IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2002 AUG 30 PM 2:44
RICHARD R. ROOKER, CLERK
D.C.

IN RE: Probate of the Last Will and Testament of Rose LaVerne Weismueller) No. 02P1497

PETITION

Your Petitioner, Caroline Weismueller , files this petition as an interested person on the estate of Rose LaVerne Weismueller deceased, being the daughter of the deceased and the person nominated as the Executrix in the Last Will and Testament of the deceased, which is attached hereto. Petitioner would respectfully show to the Court as follows:

1. That the deceased, Rose LaVerne Weismueller, died in Nashville, Davidson County, Tennessee, on August 15, 2002, a resident of the said County at the age of 79 years leaving a Last Will and Testament bearing the date of September 22, 1995. The death certificate and will are attached hereto.

2. The Last Will and Testament was witnessed by Rosemary McGill, Portia Dowell and Nina Fedie. Affidavits of the attesting witnesses to the Last Will and Testament are attached hereto.

3. The deceased left a probate estate valued at approximately $370,000.00.

4. The petitioner was nominated as the Executrix of the decedent's Last Will and Testament.

5. The next of kin of the decedent are Caroline Weismueller, the decedent's daughter; and Robert W. Weismueller, Jr., the decedent's son.

6. The following constitute the legatees, devisees, heirs at law and next of kin of the decedent: Caroline Weismueller, and Robert W. Weismueller, Jr..

PREMISES CONSIDERED, PETITIONER PRAYS:

1. That the Last Will and Testament of Rose LaVerne Weismueller be admitted to probate.

2. That letters testamentary be issued to the petitioner, bond being waived as provided in the decedent's Last Will and Testament.

3. Notice by publication be given to the creditors of the estate as required by T. C. A. Section 30-2-306; and notice be given to the Department of Revenue as required by T. C. A. Section 68-8-406.

4. The petitioner be granted such additional relief as the Court may proper under the circumstances.

Caroline Weismueller

Caroline Weismueller

Davidson County ORDER
Recvd: 08/07/06 09:53 9 pgs
Fees:47.00 Taxes:0.00
20060807-0096130

Robert W. Weismueller, Jr.
BPR # 003467
Attorney for the Petitioner
104 W. Summit Hill Dr.
Knoxville, TN 37202
(865) 525-8413

State of Tennessee)
County of Davidson)

Caroline Weismueller, the petitioner, makes oath that the statements contained in the foregoing are true to the best of her knowledge, information, and belief.

Caroline Weismueller

Sworn to and subscribed before me this 30 day of August, 2002.

Notary Public
My commission expires: 7-9-05

COST BOND

I am surety for the costs in this cause not to exceed $500.00.

Robert W. Weismueller, Jr.

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IN RE: Probate of the Last Will and Testament of Rose LaVerne Weismueller) No. 02P1497

ORDER TO PROBATE

D.C.

This cause came on to be heard on the _____ day of _____, 2002, before the Honorable Robert Bradshaw, Probate Master, upon the Petition of Caroline Weismueller that a paper writing purporting to be the last will and testament of Rose LaVerne Weismueller, deceased, be admitted to probate, and that letters testamentary be issued to the petitioner.

Whereupon the petitioner produced in open court a paper writing purporting to be the last will and testament of Rose LaVerne Weismueller, deceased, said paper writing bearing the date September 22, 1995, having the name Rose LaVerne Weismueller signed thereto as testatrix; being subscribed by Rosemary McGill, Portia Dowell and Nina Fedie as attesting witnesses; and naming Caroline Weismueller to serve as executrix without bond.

And, it appearing to the court from the affidavits of the witnesses as authorized by and in accordance with Tennessee Code Annotated § 32-2-110 that each of the attesting witnesses did subscribe her respective name as an attesting witness to the said paper writing; that the said paper writing was written in the lifetime of Rose LaVerne Weismueller, deceased, and published, signed and subscribed by her in the presence of the attesting witnesses; that the said Rose LaVerne Weismueller was then of sound mind; and theat, at her request, said attesting witnesses signed said paper writing in her presence and in the presence of each other on September 22, 1995.

And, it further appearing to the court from the from testimony produced in open court that the said paper writing bears the true signature of the said Rose LaVerne Weismueller; that her ususal place of domicile and residence at the time or her death was Davidson County, Tennessee; and that she died in this county on August 15, 2002 at the age of 79 years.

It is therefore, ORDERED, ADJUDGED AND DECREED by the court that the said paper writing is the true, whole and last will and testament of Rose LaVerne Weismueller, deceased; that the same is hereby admitted to probate as such; and that the clerk is directed to file and record the same and to issue letters testamentary to Caroline Weismueller, without bond.

ENTER this the _____ day of _____, 2002.

_____
Probate Master

APPROVED FOR ENTRY:

_____
Robert W. Weismueller, Jr.
BPR # 003467
Attorney for the Petitioner
104 W. Summit Hill Dr.
Knoxville, TN 37202
(865) 525-8413

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IN RE: Probate of the Last Will and Testament of Rose LaVerne Weismueller) No. 02P1497

COST BOND

D.C.

