This instrument prepared by:
Paul T. Housch, Attorney
222 2nd Ave. No. Ste. 310
Nashville, TN 37201
615-259-3313

FILED

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE
(PROBATE DIVISION)

2006 JUN 28 AM 10:41

D.C.

IN RE:)
THE ESTATE OF CLYDE L. GREGORY)
DECEASED)
)
EMMA J. GREGORY,) DOCKET NO. 06P912
PETITIONER.)
)

ORDER

THIS CAUSE came on to be heard on the 28th day of June, 2006, before the Honorable Randy Kennedy, Judge of the Seventh Circuit Court for Davidson County, Tennessee upon the Petition to Prove Lost Will of the **DECEDENT**; and based upon the examination of the Petition filed herein; review of the Last Will and Testament (copy) filed of record as Exhibit **"A"** to said Petition; testimony of the **PETITIONER, EMMA J. GREGORY,** in open court; testimony of witnesses acknowledging the signature of the **DECEDENT** as his handwriting on the copy of said will; notice having been given to the **DECEDENT'S** heirs at law/next of kin and named beneficiary under the Last Will and Testament who survived the **DECEDENT**; along with a copy of the Petition; and upon examination of the Petition in open court; review of the **DECEDENT'S** Last Will and Testament date, July 19, 2001, and the Attestation Clause of the Last Will and Testament attesting to the subscribing witnesses therein; and from all of which the Court finds as follows:

A. **DECEDENT, CLYDE L. GREGORY,** was a resident of Nashville, Davidson County, Tennessee at date of death.

(B) **DECEDENT** died on May 31, 2005, at the age of seventy-five (75) years.

PAUL T. HOUSCH
Attorney at Law
222 2nd Avenue North
Suite 310
Nashville, TN 37201
615-259-3313
FAX 615-259-3315

LEGAL DOCUMENT

Davidson County WILL
Recvd: 09/01/06 12:48 11 pg
Fees:57.00 Taxes:0.00
20060901-0108378

(C) **DECEDENT** left a Last Will and Testament dated July 19, 2001 which the original was found by the **PETITIONER** in the personal papers of the **DECEDENT** upon his death, which said Last Will and Testament (original thereof) has been lost as testified by the **PETITIONER, EMMA J. GREGORY,** in open court.

(D) The Last Will and Testament of the **DECEDENT,** dated July 19, 2001, was properly signed by the testator, duly published and witnessed according to law based on the copy presented for Probate. The **PETITIONER** and the other witnesses presented by the **PETITIONER** have declared that the copy of the Last Will and Testament of the **DECEDENT** dated July 19, 2000, is the signature of the **DECEDENT,** and in the handwriting of **DECEDENT.**

(E) The **DECEDENT'S** Last Will and Testament, dated July 19, 2001, has never been revoked by the **DECEDENT** prior to his death.

(F) The Last Will and Testament of the **DECEDENT** dated July 19, 2001, nominates and appoints the **PETITIONER, EMMA J. GREGORY,** as Executrix, as the surviving spouse of the **DECEDENT.** The Last Will and Testament also waives bond, but does not waive the filing of an inventory or accountings.

(G) The **DECEDENT** owned real estate at death located at 1308 Forrest Avenue, Nashville, Tennessee 37206 valued at approximately $162,000.00. The **DECEDENT** owned personal property valued at approximately $10,500.00, for a total of approximately $172,500.00.

(H) The surviving heirs at law/next of kin of **DECEDENT** are:

(1) Mrs. Emma J. Gregory
1309 Forrest Avenue
Nashville, Tennessee 37206
Spouse

(2) Mildred Kerley (deceased)
Survived by:

(a) Mr. Gregory Kerley
790 County Road
Culman, Alabama 35055

(b) Mr. Kenneth Kerley
c/o Mr. Gregory Kerley
790 County Road
Culman, Alabama 35055

(c) Mr. Joe Kerley
c/o Mr. Gregory Kerley
790 County Road
Culman, Alabama 35055

(I) The will beneficiaries are identified as follows:

Mrs. Emma J. Gregory
309 Forrest Avenue
Nashville, Tennessee 37206
Surviving Spouse

Based upon these findings; it is hereby:

ORDERED, ADJUDGED AND DECREED that the **DECEDENT'S** Last Will and Testament, dated July 19, 2001 (copy) is hereby admitted to Probate in common form.

It is further **ORDERED, ADJUDGED AND DECREED** that the Court hereby appoints the **PETITIONER, EMMA J. GREGORY**, as the Executrix of the Estate of Clyde L. Gregory.

It is further **ORDERED, ADJUDGED AND DECREED** that upon the Clerk issuing the Oath to the **PETITIONER, EMMA J. GREGORY**, as Executrix of the Estate of Clyde L. Gregory, that Letters of Testamentary shall be issued to the **PETITIONER, EMMA J. GREGORY.**

It is further **ORDERED, ADJUDGED AND DECREED** that bond for the Executrix is hereby waived in accordance with the Last Will and Testament of the **DECEDENT.**

It is further **ORDERED, ADJUDGED AND DECREED** that the Executrix shall be

required to file an inventory of the Estate within sixty (60) days of the signing of this Order in accordance with the Last Will and Testament of the **DECEDENT.**

It is further **ORDERED, ADJUDGED AND DECREED** that the Executrix shall be required to file the annual accountings and a final accounting in accordance with the Last Will and Testament.

