Hand Delivered to
Audrey Johnson
12/4/2001
Graham

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2005 DEC -7 AM 10:56
RICHARD R. ROOKER, CLERK
D.C.

LAST WILL AND TESTAMENT

OF

BIRTLE FISHER

I, Birtle Fisher, domiciled in Nashville, Tennessee, make, publish, and declare this to be my last Will, revoking any and all wills and codicils previously made by me.

Davidson County WILL
Recvd: 01/24/07 13:30 9 pgs
Fees:47.00 Taxes:0.00
20070124-0009899

ARTICLE I

Fiduciaries

A) Appointment of Executor. I nominate and appoint my granddaughter, Teresa Graham, currently residing at 887 West Sharpe Avenue, Nashville, Tennessee, as Executor of this my Last Will and Testament, and I direct that no bond shall be required. In the event Teresa Graham ceases or fails to serve, then I nominate and appoint my daughters Frances Hampton and Audrey Johnson, or the survivor to serve alone, currently residing at 1017 North 5th Street, Nashville, Tennessee, executors, without bond. Whenever the term "Executor" is used herein, it shall be deemed to apply to the party or parties acting, and any reference to such party or parties in one gender shall be deemed to mean the proper gender.

B) Ancillary Administration. If the appointment of an Executor of my estate is necessary or desirable in any jurisdiction in which the Executor named herein is unable or unwilling to act, I appoint as my Executor in that jurisdiction such person or corporation as may be designated in an instrument signed by the Executor named herein, to serve without security or any bond, and to have all the powers with respect to my estate in that jurisdiction that my Executor named herein is given with respect to my domiciliary estate (including the power to sell real or personal property at public or private sale for any purpose), to be exercisable without the

joinder of any beneficiary or the approval of any court.

ARTICLE II

Payment of Debts, Expenses, and Taxes

A) Debts. I direct that all of my just debts, funeral and burial expenses, unpaid charitable pledges (whether or not they are otherwise enforceable obligations of my estate), and the costs of administration of my estate be paid as soon as practicable after my death. All of these expenses shall be paid out of my residuary estate as an expense of administration, and no part of these expenses shall be apportioned or prorated to any legatee under this Will. I direct that the proceeds of any insurance on my life payable to my estate may be used for the payment of taxes, administration expenses, and debts.

B) Administration Expenses. My Executor in his sole discretion, may pay from my domiciliary estate all or any portion of the costs of ancillary administration and similar proceedings in other jurisdictions.

C) Taxes. All estate, inheritance, and other death taxes (including interest and penalties, if any, but excluding any generation-skipping transfer tax), payable in any jurisdiction by reason of my death (including those taxes and expenses payable with respect to assets which do not pass under this Will) shall be paid out of and charged generally against the principal of my residuary estate. I waive any right of reimbursement for or recovery of any federal or state estate tax attributable to property in which I have a qualifying income interest for life or over which I have a power of appointment which is not otherwise reimbursed or recovered. Any generation-skipping transfer tax resulting from a transfer occurring under this Will shall be charged to the property constituting the transfer in the manner provided by applicable law.

ARTICLE III

Tangible Personal Property

A) I bequeath to Audrey Johnson, Frances Hampton, Teresa Graham, and ~~Trudy Stokes~~ Maggie Ramsey, in fee, all clothing, jewelry, household goods, personal effects, automobiles, and all other tangible personal property that I own at the time of my death.

B) Said properties shall go in equal shares to Audrey Johnson, Frances Hampton, Teresa Graham, and ~~Trudy Stokes~~ Maggie Ramsey, with the issue of any one who does not survive me representing his or her parent, per stirpes. My Executor may distribute the share of any minor beneficiary to such beneficiary directly, or to the person with whom such beneficiary is residing.

C) Any items not selected by Audrey Johnson, Frances Hampton, Teresa Graham, and ~~Trudy Stokes~~ Maggie Ramsey shall, in the absolute discretion of the Executor, be distributed or disposed of by the Executor in any one or more of the following ways: to an adult of the Executor's choosing (including the Executor) to hold in safekeeping for any minor child until the minor child is an adult; or sell any items, and add the cash proceeds from the sale to my residuary estate.

D) My Executor shall pay all expenses associated with safeguarding, insuring, packing, storing, delivering, and distributing the tangible personal property, and such expenses shall be deemed to be a proper part of the expenses of administering my estate.

E) I may leave a memorandum stating my wishes with respect to the disposition of certain articles of tangible personal property. Such memorandum, however, will be simply an expression of my wishes and shall not create any trust or obligation, nor shall it be offered for probate as a part of this will. I hope that the recipient or recipients of my tangible personal property will dispose of the same in accordance with my wishes, however made known, but I

impose no legal or equitable obligation in this regard.

ARTICLE IV

My Home Maggie Ramsey

A) I devise and bequeath to Audrey Johnson and Frances Hampton, if they survive me, my home located at 1017 N. 5th Street, Nashville, Tennessee. I direct that any expenses incurred in safeguarding or delivering this property be paid from my estate as an administration expense.

Maggie Ramsey,

B) If neither Audrey Johnson nor Frances Hampton survive me, I devise and bequeath my home located at 1017 N. 5th Street, Nashville, Tennessee to Teresa Graham.

ARTICLE V

Residuary Estate

A) I devise and bequeath to Audrey Johnson, Frances Hampton, Teresa Graham, and Maggie Ramsey ~~Trudy Stokes~~, my residuary estate, being all property, real, personal, and mixed, and wherever situated, in which I may have any interest at my death not otherwise effectively disposed of, but not including any property over which I have power of appointment. I direct that any expenses incurred in safeguarding or delivering this property be paid from my estate as an administration expense.