KNOW ALL MEN BY THESE PRESENTS That we, Caroline Weismueller as Principal and Robert W. Weismueller, Jr. as Surety, are held and firmly bound unto the Probate Court of Davidson County, Tennessee in the penal sum of five hundred dollars ($500.00) for the true payment of which we bind ourselves, our Heirs, Executors and Administrators firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH:
Whereas, the above bound principal and surety are commencing legal proceedings in the said Probate Court for Davidson County, Tennessee. Now, if the said principal shall pay any and all costs which are adjudged against her, then this obligation is void, else it is to remain in full force and effect.

Caroline Weismueller
Principal

5508 Meadowcrest Ln.
Nashville, TN 37209

Date: _____

Robert W. Weismueller, Jr.
Surety

304 Oak Park Dr.
Knoxville, TN 37918

Date: _____

LAST WILL AND TESTAMENT OF ROSE LAVERNE WEISMUELLER

I, Rose LaVerne Weismueller, domiciled in Nashville, Tennessee, do make publish and declare this to be last will and testament, hereby revoking all wills and codicils heretofore made by me.

ARTICLE I

I direct that all of my just debts, my funeral expenses (including the cost of a suitable monument at my grave), and the costs of administration of my estate be paid as soon as practicable after my death. My Executrix, in her sole discretion may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

In the event that any property or interest in property passing under this Will, by an operation of law or otherwise by reason of my death, shall be encumbered by mortgage or lien or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall be an indebtedness of my estate and paid from the residuary of that estate after the reduction of that estate by the devises and bequests made below.

ARTICLE II

I direct that there shall be paid from my residuary estate without apportionment, all estate, inheritance, succession or other taxes (together with any penalty thereon), assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, or any foreign government or political subdivision thereof in respect of all property required to be included in my gross estate for estate or like tax purposes by any such governments, whether the property passes under this will or otherwise; including the property over which I have a taxable power of appointment, without any contribution by any recipient of any such property.

ARTICLE III

I bequeath to my daughter, Caroline Weismueller all monies left in my profit sharing account with Graces, Inc., and all women's jewelry owned by me at the time of my death, along with one of the Mettlach beer mugs if owned by me at the time of my death.

I bequeath to my son Robert W. Weismueller, Jr., if owned by me at the time of my death, all guns, all mens jewelry, all monogrammed silver, including flatware, the grandfather clock, the other Mettlach beer mug along with all other beer mugs and other stoneware pottery owned by me, the *petit point* chair and bookcase which I inherited from my mother, along with all of the photo albums and other memorabilia of his father's service in the United States Air Force during World War II.

All other the furniture and furnishings and household goods in my home at 737 Vosswood Dr. in Nashville, Tennessee, autos and personal property of whatever nature including cash on hand or on deposit, owned by me at the time of my death is bequeathed to my two children, Robert W. Weismueller, Jr. and Caroline Weismueller in equal shares, *per stirpes*, share an share alike. If either of my children shall not survive me, I bequeath all of the aforesaid property to the survivor. If neither of my children shall survive me, then all of the aforesaid property shall be bequeathed to my daughter-in-law, P. Kay Souder of Knoxville, Tennessee. If neither my children nor my daughter-in-law shall survive me, then I

bequeath all of the aforesaid property to the trust created under this Will.

ARTICLE IV

I hereby devise to my daughter, Caroline Weismueller, in fee, my home located at 737 Vosswood Dr., Nashville, Tennessee. If my daughter shall not survive me, then said real property shall pass to my son, Robert W. Weismueller, Jr., in fee. If neither of my children shall survive me then I devise said real property to my daughter-in-law, P. Kay Souder. If neither of my children nor my daughter-in-law shall survive me then I devise all of the aforesaid property to the trust created hereunder.

ARTICLE V

I direct that if my children and daughter in law shall not survive me, that after the payment of all administration expenses and death taxes as hereinabove provided, my Executrix shall deliver and convey all the remainder of my residuary estate 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 and including the proceeds of any life insurance payable to my estate not otherwise disbursed or distributed in the course of administration of my estate (but expressly excluding any property over or concerning which I may have a power of appointment) to the Trustee named hereunder. Said Trustee shall hold manage and control all of the aforesaid property as a trust estate, with all of the rights and powers and subject to the limitations hereinafter enumerated, for the following uses and purposes:

A. The Trustee shall collect all of the income from the property comprising the trust estate, and shall expend on the behalf of my grandson Charles Robert Weismueller so much of the net income as the Trustee may deem advisable to provide
properly for his health, maintenance, education and support, and may incorporate any income not so disbursed into the principal of the fund.

