUMBER OF EMBALMER: 4353
22a. NAME AND ADDRESS OF FUNERAL HOME: Harpeth Hills Funeral Home 9090 Highway 100, Nashville, TN 37221
22b. LICENSE NUMBER OF FUNERAL HOME: 849
23. REGISTRAR'S SIGNATURE: Teresa A. Barnes
24. DATE FILED (Month, Day, Year): January 11, 2006
25a. PHYSICIAN - To the best of my knowledge, death occurred at the date and place, and due to the cause(s) and manner as stated. 1 SIGNATURE AND TITLE OF PHYSICIAN: Zhn (R JACK MD)
25b. LICENSE NUMBER: MD 13141
25c. DATE SIGNED (Month, Day, Year): 1/11/06
26a. MEDICAL EXAMINER - On the basis of examination and/or investigation, in my opinion, death occurred at the date and place, and due to the cause(s) and manner as stated. 2 SIGNATURE AND TITLE OF MEDICAL EXAMINER
26b. LICENSE NUMBER
26c. DATE SIGNED (Month, Day, Year)
PHYSICIAN OR MEDICAL EXAMINER EXECUTING CERTIFICATE MUST COMPLETE AND SIGN MEDICAL CERTIFICATION WITHIN 48 HOURS.
27. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN OR MEDICAL EXAMINER) (Type/Print): ROBERT A. JACK MD 310 25th Ave No. Nashville TN 37203
28. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Approximate Interval Between Onset and Death.
SEE INSTRUCTIONS ON OTHER SIDE
CAUSE OF DEATH
IMMEDIATE CAUSE (Final disease or condition resulting in death): a. cardiac arrest
DUE TO (OR AS A CONSEQUENCE OF):
Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST: b. Congestive Heart Failure
DUE TO (OR AS A CONSEQUENCE OF):
c.
DUE TO (OR AS A CONSEQUENCE OF):
d.
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.
29a. WAS AN AUTOPSY PERFORMED? 1 Yes 2 X No
29b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? 1 Yes 2 No
30. MANNER OF DEATH: 1 X Natural 2 Accident 3 Suicide 4 Homicide 5 Pending Investigation 6 Could not be Determined
31a. DATE OF INJURY (Month, Day, Year)
31b. TIME OF INJURY: M
31c. INJURY AT WORK? 1 Yes 2 No
31d. DESCRIBE HOW INJURY OCCURRED
31e. PLACE OF INJURY-At home, farm, street, factory, office building, etc. (Specify)
31f. LOCATION (Street and Number or Rural Route Number, City or Town, State)
STATE FILE NO.

PH-1551 (REV. 6-99)
RDA 1369

I hereby certify the above to be a true and correct copy of the original document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Metropolitan Government of Nashville and Davidson County. Alteration or erasure voids this certification.

Tennessee Code Annotated 68-3-101 et seq., Vital Records Act of 1977.

Tonya Y Ruttlen
Tonya Y. Ruttlen
Local Registrar

Date Issued JAN 11 2006

THE GREAT SEAL OF THE STATE OF TENNESSEE XVI AGRICULTURE COMMERCE 1796

CERTIFICATION OF VITAL RECORD