B) The issue of Audrey Johnson, Frances Hampton, Teresa Graham, and ~~Trudy~~ Maggie Ramsey ~~Stokes~~ shall represent his or her parent, per stirpes, if their parent does not survive me. My Executor may distribute the share of any minor beneficiary to such beneficiary directly, or to the person with whom such beneficiary is residing.

C) Final Distribution if heirs are deceased. If, in the absence of this Section, I

otherwise would die intestate then I devise and bequeath the assets thereby affected to my heirs at law. My heirs are the persons who would take the property of an intestate under the laws of Tennessee in effect at my death.

ARTICLE VI

Administrative Provisions

A) General Powers of Executor. In addition to all powers given under applicable law and otherwise given herein, the Executor shall have all of the powers enumerated in Tennessee Code Annotated, Section 35-50-110, as in effect from time to time, and the introductory paragraph and all subparagraphs thereof, to the extent not inconsistent with the expressed provisions hereof, are incorporated herein be reference as fully as if stated verbatim.

B) Waiver of Requirement of Inventory and Accountings. I hereby expressly excuse my Executor from filing any inventory, interim accountings, and final accounting which might otherwise be required pursuant to applicable law, unless such reports are specifically requested by any beneficiary of my residuary estate.

C) Administration of Real Property. I give to my Executor all real property which I may own at the time of my death and direct my Executor to hold, administer and distribute my real property as a part of my probate estate. It is my intention that my Executor have possession and control of my real property during the period of administration, including the power to sell, lease, encumber and otherwise convey all or any portions of such real property or interests therein without the joinder of any beneficiary of my estate or the approval of any court.

My Executor may in its sole discretion permit any beneficiary or beneficiaries to occupy rent free any residence constituting a part of my estate for such beneficiary or beneficiaries and to

pay the real estate taxes thereon, expenses of maintaining the residence in suitable repair and condition and hazard insurance premiums on the residence.

ARTICLE VII

Captions

The captions and headings of this Will are for convenience only and shall not define or limit the provisions contained herein.

IN WITNESS WHEREOF, I have hereunto set my hand on this 18th day of November, 1997, to this my Last Will and Testament, and have initialed this and each of the foregoing pages at the bottom thereof for the purpose of identification.

Birtle Fisher

Signed, signified and declared by the said Birtle Fisher, being of sound mind and disposing memory, as and for her Last Will and Testament, in the presence and sight of us, present at the same time, who, at her request, in her presence and sight, and in the presence and sight of each other, have subscribed our names as attesting witnesses on the day and year last above written.

WITNESSES:

Kevin Theriot ADDRESS: Brentwood, TN

Lynda Brown ADDRESS: Nashville, TN

This Instrument Prepared By:

Kevin H. Theriot
101 Westpark Drive, Suite 250
Brentwood, Tn 37027
(615) 376-2621

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Linda Brown and Kevin Thrift, being severally duly sworn, depose and say that:

We are acquainted with Birtle Fisher, who executed this annexed Last Will and Testament, dated November 18th, 1997, on that date at Nashville, Tennessee, by subscribing her name at the end thereof in the presence and sight of each of us.

At the time of subscribing said Will, Birtle Fisher declared the instrument so subscribed by her to be her Last Will and Testament, and we thereupon signed our names as witnesses at the end of said instrument at her request and in her presence and sight, and in the presence and sight of each other.

At the time of executing said Last Will and Testament, Birtle Fisher was over the age of eighteen years and in our opinion was of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Last Will and Testament.

This affidavit is made at the request of said Birtle Fisher.

The annexed Last Will and Testament was examined by the undersigned witnesses at the time this affidavit was made.

Linda Brown

Kevin Thrift

SWORN TO AND SUBSCRIBED before me, this 18th day of November 1997.

Rebecca A. Hiett
NOTARY PUBLIC

NOTARY PUBLIC AT LARGE
WILLIAMSON COUNTY, TENN.

My Commission Expires:

11-18-2000

My Commission Expires NOV. 18, 2000.

STATE OF ~~VIRGINIA~~)
)
COUNTY OF _____)

AFFIDAVIT

Kevin H. Theriot, after being duly sworn according to law, deposes and states:

1. That he is an adult resident of the State of Virginia.

2. That he was a witness to the Last Will and Testament of Birtle Fisher, dated November 18, 1997, executed in Nashville, Tennessee, to which this Affidavit is attached, and that this Affidavit is being made at the request of the person named as the personal representative in said Last Will and Testament and in accordance with Tennessee Code Annotated §32-2-110.

3. That his signature is affixed to said Last Will and Testament of the deceased, that he signed or affixed the same at the instance and at the request of the Testatrix and in her presence and in the presence of the other attesting witness, Linda Brown, at the place and on the date of said Last Will and Testament.

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

5. That the other attesting witness, Linda Brown, likewise signed said paper writing at the request and in the presence of the Testatrix 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 Testatrix, Birtle Fisher, was of sound mind.

7. That at the time the Testatrix, Birtle Fisher, executed said paper writing, the only handwritten addition to the document was the name "Maggie Ramsey" on pages 3 and 4 thereof.

FURTHER AFFIANT SAITH NOT.

Kevin H. Theriot

Sworn to and subscribed before me

this 27th day of September, 2005.

JANICE L. RENNELS
Notary Public - State of Kansas
My Appt. Expires 11/21/2008

Notary Public

My Commission Expires: 11/21/2008

EXHIBIT B

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 07 day of DECEMBER , 2005 , in Case Number 05P1818 between HARRIS, CAROLYN ET.AL Petitioner, and FISHER, BIRTLE 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 19 day of JANUARY 2007

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