B. I hereby authorize and empower my Trustee in its sole and absolute discretion, at any time and from time to time, to disburse from the principal of any of the trust estate created under this Article (even to the point of completely exhausting same), such amounts as it may deem advisable to provide adequately for the health, support, maintenance, and education of the income beneficiary thereof, or his spouse and issue, including, but not by way of limitation, expenses incurred by way of illness or disability. In determining the amounts of principal to be so disbursed, the Trustee shall take into consideration any other income or property which such income beneficiary or other persons may have from any other source, and the Trustee's discretion shall be conclusive and shall not be questioned by anyone. For all sums so disbursed, the Trustee shall have full acquittance. All such disbursements from principal shall be charged from the trust fund from which they were made, and shall not be charged against any individual share of the principal subsequently distributed to any beneficiary.

C. If, at the time the trust is created hereunder my grandson shall be living, then he shall be the beneficiary of the
trust created hereunder. Until my grandson reaches the age of
twenty-one years the Trustee shall pay him or expend on his behalf so much of the net income, and principal if encroachment is necessary, to carry out the purposes of this

trust. When my son shall attain the age of twenty-one the Trustee shall distribute to my grandson the corpus of the trust in fee.

If my grandson shall have attained the age of twenty-one at the time that the trust is to be created, he shall inherit the entire amount in fee and no trust shall be created.

D. If my grandson shall not survive me, or shall die before the complete distribution of the trust created hereunder then the Trustee shall divide the corpus of the trust into as many equal shares as there are children of his living plus one share for his spouse. The share for his spouse shall be immediately distributed to her in fee. The remainder so divided shall be set apart and shall be held for the benefit of my great-grandchildren then living or born within one year of my grandson's death. Until such great-grandchild shall attain the age of twenty-one years the Trustee shall pay him or expend on his behalf, so much of the net income derived from his particular fund as the Trustee may deem advisable to provide properly for his health, maintenance, education and support, and may incorporate any income not so disbursed into the principal of his fund. Upon such great-grandchild attaining the age of twenty-one years, the Trustee shall distribute the balance of the fund to the great-grandchild.

E. If all of my descendants shall die prior to the complete distribution of the trusts created herein, then upon the happening of such event all assets held by the Trustee shall be distributed to my collateral heirs-at-law in accordance with the laws of descent and distribution then in effect in the State of Tennessee, the identity of such heirs to be determined as though I had died upon the happening of such event.

F. The use of the masculine gender in this Article shall be deemed to include the feminine and the use of the singular shall be deemed to include the plural whenever the context would so require.

ARTICLE VI

I authorize my Executrix and my Trustee (including any substitute or successor personal representative or Trustee) in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming part of my estate or any trust, to exercise any or all the powers set forth in Section 3 of 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. These powers (as set out in said statute on the date of the execution of this will) are granted, notwithstanding that said statute may be amended or repealed at the time of my death.

ARTICLE VII

I appoint my daughter, Caroline Weismueller, 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; and I vest my said Executrix with full power and authority to sell, transfer, and convey any property, real or personal, which I may own at the time of my death at such time and price and upon such terms and conditions (including credit) as she may determine and to do every other act and thing necessary or appropriate to the complete administration of this will.

If my daughter Caroline Weismueller, shall predecease me or fail to qualify as Executrix hereunder (or having

qualified, shall die or resign) then in such event, my son, Robert W. Weismueller, Jr. shall act as Executor of my estate; and in such capacity shall possess and exercise all powers and authority previously granted to my Executrix herein. No bond shall be required for the faithful performance of his duties.

ARTICLE VIII

I appoint Nations Bank of as trustee of all the trusts created hereunder and direct that no bond be required for the faithful performance of its duties.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my last will and testament, consisting of this and 3 preceding typewritten pages, and for the purpose of identification I have I have initialed each such page, all in the presence of the persons witnessing it at my request on this 22nd day of September, 1995, at Nashville, Tennessee.

Rose LaVerne Weismueller

The foregoing instrument, consisting of this and 3 preceding typewritten pages, was signed, sealed, published and declared by Rose LaVerne Weismueller, the testatrix, to be her last will and testament, in our presence, and in all and in the presence of each other, have hereunto subscribed our names as witnesses, this 22nd day of September, 1995 at Nashville, Tennessee.

Rosemary McGee residing at 4405 Harding Rd. Nashville, TN. 37205

Portia Stovall residing at 4405 Harding Rd. Nashville TN 37205

Nina Steele residing at 4405 Harding Rd Nash 37205

RLW

AFFIDAVIT OF WITNESSES TO PROVE WILL

ROSEMARY McGILL and PORTIA DOWELL and NINA FODIC duly sworn according to law, depose and say:

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

2. That they witnessed the execution of the Last Will and Testament of Rose Laverne Weismueller, dated the _____ day of September, 1995, to which this affidavit is attached, and
that this affidavit is being made at the request of the Testatrix, and in accordance with T.C.A. Section 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 Testatrix, and in her presence, and in the presence of each other, at the place and on the date recited in said Last will and Testament.

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

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

Witness

Witness

Witness

State of Tennessee)
County of Davidson)

Subscribed to and sworn before me this 22nd day of September, 1995.

Notary Public
My commission expires: 3/27/97