It is further **ORDERED, ADJUDGED AND DECREED** that Notice shall be issued to the creditors and to the Department of Revenue at the State of Tennessee as required by T.C.A. §30-2-306 and T.C.A. §67-8-406 respectfully; and that notice be given to the State of Tennessee, Bureau of Tenn Care, TPL Division, 310 Great Circle Road, Fourth Floor, Nashville, Tennessee 37243.

It is further **ORDERED, ADJUDGED AND DECREED** that the Executrix shall notify the Tenn Care Bureau of the death of the **DECEDENT** to determine if there are any claims by Tenn Care Bureau against the Estate of Clyde L. Gregory within sixty (60) days of the entry of this Order.

It is so **ORDERED**, this the 28th day of June, 2006.

JUDGE RANDY KENNEDY,
SEVENTH CIRCUIT COURT JUDGE FOR
DAVIDSON COUNTY

SUBMITTED FOR ENTRY:

PAUL T. HOUSCH, ESQ.

BY: _____

PAUL T. HOUSCH, ESQ. #11538
Washington Square
Suite 310
222 Second Avenue North
Nashville, TN 37201
(615) 259-3313

ATTORNEY FOR PETITIONER
EMMA J. GREGORY

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been forwarded, postage prepaid, U.S. Mail, to: **Emma J. Gregory, 1308 Forrest Avenue, Nashville, Tennessee 37206; Mr. Gregory Kerley, 790 County Road, Culman, Alabama 35055; Mr. Kenneth Kerley, c/o Mr. Gregory Kerley, 790 County Road, Culman, Alabama 35055; Mr. Joe Kerley, c/o Mr. Gregory Kerley, 790 County Road, Culman, Alabama 35055**, on this the 28th day of June, 2006.

_____
PAUL T. HOUSCH, ESQ.

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 PETITION ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 28 day of JUNE , 2006 , in Case Number 06P912 between GREGORY, EMMA J. Petitioner, and GREGORY, CLYDE L. Respondent, as same remains in the records of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 25 day of AUGUST 2006

RICHARD R. ROOKER, Clerk,

SEAL

By _____
Deputy Clerk

060962

FILED

2006 JUN 28 AM 10:41

LAST WILL AND TESTAMENT OF CLYDE L. GREGORY

I, **CLYDE L. GREGORY**, being a resident of Davidson County, Tennessee, do make, declare and publish this my last will and testament, hereby revoking all former wills and codicils.

ITEM I

I direct that all my lawful debts, including my funeral expenses and the costs of administration of my estate, be paid 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.

ITEM II

I bequeath to my wife, EMMA J. GREGORY, all of my property, real, personal and mixed, in fee simple and absolutely, including any insurance on my life, not payable to any specific beneficiary.

I further direct that the remainder of my personal property, including the residue indicated, be given, devised and bequeathed to my wife, Emma J. Gregory.

ITEM III

I hereby authorize my Executor 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 Executor perform without the necessity of placing a bond.

ITEM IV

I authorize my Executor or any alternate personal representative, in the exercise of a 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 Tennessee Code Annotated Section 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 even should said statute be amended or repealed at the time of my death.

ITEM V

I appoint, EMMA J. GREGORY, to be the Executrix of this my last will and testament. I direct that no bond or other security be required of my said Executrix for the faithful performances of her duties as such.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my last will and testament, consisting of (4) typewritten pages, and for the purpose of identification, I have signed each such page at the bottom thereof, all in the presence of the persons witnessing it, at my request, on this the 19th day of July, 2001, at Nashville, Tennessee.

Clyde L. Gregory
TESTATOR, CLYDE L. GREGORY

Signed, sealed, published and declared by the Testator, **CLYDE L. GREGORY**, to be 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,

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.

Signed, sealed, published and declared by the Testator, **CLYDE L. GREGORY**, to be 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.

WITNESSES:

4205 Gallatin Pk., Nash., TN

820 Laurina St., Mt. Juliet, TN 37131

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

We, the undersigned, being first duly sworn, make Oath; that the Testator, **CLYDE L. GREGORY**, on this the 19th day of July, 2001, 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 the sight and presence of each other, then subscribed our names thereto as attesting witnesses; that at the time of his execution of the

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 19th day of July, 2000.

NOTARY PUBLIC
MY COMMISSION EXPIRES: 7/27/02

THIS DOCUMENT WAS PREPARED BY:
BECK & BECK ATTORNEYS, PLLC
4205 Gallatin Road
Nashville, TN 37216
(615) 226-9000

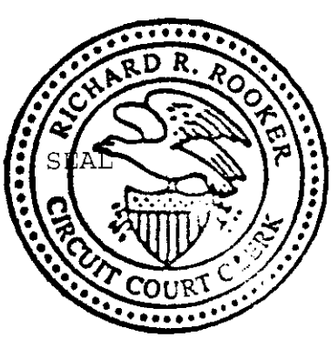
CLYDE L. GREGORY

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 28 day of JUNE , 2006 , in Case Number 06P912 between GREGORY, EMMA J. Petitioner, and GREGORY, CLYDE L. Respondent, as same remains in the records of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 25 day of AUGUST 2006

RICHARD R. ROOKER, Clerk,



SEAL

By _____
Deputy Clerk