Davidson County WILL
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Last Will and Testament

OF

Mary Ruth Towery

05P-90

I, Mary Ruth Towery, of the City of Nashville, County of Davidson, State of Tennessee, being of sound and disposing mind and memory, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking and annulling any and all other wills and codicils by me at any time heretofore made.

ARTICLE I

I direct that all of my just debts, my funeral expenses and the cost of administration of my estate be paid as soon as practicable after my death. My Co-Executors in their sole discretion, may pay from my Domiciliary Estate, all or any portion of the cost of ancillary administration and similar proceedings in other jurisdiction. In the event that any property or interest in property passing under this will, by 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 not be charged to or paid from my estate, but that the devisee, legatee, joint owner taking by survivorship, or beneficiary or life tenant receiving such property or interest in property shall take it subject to all encumbrances existing at the time of my death.

 Mary Ruth Towery

ARTICLE II

I give, devise and bequeath the real estate I own at 283 Bell Road Nashville, TN 37217 and all of the household goods, furnishings and personalty located therein to my son, Terry G. Towery, if he shall survive me.

ARTICLE III

All the rest, residue and remainder of my property which I may own at my death, real, personal and mixed, tangible or intangible, of whatsoever nature and wheresoever situated, including all lapsed legacies and decides, I give devise and bequeath, to my children Terry G. Towery, Gilford K. Towery, and Patricia A. Rich in equal shares. If Terry G. Towery, Gilford K. Towery or Patricia A. Rich should predecease me and be survived by issue, their share of my Estate shall be divided among their surviving issue.

ARTICLE IV

I hereby nominate, designate, constitute and appoint my sons, Terry G. Towery and Gilford K. Towery as Co-Executors of this my Last Will and Testament and direct that no bond be required for the faithful performance of their duties. Without diminution or restriction of the powers vested in them by law, or elsewhere in this instrument, the Co-Executors shall have all the powers and duties set forth in subparagraphs 1 to 32 inclusive of Section 35-50-110, Tennessee Code Annotated.

In testimony whereof, I have hereunto subscribed my name to this my Last Will and Testament, consisting of this and one preceding typewritten page, and for the purpose of identification, I have signed each such preceding page all in the presence of the persons witnessing it at my request on the 22nd day of February, 2002, at Nashville, Tennessee.

Mary Ruth Towery
Testatrix

The foregoing instrument, consisting of this and two preceding typewritten pages was signed, sealed, published and declared by Mary Ruth Towery, the Testatrix, to be her Last Will and Testament in our presence and we, at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses, this 22nd day of February, 2002, at Nashville, Tennessee.

Witness Yori Holloway Residing at 3601 Montgomery Road
Smyrna, TN 37013

Witness Kelly Sloan Residing at 1933 Chicken Road
Lebanon, Tn. 37090

AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Lori Holloway and Becky Slocum being first fully sworn, make oath that the foregoing Last Will and Testament was signed by Mary Ruth Towery as and for her Last Will and Testament, and at that time acknowledged, published and declared by her to be her Last Will and Testament in the sight and presence of us, the undersigned, who, at her request and in her sight and presence and in the presence of each other subscribed our names as attesting witnesses on this the 22ND day of February, 2002, in Nashville, Davidson County, Tennessee, and we further make oath that the Testatrix was of sound mind on said date and was more than eighteen (18) years of age; and that each of the witnesses was more than eighteen (18) years of age.

Lori Holloway

Becky Slocum

Sworn to and subscribed before me this 22ND day of February 02

Notary

My Commission Expires: 8-17-03

GARY B. FISHER NOTARY PUBLIC AT LARGE RUTHERFORD CO. TENN.

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 JULY , 2005 , in Case Number 05P90 between TOWERY, GILFORD K ET.AL Petitioner, and TOWERY, MARY RUTH ET.AL 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 29 day of JANUARY 2007

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

