Box 21-B

PICK-UP

Last Will and Testament

Davidson County WILL
Recvd: 04/05/07 15:28 5 pg
Fees:27.00 Taxes:0.00
20070405-0041232

2006 FEB -1 PM 1:40

OF

RUTH ELIZABETH GREGORY LUSTER

I, **RUTH ELIZABETH GREGORY LUSTER**, of Davidson County, Tennessee, being of sound mind and disposing memory, do make, declare and publish this my last will and testament, hereby revoking all former wills and codicils to wills heretofore made by me.

ITEM I: I direct that all my just debts be paid out of my estate as soon as practical after the time of my decease.

ITEM II: I nominate and appoint **AMSOUTH BANK**, as Executor of this my last will and testament.

I vest with my Executor of my will, the full power and authority to sell, transfer, and convey any property, real or personal, which I may own at the time of my death and at such time and price and upon such terms and conditions (including credit) that they may determine and to do every act necessary or appropriate for the complete administration of my estate.

ITEM III: I hereby give, devise and bequeath whatever sums may be in my Investment Fund at Amsouth Bank to my two daughters, **PATRICIA LUSTER SEQUEIRA and CAROLYN LUSTER JOHNSON**, to share and share alike, per stirpes.

ITEM IV: I hereby give, devise and bequeath the sum of two thousand dollars each to the following two sons: **JOSEPH L. BYRNS and MARSHALL RAY BYRNS.**

ITEM V: I give and devise a life estate in and to my residence property located at 507 Forrest Park Road, Madison, TN to my son, **GARY WAYNE LUSTER.** I give the remainder interest in and to said property to my two daughters, **PATRICIA LUSTER SEQUEIRA and CAROLYN LUSTER JOHNSON**, equally, per stirpes. This property is further

identified as Parcel 147 of Map 52-1 and is described in the deed of record in Book 1371, Page 538, Register's Office for Davidson County, Tennessee.

ITEM VI: I hereby give, devise and bequeath all of my household furnishings, appliances and vehicles I may own at my death to my son, **GARY WAYNE LUSTER.**

ITEM VII: I hereby give, devise and bequeath all my wearing apparel and jewelry items to be divided equally among my granddaughters: **DARLENE JOHNSON, JANICE JOHNSON, LAURA BYRNS, LEANNE BYRNS, and BETH MEADOW.**

ITEM VIII: I hereby direct that my acreage tract with house located in Robertson County, Tennessee, identified as Parcel 34.02 of Map 50, on Stark Road and fully described in the deed of record in Deed Book 163, Page 483 Register's Office for Robertson County, Tennessee be sold and the proceeds divided in four equal shares for the benefit of PATRICIA LUSTER SEQUEIRA, CAROLY LUSTER JOHNSON, GARY WAYNE LUSTER AND GEORGE STALEY LUSTER, JR.. The portion of the proceeds for **PATRICIA LUSTER SEQUEIRA, and CAROLYN LUSTER JOHNSON** shall be paid directly to them. The portion of the proceeds for the benefit of **GARY WAYNE LUSTER AND GEORGE STALEY LUSTER, JR.** shall be placed in the trust set forth herein in ITEM IX.

ITEM IX: I hereby give, devise and bequeath all of the rest residue and remainder of my estate, real personal, tangible, intangible and mixed to **AMSOUTH BANK**, as Trustee for the exclusive use and benefit of two of my sons, **GARY WAYNE LUSTER and GEORGE STALEY LUSTER, JR.**. No bond shall be required of the Trustee. The Trustee shall pay to the beneficiaries or for their benefit such amounts as may be proven necessary for their comfortable care, support, medical and health needs for their lifetime. Such payments may be either monthly or quarterly and payments to or for each beneficiary shall not be required to be in equal amounts to or for each. The Trustee is hereby fully vested with the absolute and exclusive discretion to determine the

amounts to be paid to or for each beneficiary and with the absolute and exclusive discretion to determine how, when and where the trust assets are to be invested. Distributions and payments from the trust shall first be paid from trust income, however, the trust corpus may be invaded and used if in the sole and exclusive opinion of the Trustee, use of the corpus is necessary to provide the beneficiaries with comfortable care and support and the means to meet their medical and health care needs. Should either of the beneficiaries predecease me, the trust shall nevertheless be set up for the sole benefit of the survivor of the two beneficiaries. Upon the death of either beneficiary after the trust is set up, the trust shall continue for the sole benefit of the surviving beneficiary and at the survivor's death, the trust shall fully terminate.

Upon termination of the trust estate, all of the remaining and accrued income and trust corpus, if any, shall be distributed as follows: One-half (1/2) for cancer research and one-half (1/2) for aids research. The Trustee shall have the sole and absolute authority to determine what institution, organization or society these distributions are to be made.

The Trustee is hereby vested with all of those rights powers and responsibilities as set forth in Tennessee Code Annotated, Sect 35-50-110 and the entirety of said statute is hereby fully incorporated herein verbatim and such powers are fully vested irrespective of the fact that said statute may be subsequently amended or repealed.

AFFIDAVIT

Betty Johnson and Jo D. Fenech, after being duly sworn according to law, depose and say:

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

2. That they witnessed the execution of the Last Will and Testament of **RUTH ELIZABETH GREGORY LUSTER** dated 11-19-, 2001, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testatrix, and in accordance with the Tennessee Code Annotated 32-2-110.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same 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.

Betty Johnson
WITNESS

Jo D. Fenech
WITNESS

STATE OF TENNESSEE
COUNTY OF Davidson

Subscribed and sworn to before me this 19 day of November, 2001.

NOTARY PUBLIC

My commission Expires: 10-25-2003.

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 01 day of FEBRUARY , 2006 , in Case Number 05P1943 between SEQUEIRA, PATRICIA LUSTER ET.AL Petitioner, and LUSTER, RUTH ELIZABETH 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 04 day of APRIL 2007

RICHARD R. ROOKER, Clerk,

SEAL



By _____

Deputy Clerk