Davidson County WILL
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RICHARD R. ROOKER, CLERK
D.C.

Last Will and Testament

OF

LORENE M. SIMMONS

I, **LORENE M. SIMMONS**, a resident of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking any and all former Wills and Codicils thereto at any time heretofore made by me.

ITEM ONE

All of my lawful debts, if any, my funeral expenses and the expenses of administration of my estate shall be paid by my Executor or Alternate Executor as soon as practicable after my death from my general estate.

ITEM TWO

I give, bequeath, and devise all of my estate, real, personal, tangible, intangible and mixed, to my daughter, **MARGARET J. COOKE**, provided she survives me.

ITEM THREE

In the event my daughter, **MARGARET J. COOKE**, predeceases me, then and in such event, I give, bequeath and devise all of my estate, real, personal, tangible, intangible and mixed to my granddaughter, **TREVA M. COOKE**.

In the event of my death, however, prior to my granddaughter reaching twenty-three (23) years of age all of my estate shall be held in trust for my granddaughter's exclusive use pursuant to the terms and conditions hereafter set forth. My son-in-law, **ROBERT J. COOKE** shall serve as Trustee, without bond. The Trustee shall control, invest and reinvest the trust estate and any portions thereof upon the following terms and conditions:

1. The Trustee shall use any portion of the income or corpus of said estate as may be necessary for the upkeep, mainte-

nance, support, medical needs and education of my granddaughter.

2. If at any time the Trustee, in his sole and unlimited discretion, shall be of the opinion that it is necessary or desirable to encroach upon the corpus of said trust in order to maintain my granddaughter, or to provide for her education or necessary hospital, medical, nursing or other type of medical care, the said Trustee is hereby authorized to encroach upon said corpus to whatever extent he may determine to be necessary, proper or desirable. Said Trustee shall have the authority to pay over to my granddaughter any such necessary amount or said amounts may be paid to others for my granddaughter's use and benefit. This power of encroachment on the corpus of the trust is a continuing power for the duration of the trust.

3. It is my desire that the income from this trust, and so much of the corpus as is necessary, be used to guarantee adequate maintenance and education for my said granddaughter. For this purpose I direct that my Trustee accumulate the income from said trust, or encroach upon the corpus as aforesaid, and make payments to or for the benefit of the beneficiary in such amounts and at such times as said Trustee may deem to be for the best interest of said beneficiary.

4. The Trustee is hereby given full power and authority to hold, manage, control, sell, convey, lend, invest and reinvest the corpus of the said trust estate, whether real or personal property, in such a way and in such a manner and when and as often as the Trustee may deem for the best interests of the trust estate and the beneficiary thereof.

5. Neither the principal nor the income of the trust herein created shall be pledged, assigned, transferred, sold or in any manner accelerated, anticipated or encumbered by the beneficiary, nor shall any income or principal of said trust estate be in any manner subject or liable in the hands of the Trustee for the debts, contracts or engagements of the beneficiary, or be subject to any assignments or any other voluntary or involuntary alienation or disposition whatsoever. All distribution of income or principal shall be paid only upon receipt of

the beneficiary entitled.

6. If the trust, or any part thereof, created under this my Last Will and Testament, shall violate any applicable rule of law, the Trustee is directed to terminate the trust or such unlawful part thereof upon the last date allowed by such rule of law and thereupon the property held in trust violating such rule of law shall be distributed to the then income beneficiary or beneficiaries notwithstanding any provisions of the trust to the contrary.

7. I direct and instruct my Trustee to keep and maintain an accurate and detailed accounting of the handling of the trust estate and my beneficiary shall be free at any time to require said accountings to be made available to her.

8. This trust shall terminate when my granddaughter reaches twenty-three (23) years of age and the corpus and all accumulated income shall be disbursed to her.

9. I direct that no bond shall be required of my Trustee and said Trustee shall be entitled to reasonable compensation for his services, if he so desires.

ITEM FOUR

I authorize my Executrix, Alternate or Successor Executors, and the Trustee, or any successor Trustee performing pursuant to this Last Will and Testament to exercise reasonable discretion with respect to all property, real, personal, tangible, intangible and mixed which at any time may form a part of my estate or any trust created hereunder. My said Executrix, Trustee, Successors or Alternates shall exercise any and all of the powers set forth in Tennessee Code Annotated §35-50-110 to the extent applicable, all of which provisions of said statute and the powers as set forth therein are incorporated herein by reference as fully as if copied herein verbatim. These powers (as set forth in said statute on the date of the execution of this Will) are granted notwithstanding that said statute may be amended hereafter or repealed at the time of my death.

ITEM FIVE

Should both my daughter and my granddaughter predecease me, I give, bequeath and devise all of my estate to my son-in-law, **ROBERT J. COOKE.** Should he also predecease me, then all of my estate shall be distributed pursuant to the law of intestate succession.

ITEM SIX

I nominate and appoint my daughter, **MARGARET J. COOKE**, as Executrix of this my Last Will and Testament and bond for the faithful performance of her duties in this capacity is hereby excused. In the event that my said daughter is unable or unwilling to serve in this capacity or should she predecease me, then and in such event, I appoint and nominate my son-in-law, **ROBERT J. COOKE**, as Alternate Executor and he shall likewise serve without bond. Further my Executrix, Alternate Executor and the Trustee or any successor Trustee are expressly relieved from any and all requirements to file inventories and accountings, final or otherwise, with any Court or Courts.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament, consisting of five (5) pages, each of which bears my original signature or initials, at Madison, Davidson County, Tennessee this the 30 day of August, 1990.

Lorene M. Simmons
LORENE M. SIMMONS

WITNESSES' ATTESTATION AND AFFIDAVIT

We, DENISE C. WILBURN and JOE T. CHILDRESS, being first duly sworn, make oath that **LORENE M. SIMMONS** on the day and date above written, declared and signified to us that the foregoing instrument was her Last Will and Testament; and she then signed said instrument in our sight and presence; that we, in her presence, and in her sight and presence, and in the sight and presence of each other, then subscribed our names hereto as attesting witnesses; that, at the time of execution, the Testa-

trix was more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear under any undue influence; and that the undersigned, each being more than eighteen (18) years of age, make and sign the Affidavit at the Testatrix's request on the day and date above written.

WITNESS: **ADDRESS:**

Donna C. Williams 1088 Church Rd
Hendersonville Tn 37075

Joe T. Clubb 333 Gallatin Road, South
Madison, Tennessee 37115

Sworn to and subscribed before me this the 30th day of August, 1990.

Ella W. Woodall
NOTARY PUBLIC

MY COMMISSION EXPIRES: 11-10-91

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

IN RE:)
ESTATE OF BURCH HOUSTON WESTBROOK, DECEASED) **NO.:** 03/1182

AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

ROBERT D. SULLIVAN, after being duly sworn according to law, deposes and says:

1. That he is an adult resident of Davidson County, Tennessee.

2. That he was a witness to the Last Will and Testament of Burch Houston Westbrook, dated March 6, 2002, and that this Affidavit is being made at the request of J. Fred Cloud, Jr.

3. That his signature is affixed to said Last Will and Testament of the decedent, that he signed or affixed the same at the insistence and the request of the decedent, and in his presence and in the presence of the other attesting witness, Katherine E. Sullivan, at the place and date of said Last Will and Testament.

4. That the decedent signed said paper writing as and for his Last Will and Testament in the sight and in the presence of the other attesting witness.

5. That the other attesting witness, Katherine E. Sullivan, likewise signed said paper writing at the request and in the presence of the decedent and in the sight and presence of the Affiant.

6. That at the time he witnessed said Last Will and Testament, he was of the opinion that the decedent, Burch Houston Westbrook, was of legal age and sound mind.

Further, Affiant sayeth not.

ROBERT D. SULLIVAN

Sworn to and subscribed before me

this 21st day of July, 2003.

Martha L. Pennitt
NOTARY PUBLIC

My Commission Expires: 10/13/2003

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

IN RE:)
ESTATE OF BURCH HOUSTON WESTBROOK, DECEASED) **NO.:** 03111182

AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

KATHERINE E. SULLIVAN, after being duly sworn according to law, deposes and says:

1. That she is an adult resident of Davidson County, Tennessee.

2. That she was a witness to the Last Will and Testament of Burch Houston Westbrook, dated March 6, 2002, and that this Affidavit is being made at the request of J. Fred Cloud, Jr.

3. That her signature is affixed to said Last Will and Testament of the decedent, that she signed or affixed the same at the insistence and the request of the decedent, and in his presence and in the presence of the other attesting witness, Robert D. Sullivan, at the place and date of said Last Will and Testament.

4. That the decedent signed said paper writing as and for his Last Will and Testament in the sight and in the presence of the other attesting witness.

5. That the other attesting witness, Robert D. Sullivan, likewise signed said paper writing at the request and in the presence of the decedent and in the sight and presence of the Affiant.

6. That at the time she witnessed said Last Will and Testament, she was of the opinion that the decedent, Burch Houston Westbrook, was of legal age and sound mind.

Further, Affiant sayeth not.

Katherine E. Sullivan
KATHERINE E. SULLIVAN

Sworn to and subscribed before me

this 21st day of July, 2003.

Martha R. Lewis
NOTARY PUBLIC

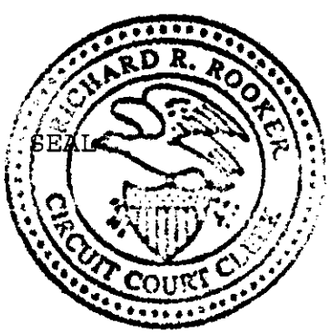
My Commission Expires: 10/13/2003

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 30 day of JULY , 2003 , in Case Number 03P1035 between COOKE, MARGARET J Petitioner, and SIMMONS, LORENE M 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 08 day of SEPTEMBER 2006

RICHARD R. ROOKER, Clerk,



SEAL

By _____
Deputy Clerk